



PREPARE
PREpare for PARole and REentry

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HB0715 - Correctional Services - Violent Crime - Parole - OPPOSITION

HB0715 is a frightening step backwards that would hamstring the Maryland Parole Commission by turning all sentences for crimes of violence into “without parole” sentences. According to the DPSCS Dashboard, 84% of incarcerated people in the department are serving time for person related crimes, which encompass most crimes of violence.¹ According to Correctional Services Article 7-501 Mandatory Release (b) An inmate convicted of a violent crime committed on or after October 1, 2009, is not eligible for a conditional release under this section until after the inmate becomes eligible for parole under § 7-301(c) or (d) of this title. According to Correctional Services Article 11-504 (b) (2) (i) good conduct credits are granted at the rate of 5 days for each calendar month if the inmate's term of confinement includes a consecutive or concurrent sentence for a crime of violence, as defined in § 14-101 of the Criminal Law Article. According to the Diminution Credit statute, someone sentenced for a crime of violence that never works, but never gets an infraction, will serve 83.3% of their time. If that person works, they can often serve a bit less - usually in the range of 75%. Parole then offers them a chance at earlier release if they meet the requirements.

This is where the math of HB0715 fails. If the individual can only apply diminution credits to reduce their sentence to their parole eligibility, HB0715 would create a situation where most incarcerated people would arrive at the prison gate with more diminution credits than they could apply. That means they could never earn diminution credits from work and would never become parole eligible because they would be released on the day they became parole eligible because of their good conduct credits alone. That means that every single sentence for a crime of violence in Maryland becomes without the possibility of parole. And it is important to note that robbery, a crime of violence, can be as simple as stealing a purse off a chair.

¹ [MD Department of Public Safety and Correctional Services \(maryland.gov\)](https://dpscs.maryland.gov/community_releases/DOC-Annual-Data-Dashboard.shtml)
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HB0715 does not address the diminution credit statutes it invalidates, nor does it clearly state that it is abolishing parole for the majority of Marylanders. It does not mention all the important functions that the Parole Commission serves in making recommendations for rehearings and stipulations for release that guide an incarcerated person to success, open the door to important classes and keep them accountable and on track as they reenter the community. Instead of candidly having this conversation and thinking about all the collateral consequences that come with dismantling a parole system, HB0715 attempts to make sweeping changes to our current parole and reentry system and strip significant authority from the Executive and Judicial Branches by wordlessly inserting a difficult to understand mathematical change in the background.

HB0715 is equally chilling when viewed from the perspective of life sentences. In 2021 the Maryland Legislature took the long awaited and significant step of removing the Governor from the life sentence parole process and set parole eligibility for most life sentences at 20 years less diminution credits. This action followed many years of research, negotiation and hard work by the Legislature, and so far the result has been safe and successful reduction of the prison population. There is absolutely no reason to revisit this decision in 2023, nor would it be good policy to rapidly change and complicate a process like the parole system by setting different criteria every other year. We need processes that are clear, predictable, and equitable.

Maryland, and indeed the nation as a whole, has come to the realization that something needs to be done to reduce mass incarceration and heal the damage it has caused. It is well-proven that most people age out of crime and recidivism rates are highest among emerging adults and steadily decline with each decade. They are incredibly low for people over 60 years old. In fact, with the robust support offered to people returning to the community after long incarceration, these returning citizens have proven much less likely to reoffend. Studies of the Unger cases and Second Look legislation outcomes in other states have shown that long-term incarcerated have a far lower recidivism rate - often down into single digit percentages. With a price tag of \$46,000 per incarcerated person per year, that's a pretty big cost to incarcerate a lot of really low risk people.² The life sentence parole eligibility increase proposed by HB0715 amounts to an average additional 24 years to serve prior to parole eligibility. It would increase the minimum cost of incarceration by over \$1,000,000 per impacted individual. Thousands of lifers would amount to billions of dollars, and that is a cost Maryland cannot and should not pay.

² [Unger-Presentation-JRAOB.pdf \(maryland.gov\)](http://goccp.maryland.gov/wp-content/uploads/Unger-Presentation-JRAOB.pdf)

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