

2025-02-12 SB 648 - Support .pdf

Uploaded by: Adam Spangler

Position: FAV

CAROLYN A. QUATTROCKI
Chief Deputy Attorney General

LEONARD J. HOWIE III
Deputy Attorney General

CARRIE J. WILLIAMS
Deputy Attorney General

ZENITA WICKHAM HURLEY
Chief, Equity, Policy, and Engagement



STATE OF MARYLAND
OFFICE OF THE ATTORNEY GENERAL

ANTHONY G. BROWN
Attorney General

PETER V. BERNS
General Counsel

CHRISTIAN E. BARRERA
Chief Operating Officer

February 12, 2025

TO: The Honorable Will Smith, Jr.
Chair, Judicial Proceedings Committee

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

RE: Senate Bill 648 - Correctional Services – Medical Parole – Life
Imprisonment- **Support**

The Office of the Attorney General (OAG) urges the committee to favorably report **Senate Bill 648**. This legislation, sponsored by Senator Muse, 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 **Senate Bill 648** would be consistent with the General Assembly's action in the 2021 Session and Special Session to remove the Governor 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

¹ See MD. CODE ANN., PUB. SAFETY § 7-309(i).

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 **Senate Bill 648**.

cc: Judicial Proceedings Committee Members

SB 648 - Testimony.pdf

Uploaded by: C. Anthony Muse

Position: FAV



THE SENATE OF MARYLAND
ANNAPOLIS, MARYLAND 21401

Testimony

SB 648 - Correctional Services - Medical Parole - Life Imprisonment

Good afternoon, Chairman Smith, Vice Chair and members of the Senate Judicial Proceedings Committee. SB 648 would **remove** the Governor's role in the approval process for medical parole for those serving life sentences. This bill is a necessary technical fix to streamline the process and ensure fairness, compassion, and efficiency, particularly for those who are gravely ill.

The need for the Maryland Parole Commission to act expeditiously is most critical in cases where the parole candidate is seriously ill or dying. Under current law, when the MPC recommends medical parole, the decision must be transmitted to the Governor, who has 180 days to either approve or disapprove the decision. Unfortunately, the 180-day waiting period often causes unnecessary delays that can be life-altering for individuals who are critically ill. In fact, in 2021 alone, **five individuals recommended for medical parole died while waiting for the Governor to act.**

This delay is not just an administrative issue it's a matter of human dignity. The difference between a peaceful death surrounded by family and a lonely death behind prison walls can be as simple as the passage of time. By removing the Governor's involvement, we can ensure that these decisions are made in a timely manner, allowing families to be with their loved ones when it matters most.

In fact, many states have successfully adopted a system where the Governor does not have the authority to approve or disapprove medical parole decisions made by the parole board. States like California, New York, and Illinois have streamlined the medical parole process, giving the final decision-making power to the parole board, ensuring swift action when an incarcerated individual is critically ill. By following the example of these states, Maryland can ensure that its medical parole process respects both the health needs of individuals and the importance of public safety.

It's worth noting that this bill was previously sponsored by former Senator Jill Carter and passed out of this committee with **NO opposition.** Former Senator Carter was a staunch advocate for justice reform, and she understood the critical need for this technical fix to address delays in medical parole decisions.

Therefore, I respectfully urge a FAVORABLE report for SB 648. It is critical to act swiftly in cases where individuals are seriously ill or dying. The Maryland Parole Commission is fully qualified to make these decisions, and removing the Governor's involvement will allow for quicker, more humane outcomes for those who need it most.

SB0648_Medical_Parole_Life_Imprisonment_MLC_FAV.pd

Uploaded by: Cecilia Plante

Position: FAV



TESTIMONY FOR SB0648
Correctional Services – Medical Parole – Life Imprisonment

Bill Sponsor: Senator Muse

Committee: Judicial Proceedings

Organization Submitting: Maryland Legislative Coalition

Person Submitting: Cecilia Plante, co-chair

Position: FAVORABLE

I am submitting this testimony in strong support of SB0648 on behalf of the Maryland Legislative Coalition. The Maryland Legislative Coalition is an association of activists - individuals and grassroots groups in every district in the state. We are unpaid citizen lobbyists and our Coalition supports well over 30,000 members.

When the Maryland Parole Commission approves medical parole for a person who is serving a term of imprisonment, it makes sense to go forward with that decision. That is their job and they are the people with the experience. There is no reason to then have a political figure, the Governor, approve the decision. The Governor has no experience in doing this, and his/her motivations are likely more political.

This bill would eliminate the Governor's role in making decisions regarding parole. We strongly support this bill and recommend a **FAVORABLE** report in committee.

IL Written Testimony - SB 648 - Favorable.pdf

Uploaded by: Chris Kelter

Position: FAV



SB 648: Correctional Services - Medical Parole - Life Imprisonment

Testimony of the Maryland Independent Living Network

SUPPORT

Senate Judicial Proceedings Committee, February 13, 2025

The Maryland Independent Living Network is a coalition of the Maryland Statewide Independent Living Council and the seven Maryland-based Centers for Independent Living (CIL). CILs are created by federal law. CILs work to enhance the civil rights and quality of services for people with disabilities. There are seven CILs located throughout Maryland, operated by and for people with disabilities. CILs provide Information and Referral, Advocacy, Peer Support, Independent Living Skills training, and Transition Services to individuals with disabilities in their communities.

The Independent Living Network submits this written testimony in **support** of SB 648.

SB 648 would expedite medical parole for seriously and permanently incapacitated individuals serving a life sentence, including many with significant and longstanding disabilities. Current safeguards and community protections remain in the statute.

The average age of incarcerated persons is continuously rising. Older persons that are incarcerated generally have higher medical needs and may have acquired a disability during incarceration requiring special medical care.

Often, treatment for older persons that are incarcerated with higher medical needs or special medical care pose a low public safety risk once medically paroled. Reducing the time required to be granted medical parole by removing the requirement of gubernatorial approval permits a parolee to have access to care and services not typically provided in prison.

Granting medical parole under the bill's circumstances is compassionate, fair and reasonable.

The Maryland Independent Living Network appreciates the consideration of these comments.

The Maryland Independent Living Network strongly **supports** SB 648 and urges a **favorable** report.

Contact Information:

Chris Kelter, Executive Director
Accessible Resources for Independence
443-713-3914
ckelter@arinow.org

Danielle Bustos, MDYLF Coordinator
Independence Now
240-898-2189
dbustos@innow.org

MD Catholic Conference_SB 648_FAV.pdf

Uploaded by: Garrett O'Day

Position: FAV



MARYLAND
CATHOLIC
CONFERENCE

February 13, 2025

SB 648

Correctional Services – Medical Parole – Life Imprisonment

Senate Judicial Proceedings Committee

Position: FAVORABLE

The Maryland Catholic Conference offers this testimony in support of Senate Bill 648. The Catholic Conference is the public policy representative of the three (arch)dioceses serving Maryland, which together encompass over one million Marylanders. Statewide, their parishes, schools, hospitals and numerous charities combine to form our state’s second largest social service provider network, behind only our state government.

Senate Bill 648 would very simply expand access to medical parole for those serving life sentences. It would place within the purview of the parole commission to make the ultimate decision of granting medical parole to an inmate serving a life sentence.

The Catholic Church roots much of its social justice teaching in the inherent dignity of every human person and the principals of forgiveness, redemption and restoration. Catholic doctrine provides that the criminal justice system should serve three principal purposes: (1) the preservation and protection of the common good of society, (2) the restoration of public order, and (3) the restoration or conversion of the offender. Thus, the Church recognizes the importance of striking a balance between protecting the common good and attentiveness to the rehabilitation of the incarcerated.

The United States Conference of Catholic Bishops has stated the importance of systems of parole combined with a “clear commitment to rehabilitation programs within prisons”, lest states turn prisons into “warehouses where inmates grow old, without hope, their lives wasted.” (*Responsibility, Rehabilitation, and Restoration: A Catholic Perspective on Crime and Criminal Justice*, USCCB, 2000) Pope Francis has also expressly labeled life imprisonment a “hidden death penalty”. (*Address to the International Association of Penal Law*, Oct. 2014)

Those serving sentences of life without parole are already subject to a lessened sense of hope and, thus, a more limited prospect of a restored life outside of prison. There is thus less incentive for the restoration and rehabilitation that should be inherent in systems of justice. States should provide a greater degree of care for inmates who are elderly and/or suffering from debilitating medical conditions without access to proper care. This includes providing for their release to the community where warranted, especially where public safety is not a factor. Thus, the Maryland Catholic Conference urges a favorable report on Senate Bill 648.

SB 648 Correctional Services Medical Parole CCJR .

Uploaded by: Heather Warnken

Position: FAV



TESTIMONY IN SUPPORT OF SENATE BILL 648

TO: Members of the Senate Judicial Proceedings Committee

FROM: Center for Criminal Justice Reform, University of Baltimore School of Law

DATE: February 11, 2025

The University of Baltimore School of Law's Center for Criminal Justice Reform ("Center") is dedicated to supporting community-driven efforts to improve public safety and address the harm and inequities caused by the criminal legal system. The Center strongly supports Senate Bill 648.

Senate Bill 648 will repeal provisions related to the Governor's approval of a decision of the Maryland Parole Commission (MPC) to grant medical parole to an incarcerated individual serving a sentence of life in prison. Instead, Senate Bill 648 will appropriately establish the MPC as the final decision-maker for all parole decisions in Maryland. Specifically, the Senate Bill 648 eliminates (1) the requirement for MPC to transmit to the Governor a decision to grant medical parole; (2) the authority of the Governor to disapprove the decision; and (3) the requirement that the decision becomes effective if the Governor does not disapprove the decision.

This bill is a technical fix to address 2021 legislation that removed the Governor from parole decisions for people serving life sentences. In passing that legislation, the Maryland General Assembly aimed to depoliticize the parole system and facilitate a timely and efficient process for those who have earned release. Despite the great efforts of advocates and legislators in 2021, there was an error that omitted medical parole decisions from that legislation. Senate Bill 648 will correct that oversight and create a unified parole process. This is one of multiple efforts needed to streamline and improve Maryland's critical decarceration tools, and address urgent prison healthcare quality and capacity, correctional workforce challenges, and more.

It is particularly important that individuals who are seeking medical parole have their request reviewed and processed in a timely manner because of their dire medical conditions. In determining whether to grant an individual medical parole, the MPC weighs a number of important considerations and types of evidence. If the MPC grants medical parole, it is because they have acknowledged that incarcerated individual requesting parole is so "chronically debilitated or incapacitated by a medical or mental health condition, disease, or syndrome as to be physically incapable of presenting a danger to society." These individuals are suffering from terminal conditions, nearing the ends of their lives, and in need of intensive medical treatment beyond that which is available in correctional facilities. Requiring these individuals to potentially wait six months longer than other parolees while the Governor decides whether or not to disapprove of the MPC's decision is cruel, costly, and in conflict with the underlying purpose of medical parole. Indeed, in 2021, five people who the MPC recommended for medical parole died waiting for the Governor to act.

For the foregoing reasons, we urge a favorable report.

SB 648 - Medical Parole-UULM-MD-Support-CandyClark

Uploaded by: Karen Clark

Position: FAV



Unitarian Universalist Legislative Ministry of Maryland

Testimony in Support of SB 648 : Correctional Services – Medical Parole – Life Imprisonment

TO: Senator Will Smith, Jr., Chair
Members of the Judicial Proceedings Committee
FROM: Karen “Candy” Clark,
Unitarian Universalist Legislative Ministry of Maryland Criminal Justice Lead
DATE: February 13, 2025

The state-wide Unitarian Universalist Legislative Ministry asks for a favorable vote for **HB 185: Correctional Services – Medical Parole – Life Imprisonment.**

This bill is a humanitarian bill which provides a process that can be applied to an incarcerated person who is "chronically debilitated or incapacitated" to be removed from the prison setting into the Medical Parole system. An evaluation, which can be performed at any time during the person's sentence, must find the person in an extreme condition being physically incapable of presenting a danger to society before being released to medical parole.

The Unitarian Universalist Ministry believes in applying the use of compassion, equity, and justice to life's needs and this is such a situation.

Please vote yes to **SB 648**

Respectfully submitted

Karen Clark

UULM-MD Criminal Justice Lead
842 Mill Creek
Arnold, Md 21012

UULM-MD c/o UU Church of Annapolis 333 Dubois Road Annapolis, MD 21401 410-266-8044,

www.uulmmd.org info@uulmmd.org www.facebook.com/uulmmd [www.Twitter.com/uulmmd](https://www.twitter.com/uulmmd)

SB648MTsiongasTestimony.pdf

Uploaded by: Magdalena Tsiongas

Position: FAV

TESTIMONY ON SB648

Senate Judicial Proceedings Committee
February 13, 2025

SUPPORT

Submitted by: Magdalena Tsiongas

Chair Smith, Vice Chair Waldstreicher and members of the Judicial Proceedings Committee:

I, Magdalena Tsiongas, am testifying in support of SB648. This is a common sense fix to make the medical parole system align with the rest of parole decisions.

Currently, for those seeking medical parole, they must face the additional barrier of receiving approval from the Governor to be paroled, unlike any other parole decision. This reality was due only to an oversight, as the Governor was removed from the parole decision for others in 2021.

In my organizing work with those facing extreme sentences in Maryland, as Convener of the MD Second Look Coalition, many family members have reached out to me, desperate for a way to get their loved ones home from prison, who are either elderly or terminally ill. However, without addressing the issues with medical and geriatric parole, the reality is, there is no where they can turn. Instead, they must watch as the people they love, who are usually unable to have their complex medical needs met by a prison, age and pass away, apart from their families.

I support this legislation, even though it does not apply to my own loved one, who has been incarcerated on a life without parole sentence since 19 years old. Nor does it apply to the hundreds of others incarcerated on non-parole eligible sentences. However, there is still a great need to make an avenue for those who are now elderly or very ill to come home and end their lives with dignity, surrounded by those who loved them.

Maryland is in need of multiple avenues to address decades of mass incarceration, particularly of Black people. In fact, 23% of the incarcerated population in Maryland is serving life sentences or sentences of 50 years or more (also known as death by incarceration sentences). 76% of these individuals are Black. Maryland is also one of only eight states where more than one in six women in prison are serving a life sentence. Of this population of people serving these extreme sentences, 1,314 are aged 55 or older.¹

We know too, that for those elderly individuals released from prison, their recidivism is extremely low. This has been seen with the Ungers, 200 Marylanders serving life sentences, who were released after the landmark case *Maryland v Unger*, who have a less than 4% recidivism rate².

¹ The Sentencing Project [A Matter of Life: The Scope and Impact of Life Imprisonment in the United States](#) (2025)

² Justice Policy Institute [Fact Sheet: The Ungers](#) (2018)

With the release of the Ungers, the state saved a projected \$185 million that would have been spent on keeping them incarcerated.³

Please make this the year that medical parole is addressed with this simple fix.

I encourage you to vote **favorably** on **SB648**.

Thank you.

³ OSI-Baltimore [Building on the Unger Experience: A cost-benefit analysis of releasing aging prisoners](#) (2019)

Maryland Catholic Conference_FAVSB648_.pdf

Uploaded by: Michelle Zelaya

Position: FAV



MARYLAND
CATHOLIC
CONFERENCE

February 13, 2025

SB648

**Correctional Services - Medical Parole - Life Imprisonment
Judicial Proceedings Committee
Position: Favorable**

The Maryland Catholic Conference offers this testimony in support of **Senate Bill 648**. The Catholic Conference is the public policy representative of the three (arch)dioceses serving Maryland, which together encompass over one million Marylanders. Statewide, their parishes, schools, hospitals and numerous charities combine to form our state's second largest social service provider network, behind only our state government.

Senate Bill 648 would very simply expand access to medical paroles for those serving life sentences. It would place within the purview of the parole commission to make the ultimate decision of granting medical parole to an inmate serving a life sentence.

The Catholic Church roots much of its social justice teaching in the inherent dignity of every human person and the principals of forgiveness, redemption and restoration. Catholic doctrine provides that the criminal justice system should serve three principal purposes: (1) the preservation and protection of the common good of society, (2) the restoration of public order, and (3) the restoration or conversion of the offender. Thus, the Church recognizes the importance of striking a balance between protecting the common good and attentiveness to the rehabilitation of the incarcerated.

The United States Conference of Catholic Bishops has stated the importance of systems of parole combined with a "clear commitment to rehabilitation programs within prisons", lest states turn prisons into "warehouses where inmates grow old, without hope, their lives wasted." (Responsibility, Rehabilitation, and Restoration: A Catholic Perspective on Crime and Criminal Justice, USCCB, 2000) Pope Francis has also expressly labeled life imprisonment a "hidden death penalty". (Address to the International Association of Penal Law, Oct. 2014)

Those serving sentences of life without parole are already subject to a lessened sense of hope and, thus, a more limited prospect of a restored life outside of prison. There is thus less incentive for the restoration and rehabilitation that should be inherent in systems of justice. States should provide a greater degree of care for inmates who are elderly and/or suffering from debilitating medical conditions without access to proper care. This includes providing for their release to the community where warranted, especially where public safety is not a factor.

For these reasons, the Maryland Catholic Conference urges a favorable report on **Senate Bill 648**.

SB 648 - MSAA Favorable.pdf

Uploaded by: Patrick Gilbert

Position: FAV



Maryland State's Attorneys' Association

3300 North Ridge Road, Suite 185

Ellicott City, Maryland 21043

410-203-9881

FAX 410-203-9891

Rich Gibson
President

Steven I. Kroll
Coordinator

DATE: February 11, 2025

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.

SB 648_FAV_Amanuel .pdf

Uploaded by: Yanet Amanuel

Position: FAV



Testimony for the Senate Judicial Proceedings Committee

February 13, 2025

SB 648 - Correctional Services - Medical Parole - Life Imprisonment

FAVORABLE

YANET AMANUEL
PUBLIC POLICY
DIRECTOR

AMERICAN CIVIL
LIBERTIES UNION
OF MARYLAND

3600 CLIPPER MILL
ROAD
SUITE 350
BALTIMORE, MD 21211
T/410-889-8555
F/410-366-7838

WWW.ACLU-MD.ORG

OFFICERS AND
DIRECTORS
Corey Stottlemyer
PRESIDENT

DANA VICKERS
SHELLEY
EXECUTIVE DIRECTOR

ANDREW FREEMAN
GENERAL COUNSEL

The ACLU of Maryland urges a favorable report on SB 648, which would eliminate the need for gubernatorial approval of medical parole for inmates serving life imprisonment sentences, creating needed uniformity between the medical parole process and all other parole processes.

In 2021, the General Assembly voted to remove the Governor from parole for people serving life sentences. We are grateful to all who worked to ensure the passage of this important legislation, which helps to both depoliticize parole and ensure an expeditious process for those who have earned release.

It was clearly the legislature's intent to establish that the Maryland Parole Commission would be the final decision-maker for all parole decisions for Marylanders sentenced to life imprisonment. However, the section of the code pertaining to medical parole was mistakenly omitted from the bill draft, resulting in a situation where *only* medical parole decisions require gubernatorial action. As a result of this error, medical parole decisions made by the Maryland Parole Commission remain subject to a waiting period of 6 months, which is dangerous and unfair for Marylanders who need medical parole.

SB 648 would simply correct that omission. The need for the Parole Commission to be able to act expeditiously is arguably most critical in those cases where the parole candidate is seriously ill or dying. The 180-day waiting period alone may be the difference between a peaceful death surrounded by family or a lonely death inside prison walls. Indeed, in 2021, two people recommended for medical parole died waiting for the Governor to Act.

Medical parole is awarded under extremely strict criteria. Under the code of Maryland Regulations (COMAR), only individuals who are so chronically debilitated or incapacitated by a medical or mental health condition, disease,

or syndrome as to be physically incapable of presenting a danger to society may be released on medical parole. Swift consideration of these vulnerable people is not only the humane option, it would save tax payer dollars that would be spent on the exorbitant cost of round the clock medical care within correctional facilities. Among other materials, in order to make the appropriate decision, the Commission considers doctors' reports, medical records, mental health evaluations, and past legal history. The Commission goes through a rigorous process to determine who can be released, and every member of the Parole Commission votes in every case. Gubernatorial approval is a relic of Maryland's earlier failed system and risks opening these decisions up to politicization and bureaucratic confusion.

SB 648 is a simple bill would create parity across all parole processes. The bill would ensure that a terminal illness does not bar someone from fair and expeditious consideration of their request for release. For the foregoing reasons, the ACLU of Maryland urges a favorable report on SB 648.

AMERICAN CIVIL
LIBERTIES UNION
FOUNDATION OF
MARYLAND

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MARYLAND

DPSCS_SB648_FWA.docx.pdf

Uploaded by: Ernest Eley Jr.

Position: FWA



Department of Public Safety and Correctional Services

Office of the Secretary

6776 Reisterstown Road, Baltimore, Maryland 21215
410-585-3346 – TOLL FREE 877-379-8636 • www.dpscs.maryland.gov

BILL: SENATE BILL 648

POSITION: FAVORABLE WITH AMENDMENTS

EXPLANATION: SB 648 removes the Governor from the approval process of medical parole requests.

COMMENTS:

- The Department of Public Safety and Correctional Services (Department) operates the Division of Correction (DOC), the Division of Pretrial Detention and Services (DPDS), and the Division of Parole and Probation (DPP).
- In accordance with Correctional Services Article (CSA) §7–201, the Maryland Parole Commission (Commission) was established in the Department.
- SB 648 repeals Correctional Services Article (CSA) §7-309(I) provisions related to gubernatorial approval of a decision by the Maryland Parole Commission to grant medical parole to an inmate serving a term of life imprisonment.
- The Department requests the Committee add amendments to SB 648 to align with HB 1123:
 - o Requiring DPSCS to on a regular basis submit a roster of individuals to the Parole Commission that: are at least 60 years of age; was incarcerated for at least 20 years; has had no disciplinary infractions for the last three years; and are not serving life without parole (LWOP).
 - o Requiring the Parole Commission within 60 days of receiving the list to conduct a risk assessment of the individuals.
 - o Requiring the Parole Commission to hire psychologists to perform the risk assessments of individuals.

CONCLUSION: For these reasons, the Department of Public Safety and Correctional Services respectfully requests a FAVORABLE with AMENDMENTS Committee report on Senate Bill 648.

STATE OF MARYLAND

WES MOORE
GOVERNOR

ARUNA MILLER
LT. GOVERNOR

CAROLYN J. SCRUGGS
SECRETARY

ANTHONY A. GASKINS
CHIEF OF STAFF

JOSEPH SEDTAL
DEPUTY SECRETARY
ADMINISTRATION

ANNIE D. HARVEY
DEPUTY SECRETARY
OPERATIONS

ANGELINA GUARINO
ASSISTANT SECRETARY
DATA, POLICY AND GRANTS

RENARD E. BROOKS
ASSISTANT SECRETARY
PROGRAMS, TREATMENT &
RE-ENTRY SERVICES

ERNEST ELEY JR
CHAIRMAN
MARYLAND PAROLE COMMISSION

JASON DAVIDSON
DIRECTOR
GOVERNMENT & LEGISLATIVE
AFFAIRS