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Bill Number: HB 16

Position: Unfavorable

The Maryland State's Attorney's Association urges an unfavorable report on House Bill 16. House Bill 16 would eliminate the use of parole hearing examiners in the parole process, create a 12-member nominating panel for parole commissioners and increase the number of commissioners from 10 to no less than 15 and no more than 20.

Under current law, the Secretary of Public Safety and Correctional Services selects parole commissioners, requiring the approval of the Governor and the consent of the Senate.

As to the elimination of hearing examiners and increase in number of commissioners, this appears to be a solution to an unidentified problem. There is no data which suggests that the current hearing examiner system is ineffective and in need of abolishment.

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 on demonstrated institutional adjustment as determined by the Maryland Parole Commission. Crime victims and their families are impacted significantly during the parole process. 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. Crime victims deserve to have a prominent voice in the parole process.

If a nominating panel is to be created, it is critical to strike a balance of panel members with experience in managing violent offenders, assessing public safety risk, and victims' rights representatives. HB 16 does not. Instead, HB 16 proposes a panel of advocates, members of the public and others who may not have any particularized experience in the complexities of managing violent offenders, assessing public safety risks. As well, there is no stakeholder seat for victims' advocates. This will inevitably be to the detriment of victims and their families who are relying on the system to continue to duly hold accountable criminal offenders justly sentenced in court.

For the above reasons, MSAA urges an unfavorable vote on House Bill 16.