



Maryland State's Attorneys' Association

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DATE: **January 24, 2025**

BILL NUMBER: **SB 181**

POSITION: **Favorable with Amendment**

The Maryland State's Attorneys' Association (MSAA) supports Senate Bill 181 with the inclusion of a few minor amendments that seek to balance the interests that animated this important legislation with public safety.

SB 181 modifies Maryland's parole provisions in two key ways. First, the bill revises restrictions surrounding medical parole, codified in MD. CODE ANN., CORR. SERVS. § 7-309. MSAA's concern relates to the removal of the existing requirement for physical incapability. As the law currently exists, only individuals that no longer physically pose a threat to public safety are eligible for release on medical parole – the current language in SB 181 removes this requirement, and could permit the release on parole of an individual that still poses a threat to public safety simply because their health needs would be better met by community services. By changing the “or” on line 23 of page 3 to “and,” this concern would be addressed, and would require a showing that an incarcerated person no longer physically poses a threat prior to their release on medical parole.

The second key aspect of SB 181 is the creation of a new parole modality – geriatric parole. The bill establishes MD. CODE ANN., CORR. SERVS. § 7-310, and provides for the parole consideration of incarcerated persons serving parole-eligible sentences every two years once they reach the age of 60 and provided they have served at least 15 years of their sentence. MSAA supports this concept, animated by the idea that individuals pose less of a threat to public safety as they age, but suggests amendments to better tailor the restrictions to the needs of public safety – by requiring an individual to have served 20 years of their sentence (instead of 15 years), and to be 70 of age (instead of 60), the geriatric parole provisions will apply exclusively to the population they are intended to apply to.

Finally, MSAA would like to reiterate – while public safety is an important part of the parole decision, it is by no means the only, or even most important, part. Parole must take into consideration the rehabilitative progress an incarcerated person has made, as well as the circumstances of their offense and the thoughts and considerations of the victim or their family. SB 181 provides for the consideration of certain individuals for release on parole by virtue of their age or health, but it does not require their release based on either, and in doing so, recognizes that some offenses are so heinous that the individual who has committed them rightly deserves to spend the balance of their life incarcerated, independent of public safety concerns. MSAA is stalwart in its advocacy for victims, and supports SB 181 with the above amendments.