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TO: The Honorable William C. Smith, Jr.
Chair, Judicial Proceedings Committee

FROM: Hannibal G. Williams II Kemerer
Chief Counsel, Legislative Affairs, Office of the Attorney General

RE: SB0033 – Correctional Services – Medical Parole – Life Imprisonment
Support

Chair Smith, Vice Chair Waldstreichler, and distinguished Members of the Judicial Proceedings Committee, I write to urge you to favorably report Senate Bill 33. This legislation, sponsored by Senator Jill Carter, repeals the requirement of gubernatorial approval of a decision by the Maryland Parole Commission granting medical parole to an inmate serving a sentence of life imprisonment. The bill allows inmates serving any sentence (including a life sentence), except those serving a sentence without the possibility of parole, to be medically paroled due to chronic debilitating illnesses or incapacitation where they are physically incapable of presenting a danger to public safety. If the inmate is no longer incapacitated or debilitated as to be physically incapable of presenting a danger to public safety, the inmate shall be returned to the custody of Department of Public Safety and Correctional Services.

Under current law, the Governor has the power to disapprove a decision of the Parole Board to grant medical parole to an inmate. See § 7-309(i), Public Safety Art. Enacting SB 33 would be consistent with the General Assembly's action in the 2021 Session and Special Session to remove the Governor from the decision to grant parole generally. The Office supported that 2021 legislation. We see no policy reason to retain the Governor's role in medical parole when the Governor's role in parole generally has been eliminated. Medical and geriatric parole are too seldom granted despite numerous studies indicating that most people age out of crime and there's no benefit to incarcerating those who are physically incapable of presenting a danger to the public. Given prior legislative acts, it makes sense to remove the Governor from decisions on medical paroles for those serving life imprisonment.

For the foregoing reasons, the OAG urges a favorable report on Senate Bill 33.

cc: Committee Members