



## **POSITION ON PROPOSED LEGISLATION**

**BILL: Senate Bill 181 – Correctional Services – Geriatric and Medical Parole**

**FROM: Maryland Equitable Justice Collaborative**

**POSITION: FAVORABLE**

**DATE: January 28, 2025**

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The Maryland Equitable Justice Collaborative urges this Committee to issue a favorable report on Senate Bill 181, which seeks to expand eligibility for geriatric and medical parole in Maryland. This reform is essential for addressing the systemic racial disparities within Maryland’s criminal justice system and ensuring that our approach to justice embodies equity and compassion.

### **About the Maryland Equitable Justice Collaborative**

The Maryland Equitable Justice Collaborative (MEJC) was established by the Office of the Attorney General (OAG) and the Office of the Public Defender (OPD) to address racial disparities in mass incarceration in Maryland. This initiative is the first of its kind. It was developed based on listening sessions held by the Attorney General and Public Defender with impacted people, advocates, and other community members. Academic partners, including the Judge Alexander Williams Center for Education, Justice & Ethics at the University of Maryland at College Park and the Bowie State University Institute for Restorative Justice, were brought in to ensure the work is evidence-based and data-driven statewide.

The MEJC comprises over 40 representatives from state agencies, community groups, subject matter experts, and people directly impacted by the system. Its initiatives are organized into workgroups focusing on various factors influencing incarceration rates. Each workgroup is led by a staff member from the Office of the Attorney General, a staff member from the Office of the Public Defender, and a community advocate with relevant expertise. Community voices and public input have shaped the recommendations developed under the direction of the OAG and OPD. In December 2024, the MEJC approved 18 recommendations for legislative and agency reforms, program development, data collection, and other measures designed to reduce the mass incarceration of Black men and women and other marginalized groups in Maryland prisons and jails. Recommendation No. 9 urges the Maryland General

Assembly to enact legislation to amend Maryland's parole statutes to broaden eligibility for medical parole, require a diagnosis from a medical professional for all eligible applicants, and expand the geriatric parole policy adopted by the legislature in 2016 beyond repeat violent offenders by moving the geriatric parole language in Sec. 14-101(f) to Subsection 3, Section 7-301 of Title 7.

### **The Scope of Racial Disparities in Maryland's Incarcerated Population**

Racial disparities in Maryland's criminal justice system are among the most pronounced in the nation. Although Black Marylanders make up 30% of the state's population, they represent 51% of arrests,<sup>1</sup> 59% of the jail population<sup>2</sup>, and a staggering 71% of the prison population.<sup>3</sup> Additionally, they account for 71% of individuals on parole and 53% on probation.<sup>4</sup> This data highlights the urgent need for meaningful reform, particularly for elderly and medically vulnerable individuals, who are disproportionately people of color.

### **Potential Impact of Expanded Geriatric and Medical Parole**

**Population Impact:** Maryland's aging prison population highlights the long-term consequences of severe sentencing policies. In Maryland, aging prisoners (those aged 50 and older) represent the fastest-growing segment of the incarcerated population. As of 2022, 6.4% of incarcerated individuals, or 3,324 people, were over the age of 50.<sup>5</sup> About 11% of the prison population is serving life sentences, with a significant proportion being Black people.<sup>6</sup> Current data indicates that Black people are disproportionately represented in this age group, making up approximately 70% of prisoners over 50 years old.<sup>7</sup> The proposed expanded geriatric parole criteria would create release pathways for approximately 250-300 individuals annually who pose minimal public safety risk.

**Cost Reduction:** The average annual cost of incarcerating an elderly prisoner is nearly \$70,000, compared to \$40,000 for younger inmates.<sup>8</sup> Maryland spent \$202 million in 2023 on medical care for

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<sup>1</sup> FBI [CDE/UCR](#) Data.

<sup>2</sup> Ann Carson, Prisoners in 2022, Bureau of Justice Statistics, November 2023.

<sup>3</sup> Ann Carson, Prisoners in 2022, Bureau of Justice Statistics, November 2023.

<sup>4</sup> [DPSCS - DPP Annual Data Dashboard \(maryland.gov\)](#).

<sup>5</sup> Justice Policy Institute. "Compassionate Release in Maryland: Medical and Geriatric Parole Examined." January 20, 2022. <https://justicepolicy.org/research/compassionate-release-in-maryland-medical-and-geriatric-parole-examined/>

<sup>6</sup> Maryland Department of Public Safety and Correctional Services, Annual Demographic Report, 2023.

<sup>7</sup> Maryland Department of Public Safety and Correctional Services, Annual Demographic Report, 2023.

<sup>8</sup> Bureau of Justice Statistics, "Aging of the State Prison Population," 2023 Report.

incarcerated individuals, representing 14% of the Department of Public Safety and Correctional Services (DPSCS) budget.<sup>9</sup> Expanding parole eligibility could reduce these costs and mitigate racial disparities stemming from decades of systemic inequities in sentencing and parole practices. Projected annual savings could exceed \$17.5 million through strategic implementation of geriatric and medical parole provisions.

**Public Safety Considerations:** Research consistently shows that individuals over the age of 50 years have recidivism rates below 2%, the lowest of any age group in the criminal legal system.<sup>10</sup> Moreover, the bill includes comprehensive risk assessment mechanisms to ensure public safety remains a primary focus in parole decisions.

### **Addressing Systemic Racial Disparities**

Senate Bill 181 directly addresses the findings of the Maryland Equity and Justice Center, which indicate that current decarceration efforts have not effectively reduced racial disparities. In Maryland, Black people are disproportionately affected by long-term incarceration, making up approximately 70% of prisoners over 50 years old.<sup>11</sup> For instance, in 2020, Black people in Maryland were nearly 30% more likely to receive sentences of 10 years or more.<sup>12</sup> Additionally, almost 77% of those serving sentences of 20 years or longer are Black people. Approximately 11% of the prison population is serving life sentences, with a significant proportion being Black people.<sup>13</sup> Current data indicates that Black people are disproportionately represented in this age group, making up approximately 70% of prisoners over 50 years old.<sup>14</sup> Expanding parole eligibility for older and medically vulnerable people will prioritize the release of those who no longer pose a public safety risk and will help dismantle structural inequities that disproportionately impact Black communities. The bill addresses these critical equity concerns by providing an individualized review for elderly and medically vulnerable prisoners and creating a mechanism for addressing overly punitive sentencing practices that have historically targeted communities of color.

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<sup>9</sup> Maryland Department of Public Safety and Correctional Services, Department of Public Safety and Correctional Services Fiscal 2023 Budget Overview (Annapolis, MD: 2022), 8, <https://mgaleg.maryland.gov/pubs/budgetfiscal/2023fy-budget-docs-operating-Q00-DPSCS-Overview.pdf>.

<sup>10</sup> Vera Institute of Justice. Compassionate Release: The Experiences of Aging and Infirm People in Prison. Accessed January 24, 2025. <https://www.vera.org/publications/compassionate-release-aging-infirm-prison-populations>.

<sup>11</sup> Maryland Department of Public Safety and Correctional Services, Annual Demographic Report, 2023

<sup>12</sup> Council on Criminal Justice, Long sentences by the numbers, (Washington, D.C.: 2022), <https://counciloncj.foleon.com/tfls/long-sentences-by-the-numbers/>

<sup>13</sup> Maryland Department of Public Safety and Correctional Services, Annual Demographic Report, 2023

<sup>14</sup> Maryland Department of Public Safety and Correctional Services, Annual Demographic Report, 2023

## **Conclusion**

Senate Bill 181 represents a targeted, evidence-based approach to reducing prison populations while centering equity and human dignity. By expanding geriatric and medical parole, we can begin to dismantle the structural barriers that have disproportionately impacted Black Marylanders and other communities of color.

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**Submitted by: Maryland Equitable Justice Collaborative**

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