



## POSITION ON PROPOSED LEGISLATION

BILL: HB 1480 – Correctional Services – Elder Parole  
POSITION: SUPPORT with AMENDMENT  
DATE: March 6, 2020

According to annual reports published by the Department of Public Safety and Correctional services through 2018, the number of lifers aged 60 and over has increased by about fifty percent, from about 600 to over 900. It costs nearly twice as much to detain inmates over the age of 50. This growing elderly population can only become even more costly to manage in traditional correctional facilities.

This bill proposes two reforms to parole eligibility and determinations, and would create a more objective basis for the release of elderly inmates.

First, it would create a specific age-basis for parole consideration, regardless of the charge. An initial drafting error precluded both lifers *without* the possibility for parole and lifers *with* the possibility of parole from the bill's provisions. We understand that the sponsor has an amendment to correct that error and *only* preclude lifers sentenced *without* the possibility of parole from the reforms in the bill.

The foundation for the age-basis for parole consideration is based in both empirical research and a recent large cohort of elderly inmates who were released by the *Unger* decision. Studies on the age distribution of crime routinely show that crime peaks in late-adolescence and early adulthood, and decreases over the course of a person's lifespan. This bill would *only* apply to those individuals who are age 60 or older. As to the *Unger* population, please see the attached Unger Fact Sheet, which clearly demonstrates that even *large* numbers of persons sentenced to life *can and do reintegrate* into Maryland society with *exceedingly low* rates of recidivism, when released at an advanced age.

The second reform follows from the first, which establishes a rebuttable presumption that a person applying for parole at age 60 or older is suitable for release. We believe presumptions should be used in law only when there is an empirical basis that justifies it – that is, the presumption matches our best evidence and understanding of the reality it addresses. In this case, a multitude of studies, the *Unger* cohort, and indeed even common sense suggest elderly persons are suitable for release without any significant threat to public safety. Also, it bears repeating that parole release is not absolute freedom. When individuals with life sentences are granted parole, they remain on lifetime parole supervision. Any technical violation related to reporting requirements, and certainly any new offense, could result in that person returning to prison for life.

For all of the above-stated reasons, we urge a favorable with amendment vote on HB 1480.