



# MARYLAND ALLIANCE FOR JUSTICE REFORM

Working to end unnecessary incarceration and build strong, safe communities

**House Bill 715 – In Opposition**  
**Written Testimony – Olinda Moyd, Esq.**  
**Hearing Date: Thursday, February 23, 2023**

The Maryland Alliance for Justice Reform recommends an unfavorable report of HB 715.

The bill would require that a person who has been sentenced and convicted for a violent offense not be eligible for parole until they have served 85% of their sentence or one-fourth of the aggregate sentence. The bill also proposes that a person who has been sentenced to life imprisonment, if committed after October 1, 2023, is not eligible for parole consideration until they have served 40 years without application of diminution credits.

Too many people are serving too much time confined behind bars in Maryland’s prisons. This is one of the main contributors to mass incarceration of Black men and prison overcrowding in Maryland, a state that leads the nation in incarcerating young Black men.<sup>1</sup> They remain in cages well beyond the point where they would pose a danger to society and long after they have been rehabilitated. The parole process in Maryland is one that is replete with uphill challenges, but for many incarcerated men and women it is their only hope for release opportunities. Even when a person becomes eligible, there is no guarantee that they will be granted parole. The Supreme Court has long held that there is no constitutional right to be granted parole.<sup>2</sup> Parole in Maryland is discretionary.

First of all, during the pre-eligibility period, the MPC periodically performs “administrative reviews” which means they review papers being added to the individual’s parole file. Prior to a hearing, the MPC collects records from a variety of sources during the person’s incarceration. This is not a hearing, but a paper review. Secondly, even when a person gets a hearing before the MPC, it is a rarity for anyone to

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<sup>1</sup> See November 2019 report by Justice Policy Institute, *Rethinking Approaches to Over Incarceration of Black Young Adults in Maryland*, which reports that the state of Maryland has the highest incarceration rate in the nation of Black men aged 18 to 24.

<sup>2</sup> In *Greenholtz v. Nebraska Penal Inmates*, the court analyzed the Due Process Clause requirement with respect to granting parole and rejected the theory that the mere possibility of parole was sufficient to create a liberty interest entitling any prisoner meeting the general standards of eligibility to be dealt with in any particular way. See 442 U.S. 1 (1979).

be granted parole upon their first review. Prior to any parole hearing, MPC notifies victims who have requested notification to invite them to participate, meet with the Commission and/or submit additional materials for consideration. The MPC is comprised of 10 persons who are appointed by the Secretary of Public Safety and Correctional Services and approved by the Governor. The commissioners hear cases and consider factors outlined in the MD Code, Correctional Services, Section 7-305. They have the authority to grant parole, deny parole (and schedule for rehearing), refuse parole (never to be seen again) or refer the individual for a risk assessment. In most cases a person is denied parole and provided recommendations for specific programming and goals to work towards before the next hearing date approaches.

In their 2022 Annual Report, the MPC reported that they conducted nearly 6,000 parole hearings in DPSCS and local detention centers. A mere 959 individuals were released on parole.<sup>3</sup> According to a report completed by the Prison Policy Institute of the parole grant rates by states, Maryland grants parole within one year in about 40% of the cases that come before them.<sup>4</sup> In most cases this means that the person is not granted immediate release, but is given a delayed release date. All while Maryland's prison population grows older. Approximately 3000 people in Maryland's prisons are over 50 years old and another 1000 over 60 years of age.

These are not mere statistics. These are people, sentenced to unimaginably long sentences in ways that do little to advance justice or provide deterrence. The damage done to these individuals because of the time they must do separated from family and friends for decades is incalculable. In most cases, parole is the only hope that they have. Even corrections officials and prison staff believe that hope derived from a realistic possibility of release is essential to maintain order and safety in the prison. Criminological research consistently finds that people without foreseeable or realistic prospects for release contribute to disruption and are permanently impacted mentally and physically by such doomed existence.

We ask that the parole eligibility wait period not be extended to 85% but remain at 50% pursuant to the current statutory language. Many of the men and women, especially those who are elderly, live with the optimistic state of mind that they can one day be given the opportunity to advocate for their release before the Maryland Parole Commission. Expanding the parole eligibility time period would be an injustice.

Olinda Moyd  
[moydlaw@yahoo.com](mailto:moydlaw@yahoo.com)  
301-704-7784

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<sup>3</sup> See 2022 Maryland Parole Commission Annual Report at [https://dlslibrary.state.md.us/publications/Exec/DPSCS/MPC/COR7-208\\_2022.pdf](https://dlslibrary.state.md.us/publications/Exec/DPSCS/MPC/COR7-208_2022.pdf)

<sup>4</sup> <https://www.prisonpolicy.org/reports/longsentences.html>