

CANDACE McLAREN LANHAM
Chief Deputy Attorney General



CHRISTIAN E. BARRERA
Chief Operating Officer

CAROLYN A. QUATTROCKI
Deputy Attorney General

ZENITA WICKHAM HURLEY
Chief, Equity, Policy, and Engagement

ANTHONY G. BROWN
Attorney General

LEONARD HOWIE
Deputy Attorney General

PETER V. BERNS
General Counsel

STATE OF MARYLAND
OFFICE OF THE ATTORNEY GENERAL

FACSIMILE NO.
(410) 576-7036

WRITER'S DIRECT DIAL NO
(410) 576-6588

February 7, 2024

TO: The Will Smith
Chair, Judicial Proceedings Committee

FROM: Adam Spangler
Legislative Aide, Legislative Affairs, Office of the Attorney General

RE: SB132 Correctional Services – Medical Parole – Life Imprisonment-
Support

The Office of the Attorney General urges the committee to favorably report Senate Bill 132. This legislation, sponsored by Sen. 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.¹ Enacting SB 132 would be consistent with the General Assembly's action in the 2021 Session and Special Session to remove the Governor

¹ See MD. CODE ANN., PUB. SAFETY § 7-309(i).

from the decision to grant parole generally. The Office of the Attorney General 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 is 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 132.

cc: Members of the Committee