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POSITION ON PROPOSED LEGISLATION

BILL: HB 715

FROM: Maryland Office of the Public Defender

POSITION: Unfavorable

Correctional Services Article, Section 7-301 currently provides that persons convicted of a violent crime on or after October 1, 1994, are not eligible for parole until they have served the greater of half their aggregate sentence for violent crimes or one fourth of their total aggregate sentence.

House Bill 715 would change the law for those persons convicted of a violent crime committed on or after October 1, 2023, by delaying their parole eligibility until they have served the greater of 85% of their aggregate sentence for violent crimes or one-fourth their total aggregate sentence.

For those persons convicted of a violent crime on or after October 1, 2023, who have been sentenced to more than one term of imprisonment, including a term during which the person is not eligible for parole and a term during which the person is eligible for parole, parole eligibility would be delayed until the person has served the greater of 85% of the aggregate sentence for violent crimes; one-fourth of the total aggregate sentence; or a period equal to the term during which the person is not eligible for parole.

House Bill 716 further proposes that those persons sentenced to life imprisonment for a crime committed on or after October 1, 2023, not be eligible for parole until they have served 40 years without the application of diminution credits.

This bill would be an unjustified and cruel departure from current law. What the bill language fails to take into account is that a person's parole eligibility and their actual release from confinement are not equivalent. It is rare that a person is granted parole when they

become eligible and present to the Maryland Parole Commission for the first time. Parole applicants are commonly given “hits” or dates to return for parole consideration, months or years beyond their eligibility date. Moreover, the Commission does not make parole decisions frivolously but, rather, after an extensive evaluation of the individual’s criminal history, their institutional adjustment and programming, victim input, the nature of the crime, and the risk of recidivism, among myriad other factors.

House Bill 715 is especially problematic considering that Correctional Services Article, Section 7-501(b), mandates that a person convicted of a violent crime is not eligible for mandatory release until that person is eligible for parole.

Increasing the length of time before parole eligibility also adversely affects the incarcerated person’s ability to pursue substance abuse treatment through the Health General Article. As Public Defenders, we know first-hand that substance abuse and addiction are at the root of so many, if not most, violent crimes. A person serving a sentence for a violent crime is not eligible to even be evaluated for a substance abuse program until that person is eligible for parole. As a society, we should not countenance arbitrary changes in the law that undermine the goals of rehabilitation and successful re-entry.

Finally, House Bill 175 runs counter to Maryland’s trend toward decarceration, imposes exorbitant costs on taxpayers, and does nothing to advance the public interest or community safety.

For these reasons, the Maryland Office of the Public Defender urges this Committee to issue an unfavorable report on House Bill 715.

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