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February 27, 2024

TO: The Luke Clippinger
Chair, Judiciary Committee

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

RE: House Bill 185 - Correctional Services – Medical Parole – Life
Imprisonment - **Support**

The Office of the Attorney General urges the committee to favorably report House Bill 185. This legislation, sponsored by Vice Chair Bartlett, 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 HB 185 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 House Bill 185.

cc: Vice Chair Bartlett
Members of the Judiciary Committee