



Maryland Crime Victims' Resource Center, Inc.

Continuing the Missions of the Stephanie Roper Committee and Foundation, Inc.

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LETTER IN OPPOSITION TO HOUSE BILL 16

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The Maryland Crime Victims' Resource Center (MCVRC) urges an unfavorable vote on HB16 AS AMENDED for the following reasons:

- THE APPOINTMENT PROCESS IS BIASED AND COMPLETELY STRUCTURED TO RECOMMEND RELEASE OF PRISONERS WITHOUT REGARD TO SAFETY.
- THE CHANGES TO THE QUALIFICATIONS OF HEARING EXAMINERS ARE DANGEROUS; REPLACING RELEVANT EXPERIENCE WITH SOCIAL WORKERS.

1ST House Bill 16 gives the Governor full appointment authority for the Maryland Parole Commission. Under current law, the Secretary of Public Safety and Correctional Services selects the parole commissioners, requiring the approval of the Governor and the consent of the Senate.

Under HB 16:

- the Governor appointing all of them, and
- A newly formed completely biased 13-member panel will suggest candidates to the Governor; and
- the commissioners once appointed are essentially lifetime appointments not subject to review after their first term. (p.3 lines 13-17).

The proposed 13-member nominating panel:

The proposed 13-member nominating panel is neither composed of experts in criminal behavior and recidivism nor balanced between differing philosophies of punishment and public safety. Under HB 16, the Commission would be effectively handpicked by the Governor. Of the thirteen panel members, ten are directly chosen by the Governor, either through HB 16 itself or by virtue of their gubernatorial appointments to state positions. Only the President of the National Association of Social Workers and the President of the Maryland State's Attorneys' Association are not gubernatorial selections.

The proposed panel is heavily weighted toward social workers, treatment providers, and community organizers and lacks a focus on public safety. Most of these members are unlikely to have had substantial responsibility for enforcing criminal laws, managing violent offenders, or directly protecting the public. Because they are not required to have experience with violent offenders who must be separated from the community, they lack the background needed to nominate parole commissioners who can reliably safeguard crime victims and the public. As a result, the bill would likely politicize and destabilize the appointment

process, inviting contentious advocacy and lobbying from individuals with limited experience in penology who favor across-the-board sentence reductions and who may seek to reshape or obstruct the Commission's proper functioning for ideological reasons.

The bill's specific panel composition underscores this concern. It includes representatives from the Office of the Public Defender and prisoners' rights organizations that have repeatedly opposed and sued the Parole Commission, pursued resentencing mechanisms to bypass the parole process, and promoted non-parole avenues to accelerate releases from state correctional institutions. These are stakeholders whose stated objectives are often directly at odds with the regular operation and even the continued existence of the Parole Commission. Entrusting opponents of an agency's mission with a central role in selecting its most impactful leaders—while excluding any representative of crime victims, who have borne the harms of violent crime—is unsound public policy. It also contravenes crime victims' constitutional right under Article 47(a) of the Maryland Declaration of Rights to be treated by all agents of the State with dignity, respect, and sensitivity at every stage of the criminal justice process. For these reasons, House Bill 16 is unconstitutional and should not be supported.

The Amendments to the Bill, add a token representative for crime victims. However, the Amendments also add:

AT LEAST ONE MARYLAND RESIDENT WHO WAS FORMERLY INCARCERATED IN A STATE CORRECTIONAL FACILITY; AND

AT LEAST ONE MARYLAND RESIDENT WHO IS AN IMMEDIATE RELATIVE OF AN INDIVIDUAL WHO IS CURRENTLY, OR WAS FORMERLY, INCARCERATED IN A STATE CORRECTIONAL FACILITY; AND

ONE PRISONERS' RIGHTS ADVOCATE, CHOSEN BY THE GOVERNOR;

The Bill must be amended to do the same for victims:

ONE VICTIM'S RIGHTS ADVOCATE

ONE VICTIM OF VIOLENT CRIME

ONE IMMEDIATE RELATIVE OF AN INDIVIDUAL MURDERED IN THE STATE OF MARYLAND.

If this were a serious effort to structure a Parole Commission dedicated to public safety and a fair justice system for all parties, at least half of the panel's membership would consist of victim representatives and the other half of professionals with expertise in criminal justice, parole and probation, public safety, and victimization. Packing the panel with social work and treatment-focused individuals, contravenes crime victims' constitutional right under Article 47(a) of the Maryland Declaration of Rights to be treated by all agents of the State with dignity, respect, and sensitivity at every stage of the criminal justice process. For these reasons, the bill is unconstitutional and should not be supported. Crime victims are profoundly affected by the decisions of the Parole Commission.

Out of the 13 Panel members proposed only two (the President of the MSAA and the victims' Rights Advocate have Victims and public safety as their primary focus.

Paroling serious violent offenders is a very difficult and critically important task. If a nominating panel is to be created, it needs to be balanced with more law enforcement professionals and crime victim representatives. Ignoring victims' need for safety and involvement in the parole process is disrespectful and disregards the real dangers involved in such decisions. Disregarding the need for meaningful victim involvement in the parole process is disrespectful and recklessly ignores the real dangers involved in parole decisions.

FINALLY---ALL OF THE AMENDMENTS ADDING AND CHANGING THE REQUIREMENTS AND DISQUALIFIERS FOR HEARING EXAMINERS SHOULD BE STRUCK. This Amended language requires a degree in psychology-related degree but then requires experience in either the therapy-related field or law or criminology. The Amendments then go on to disallow more than 30% of the hearing examiners to have worked in the area of law enforcement or correctional services. **The Amended language requires that 70% and more of the hearing examiners have no work experience in law enforcement or correctional services. This is bad law and is bad for the State of Maryland.**

The Parole Commission makes vital decisions about releasing individuals convicted of the most serious offenses—people serving lengthy sentences imposed by judges and upheld through layers of appellate review.

Maryland cannot enact a law requiring that these decisions be made primarily by individuals with no experience in law enforcement or correctional services; in fact, it should be exactly the opposite.

All new language added in the Amendments in page 5 must be stricken.

The language on page 5 and the makeup of the Panel ignore a core duty of the legislature — to protect the public rather than cause harm. As written, this bill is dangerous and could result in prisoners being released on little more than an uneducated guess.

For the above reasons, MCVRC urges an unfavorable vote on HB16.



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