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Bill Number: Senate Bill 822

Position: Unfavorable

LETTER IN OPPOSITION TO SENATE BILL 822

The Maryland State's Attorney's Association (MSAA) urges an unfavorable report on SB822.

Senate Bill 822 proposes alterations to the conduct of Maryland Parole Commission (MPC)'s hearing process styled to be improvements in parole process transparency.

The bill proposes:

- 1) MPC shall file an Annual Report of disaggregated data on parole hearings;
- 2) MPC shall alter the conduct of parole hearings to:
 - a) return decisions within 14 days instead of 21 days;
 - b) record each hearing and make same recording available for inmate review;
 - c) issue written decisions with reasoning;
 - d) retain hearing records for 3 years;
 - e) require rehear dates in less than 2 years for sentences under 10 years, less than 3 years for sentences between 10 years and 20 years, and 3 – 5 years for sentences over 20 years or victim crimes; and
 - f) bar permanent denial of parole.

The Maryland Constitution Declaration of Rights Article 47 (a), provides that victims of crime shall be treated with respect and dignity by agents of the State. In 1997, the Victims Rights Act passed. The intent of this legislation was to provide certain compensation for crime victims and, most importantly, to give crime victims a voice in matters related to sentencing. It was this law that permitted victim impact statements to be considered at sentencing. In 2004, Md. Rule 4-345(e) went into effect and limits revisory power over sentences to 5 years. This Rule reflected an understanding that victims deserve finality.

As the Maryland Supreme Court observed in *Syed v. Lee*, 488 Md. 537, 605-608 (2024), “Only with real finality can the victims of crime move forward knowing the moral judgment will be carried out.” ... “To unsettle these expectations is to inflict a profound injury to the powerful and legitimate interest in punishing the guilty, an interest shared by the State and the victims of crime

alike.” (internal quotation marks and citation omitted); accord, *State v. Thomas*, 488 Md. 456, 517 (2024)(“... finality respects not only a criminal defendant, but also the public, and equally important, a crime victim.”)

The vast majority, if not totality, of the convictions that will be impacted by this bill are for violent, victim offenses, domestically related or complex criminal enterprise offenses. It is often difficult for crime victims to understand why or how an offender will be released back into the community before serving the full sentence imposed. Not only are there approximately 14 post-trial motions that criminal offenders may file in Court, but Senate Bill 822 would force victims to come back every 2-5 years before the MPC – in addition to the potential for attending post-trial motions in court. The effect of Senate Bill 822 will be to force victims and their families to re-live the horrors of crimes endured repeatedly.

Here is what this looks like anecdotally: in one case, a rape victim died as a result of suicide rather than attend another post-trial proceeding. In another case, a crime victim’s mother had to re-enroll in mental health treatment after being notified of a post-trial hearing because her murdered son had died in the arms of his brother who then committed suicide - she had effectively lost both sons as a result of the murder for which the criminal offender was sentenced and seeking a sentence reduction in court.

According to the statistical tables published by the Bureau of Justice Statistics in 2022, as revised August 29, 2025, Maryland ranks between 18th and 16th lowest imprisonment rate in the nation, see <https://bjs.ojp.gov/document/p22st.pdf>. Mandatory release occurs when an inmate obtains enough earned credits, such as diminution credits or work credits, to mandate a statutory release from commitment. Unlike mandatory release, parole in Maryland is an earned release based upon demonstrated institutional adjustment as determined by the Maryland Parole Commission. Crime victims and their families are re-traumatized significantly during the parole process. If enacted, Senate Bill 822 will further chip away at the finality that victims of crime deserve needlessly.

MSAA strongly urges an unfavorable report on Senate Bill 822.