



Maryland State's Attorneys' Association

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DATE: February 7, 2024

BILL NUMBER: SB 132

POSITION: Oppose

The Maryland State's Attorney's Association (MSAA) opposes SB 132.

Currently, MD. CODE ANN., CORR. SERVS. § 7-309 authorizes the Governor to disapprove of decisions made by the Maryland Parole Commission to grant medical parole to incarcerated persons serving life sentences. Incarcerated persons are eligible for medical parole at any point in their sentence if the Commission finds that, as a result of a medical condition, they are no longer physically capable of presenting a danger to society.

Public safety, however, is only one consideration in sentencing. Life sentences are reserved for individuals who commit the most heinous offenses – these are offenses, like premeditated first-degree murder, first-degree child abuse resulting in the death of a child under 13, and rape in the first degree, that deserve to be punished with significant incarceration, even if the offender no longer poses a threat to public safety.

Unlike SB 202 in the 2021 regular session – which removed the Governor from the standard parole process for incarcerated persons serving life sentences – SB 132 deals with medical parole, which permits the release of incarcerated persons serving life sentences *at any time*, regardless of how much of their sentence they have served. Because of this flexibility, medical parole decisions involve a significant amount of discretion, and measures like SB 132 attenuate political accountability for decisions that are of great concern and consequence to Marylanders. Provisions that permit elected executives to distance themselves from such important decisions are rightly disfavored – the people should have a say at the ballot box in how discretion is used in these situations.

Policymakers must stand by their decisions – this is the reality for each of our 24 elected State's Attorneys, who are directly responsible to their electorate for how they administer the criminal justice system, and why MSAA urges an unfavorable report on SB 132.