

SB 389: Incarcerated Seniors – Motion to Reduce the Duration of a Sentence

FAV

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We are allowing too many mature and elderly prisoners to languish in our state correctional institutes. This current policy toward incarcerated seniors:

- 1) Does not make our state safer, and
- 2) Is a burdensome expense for taxpayers.

1) Current policy toward senior inmates does not our state safer

Today, Maryland has almost 15,000 persons confined in our state prisons. Because of the flurry of long sentences handed out to young men during the 1980s and 1990s, we now have many aging prisoners in the Maryland correctional system: 1105 inmates are age 61.¹ On a visit to a Maryland state prison infirmary, one will encounter many elderly inmates who are barely ambulatory, many already in wheelchairs.²

What, we ask, is the purpose in keeping such persons in our prisons for decade after decade? Even those who have committed violent crimes in their youth, in their old age no longer pose a threat to society. *The commission of both homicide and rape peaks at ages 18-20.*^{3,4}

Criminologists also know the years of a lifetime during which a perpetrator is likely to commit such violent acts typically lasts about 5-10 years.⁵ Our older incarcerated Maryland men and women—and they are mostly men—have long ago ‘aged out’ of violent crime. Such criminal activity takes physical prowess that these older prisoners do not have. Criminal behavior springs from an impulsive mindset that neglects consequences and is heedless of others, immature patterns of thinking that these men have long since outgrown.^{6,7,8}

The American Bar Association’s policy statement reads: “Sentences ... should be no more severe than necessary to achieve the societal purposes for which they are authorized.”⁹

No societal purpose is being achieved by keeping these older inmates incarcerated in Maryland. The continued incarceration of senior inmates does not make our state safer.

2) Current policy toward senior inmates is a burdensome expense for taxpayers

The average cost to Maryland taxpayers to keep a person imprisoned is over \$50,000 per year.^{10,11} Largely because of the much higher medical needs of inmates over age 55, Maryland taxpayers currently spend well over \$75,000 per year for each of these elders.¹² With more than 1100 inmates over the age of 60, we can estimate that this group of elders alone is costing Marylanders more than \$80 million per year, or *\$1 billion* for every 12 years that this continues.

Over the next 12 years, we taxpayers have much better uses for \$1 billion. This is a wasted expenditure that, professional criminologists agree, does absolutely nothing to make our state safer. To support a meaningless and stubborn policy of lifelong punishment and revenge is not how we want Maryland legislators to spend our money.

Safeguards

At any age, in any prison, there will be some aberrant personalities who should not be returned to society. This bill has adequate safeguards to assure that does not happen. Any reconsideration of sentencing will require a thorough judicial hearing, weighing testimony from all sides. This bill by no means provides a 'get out of jail free card'.

Considering the arguments presented above, and in the best interests of all of Maryland's citizens, I ask for your favorable vote for this reasonable and sensible bill.

References

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