



Maryland State's Attorneys' Association

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BILL NUMBER: SB 648

POSITION: Favorable

The Maryland State's Attorney's Association (MSAA) supports SB 648, and urges this Committee to issue a favorable report.

Currently, MD. CODE ANN., CORR. SERVS. ("CS") § 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 (although these requirements may change should this Committee issue a favorable report on Senate Bill 181).

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 met with significant incarceration as a sanction, even if the offender no longer poses a threat to public safety.

SB 648 removes the final step in the current medical parole process for incarcerated persons serving life sentences – approval by the Governor. Senate Bill 202 in the 2021 legislative session removed the Governor from the standard parole process for incarcerated persons serving life sentences. MSAA has historically been concerned with measures that attenuate political accountability for discretionary decisions that are of great concern and consequence to Marylanders – after all, the decisions made by each of Maryland's elected State's Attorneys are judged by their constituents directly every four years. In this context, however, the delay in requiring an additional step – gubernatorial approval – after the executive body with the most experience making these decisions has come to a release determination (considering the totality of the circumstances, including the seriousness of the offense pursuant to CS § 7-309(e)(4)(i)) leads to unjust results. Although medical parole permits release at any point during an incarcerated person's sentence, and therefore arguably involves more discretion than release on ordinary parole from a life sentence, they are similar enough and should be treated similarly – SB 648 harmonizes these two provisions and MSAA accordingly urges a favorable report.