



Chairman Bobby A. Zirkin  
Senate Judicial Proceedings Committee  
Miller Senate Building, 2 East  
Annapolis, MD 21401

February 19, 2015

**RE: The Sentencing Project Supports Senate Bill 111**

Dear Senator Zirkin:

The Sentencing Project, a national criminal justice research and advocacy organization, applauds **Senate Bill 111** which eliminates the requirement of the governor's approval of parole recommendations for life-sentenced prisoners made by the Maryland Parole Commission (MPC) or the Patuxent Board of Review (PBR). Maryland is one of only a few states that impose such a requirement.

Maryland incarcerated 20,988 prisoners in 2013. At the end of fiscal 2014, there were 2,720 inmates in state prisons, including the Patuxent Institution, serving life sentences. Of that number, 681 inmates were serving split-life sentences in which the life sentence is suspended for a fixed term of years. At the Patuxent Institution, there were a total of 68 persons serving a parole-eligible life term, including those with all but a fixed term of years suspended.<sup>1</sup>

**Senate Bill 111** would authorize parole eligibility following the approval of MPC or PBR. In recent years, Oklahoma, which imposes a similar policy made changes in policy and practice. In 2012, Oklahoma voters approved a ballot measure that changed the role of the governor in approving state parole board decisions; the ballot initiative passed with 59% voter approval.<sup>2</sup>

**Senate Bill 111** is a measured approach that will help state lawmakers address an imbalance in Maryland's sentencing policy while maintaining public safety. The proposed policy change does not guarantee release for parole eligible lifers; the bill streamlines the process in an effort to improve efficiency. The bill would recognize the leadership and expertise of parole board members in approving applications for release. Recommended policies for parole board membership include staffing by members who have a background in corrections or relevant social services in order to best assess suitability for release.<sup>3</sup>

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<sup>1</sup> HB 303 Department of Legislative Services Fiscal and Policy Note (2015). Retrieved here: <http://tinyurl.com/oc5lvcd>

<sup>2</sup> Oklahoma Governor in the Parole Process Amendment, State Question 762 (2012)

<sup>3</sup> Nellis, A., *Life Goes On: This Historic Rise of Life Sentences in America* (2013). Washington, DC: The Sentencing Project. Retrieved here: <http://tinyurl.com/nyklyca>

Most parole eligible lifers have committed serious offenses. However, most serious crime is situational, due to a complex combination of conflict, exposure to violence, and accelerants like drugs and alcohol. Studies of recidivism rates among lifers, while few in number, consistently suggest that returns to prison for a new offense are relatively low.<sup>4</sup> This research calls into question the accuracy of public safety arguments in support of lengthy terms of imprisonment. A 2004 analysis by The Sentencing Project found that individuals released from life sentences were less than one-third as likely to be rearrested within three years as all released persons.<sup>5</sup> More recently, a 2011 California-based study tracked 860 people convicted of homicide and sentenced to life, all of whom were paroled beginning in 1995. Longitudinal analysis of their outcomes finds that in the years since their release, only five individuals (less than 1%) have been returned to prison or jail because of new felonies.<sup>6</sup>

Passage of **Senate Bill 111** will improve the state's parole release process. Parole policies that limit an opportunity for meaningful release ignore the potential for rehabilitation. Sentencing practices should recognize the possibility for personal growth among persons convicted of serious offenses.

The Sentencing Project urges members of the Senate Judicial Proceedings Committee to pass **Senate Bill 111**.

Sincerely,



Nicole D. Porter

cc: Senate Judicial Proceedings Committee

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<sup>4</sup> Weisberg, R, Mukamal, D., & Segall J.D (2011). *Life in Limbo: An Examination of Parole Release for Prisoners Serving Life Sentences with the Possibility of Parole in California*. Stanford, CA: Stanford University.

<sup>5</sup> Mauer, M, King, R.S., & Young, M. (2004). *The Meaning of 'Life': Long Prison Sentences in Context*. Washington, DC: The Sentencing Project.

<sup>6</sup> Weisbergh, R, Mukamal, D. & Segall, J.D. (2011). *Life in Limbo: An Examination of Parole Releases for Prisoners Serving Life Sentences with the Possibility of Parole in California*. Stanford University: Stanford Criminal Justice Center.