

Department of Legislative Services  
 Maryland General Assembly  
 2021 Session

RACIAL AND EQUITY IMPACT NOTE  
 Third Reader

House Bill 3  
 Judiciary

(Delegates Clippinger and Queen)

Judicial Proceedings

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Correctional Services - Parole - Life Imprisonment

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Summary

This bill increases the amount of time that a person who has been sentenced to life imprisonment, after being convicted of a crime committed on or after October 1, 2021, must serve before being eligible for parole consideration from 15 to 20 years, or its equivalent considering allowances for diminution credits. The bill also eliminates a requirement that the Governor approve the parole of a person serving a parole-eligible life sentence in a State correctional facility or the Patuxent Institution as recommended by the Maryland Parole Commission (MPC) or the Patuxent Board of Review.

The Department of Public Safety and Correctional Services (DPSCS) notes that parole *eligibility* does not necessarily result in a parole *release*, especially for inmates serving life sentences. Under current law, inmates sentenced to life imprisonment must serve 15 years minus diminution credits or 25 years minus diminution credits (for cases in which a life without parole or death sentence was sought but not imposed by the court) to be eligible for parole. According to DPSCS, in fiscal 2020, 54 inmates entered State correctional facilities given a sentence of life that are eligible for parole in 15 years. The impact of an increase in the amount of time served before parole eligibility would begin in 2036 (not taking into account any potential diminution credits), when inmates who otherwise might be released on parole will remain incarcerated for longer periods of time under the bill.

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Maryland Demographics

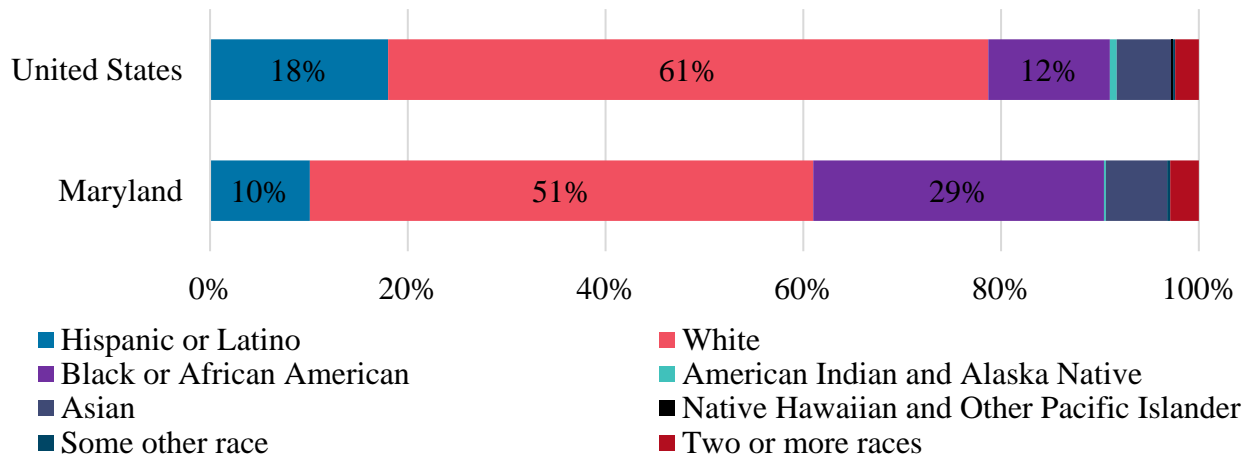
*Race and Ethnicity of the Maryland Population*

In 2019, Maryland’s estimated population was just over 6 million individuals. Compared to the U.S. population overall, the State’s population by race alone is more diverse. As shown in **Exhibit 1**, in Maryland, 44.5% of the population identify as non-White or multi-racial compared to 27.5% of the national population. In both the State and national population, the largest shares of the non-White population are individuals who are Black or African American, with 29.9% of the State population identifying only as Black or African American and another 1.4% identifying

as more than one race including Black or African American. In both the State and the nation, approximately 6% of the population identified as Asian. Maryland’s population is slightly less diverse than the U.S. population overall by ethnicity, however. In Maryland, 10.1% of the population identified as Hispanic or Latino compared to 18.0% of the U.S. population overall.

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**Exhibit 1**  
**U.S. and Maryland Population by Race and Ethnicity**  
**2019**



Source: University of Baltimore Schaefer Center

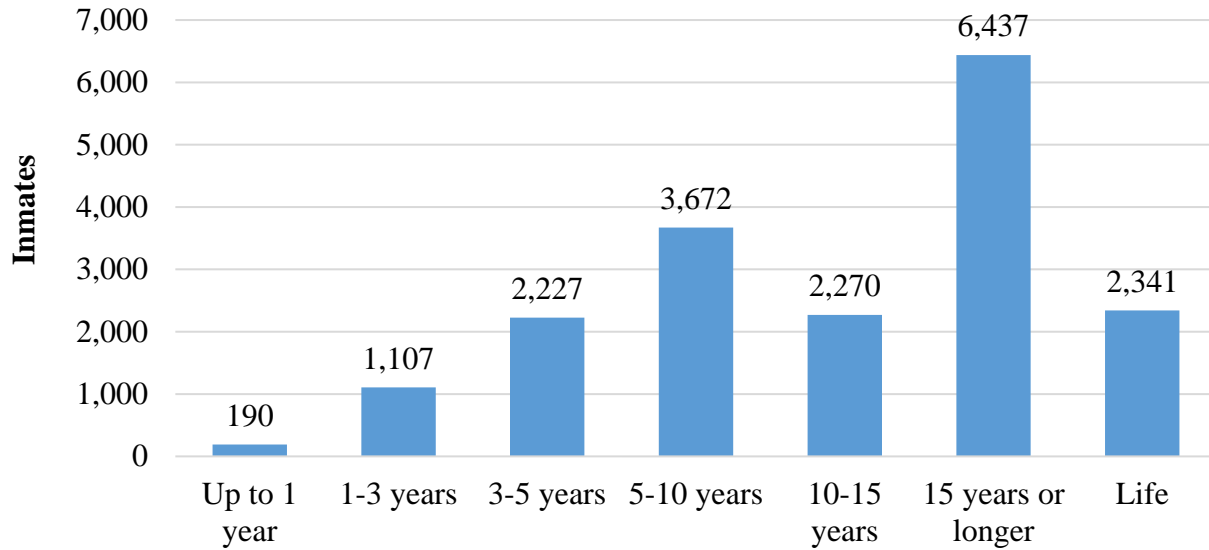
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On July 31, 2019, there were 18,244 individuals incarcerated in Maryland under the jurisdiction of DPSCS.<sup>1</sup> Of these, just over 8,700 were serving sentences of at least 10 years and 2,341 were serving life sentences, as shown in **Exhibit 2**, resulting in an average sentence length of 18.5 years.

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<sup>1</sup> Maryland Department of Public Safety and Correctional Services. (2019). Operations: Maryland Department of Correction. <https://msa.maryland.gov/megafile/msa/speccol/sc5300/sc5339/000113/024500/024552/20200340e.pdf>.

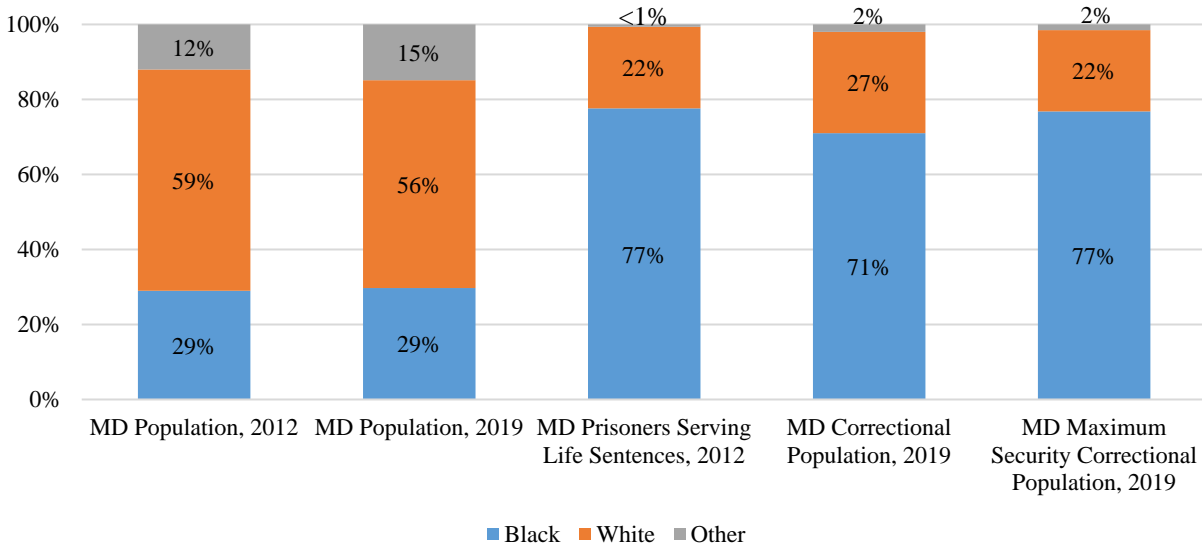
**Exhibit 2**  
**Length of Sentence for Maryland Correctional Population**  
**July 31, 2019**



Source: University of Baltimore Schaefer Center

The racial and ethnic data of persons serving the sentences in Exhibit 2 is not publicly available at this time. However, in 2013, The Sentencing Project published a national analysis of the demographics of those serving life sentences, using 2012 data from state departments of corrections. The study reports that, of the 2,470 individuals serving life sentences in Maryland, 77.4% are Black, 21.7% are White, and 0.6% are other racial categories. In 2019, DPSCS published a report documenting the number of convicted persons in Maryland’s correctional facilities. The report shows 71% of convicted individuals in Maryland’s correctional facilities are Black, 27% are White, and 2% consist of groups that are neither Black nor White. In Maryland’s maximum security facilities, which are the most likely to imprison persons serving life sentences, 77% of convicted individuals are Black, 22% are White, and 2% consist of groups that are neither Black nor White. **Exhibit 3** shows the results of both The Sentencing Project analysis and the DPSCS report.

### Exhibit 3 Race of Maryland Population and Offenders



Source: University of Baltimore Schaefer Center; The Sentencing Project; Department of Public Safety and Correctional Services

### Racial and Equity Impact Statement for House Bill 3

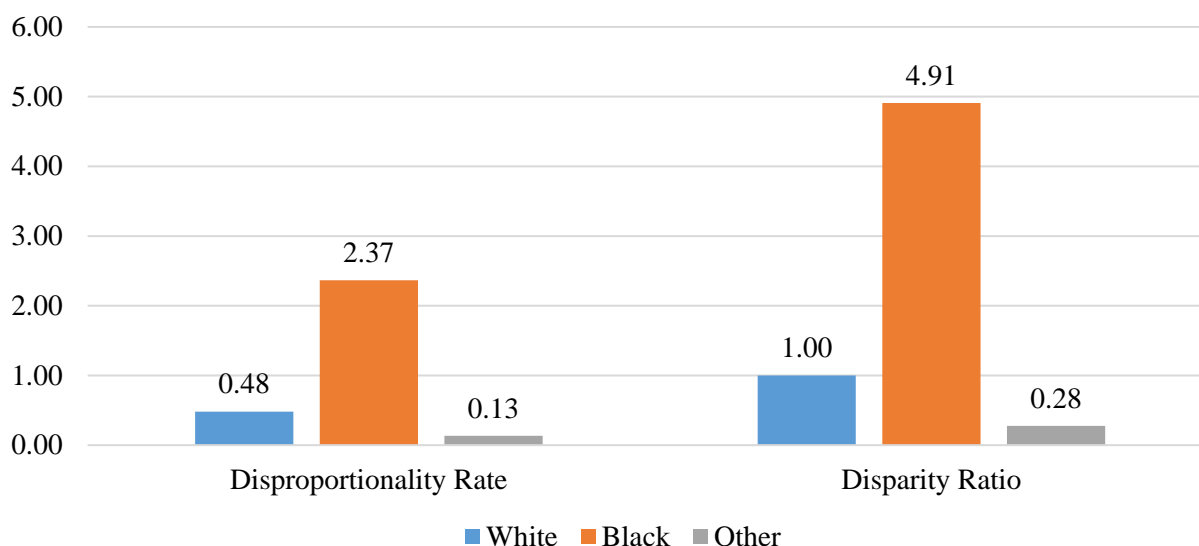
Given statewide racial and ethnic demographics for the entire population and compared to the racial and ethnic demographics of individuals serving life sentences as shown in Exhibits 1 and 3, it suggests that notable disproportionality and disparities exist in Maryland’s correctional facilities and in the percentage of individuals serving a life sentence. As House Bill 3 increases the minimum number of years before an individual serving a life sentence is eligible for parole, the racial impact of this change could impact individuals serving a life sentence in the same proportion and manner as the population indicates beginning in 2036. With respect to the provision in the bill eliminating a requirement that the Governor approve the parole of a person serving a parole-eligible life sentence, there is not data available regarding the race or ethnicity of individuals who have been denied parole by the Governor after a favorable recommendation by MPC. If the demographics of these individuals mirrors the racial and ethnic proportion of individuals serving a life sentence, removing the requirement could impact populations in the same manner.

**Exhibit 4** indicates that the disproportionality rate of imprisonment for African Americans or people identified as Black is 2.37, which means they are more than twice as likely to be imprisoned as their proportion to their representation in the State population. Whites and other non-Black incarcerated racial groups have disproportionality rates of less than 1, at 0.48 and 0.13, respectively, which means they are less likely to be imprisoned than their proportion to their

representation in the State population. Exhibit 4 also shows how racial disparity ratios vary among the different racial groups in Maryland’s correctional population. The data reveals that incarcerated African Americans or people identified as Black are about five times more likely to be imprisoned than Whites. Conversely, other non-White incarcerated racial groups are much less likely to be incarcerated than Whites. Data was not available to analyze disproportionality rates and disparity ratios related to ethnicity.

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**Exhibit 4**  
**Disproportionality and Disparity Metrics for Maryland Correctional Population**  
**2019**



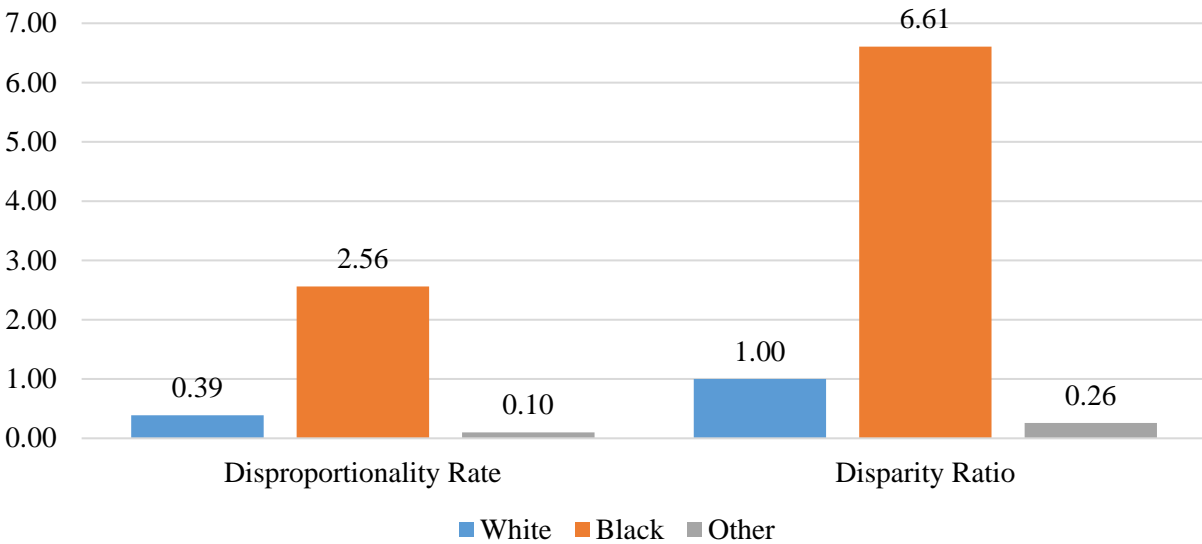
Source: Department of Legislative Services

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With respect to the population in Maryland’s maximum security correctional facilities, which are more likely to imprison an individual serving a life sentence, **Exhibit 5** shows that the disproportionality rate of incarcerated African Americans or people identified as Black is 2.56, which means they are also more than twice as likely to be imprisoned in a maximum security correctional facility as compared to their representation in the State population. Whites and other non-Black incarcerated racial groups have disproportionality rates of less than 1, at 0.39 and 0.10, respectively, which means they are less likely to be imprisoned in a maximum security correctional facility as compared to their representation in the State population. Additionally, Exhibit 5 illustrates that the racial disparity ratios vary among the different racial groups in Maryland’s maximum security correctional facilities. The data indicates that incarcerated African Americans or people identified as Black are over six times more likely to be imprisoned in a maximum security correctional facility than Whites. Other non-Black incarcerated racial groups of color, however, are much less likely to be incarcerated in a maximum security correctional facility than Whites.

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**Exhibit 5**  
**Disproportionality and Disparity Metrics for Maryland Maximum Security Correctional Population**  
**2019**



Source: Department of Legislative Services

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The 2012 percentages of those serving life sentences in Maryland were roughly comparable to more recent percentages of those who were Black, White, or other races in both the overall State correctional population and in the correctional facilities that house only maximum security prisoners. This differs from the demographics by race of the overall Maryland population in 2012 and 2019.

Moreover, in 2012, 77.4% of individuals serving life sentences in Maryland were African American or Black. This was a greater proportion of Black people compared to the United States' average in 2012, with the racial distribution of life sentences nationally being 47% Black people, 35% White people, and 6% people identified under other racial categories. The Sentencing Project estimates that nationally communities of color, who make up 37% of the United States population, encompass 67% of the prison population.

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## Conclusion

In Maryland, racial and ethnic disparities exist throughout the criminal justice system. These disparities are not exclusive to Maryland but are prevalent throughout the American criminal justice system. National and statewide data reveal racial and ethnic disparities in sentence length across various correctional facilities.

Documented data reports that African Americans or persons identified as Black are disproportionately and disparately impacted by imprisonment as well as life imprisonment, more so than any other racial group. Thus, provisions to increase the amount of a sentence served or to remove a requirement in order be approved for a MPC-recommended parole will undoubtedly impact Black people in the State of Maryland.

*Methodologies, Assumptions, and Uncertainties*

Although some reports use disparity and disproportionality interchangeably, this racial and equity impact note distinguishes them. Disproportionality is the state of being out of proportion. It compares the proportion of one racial or ethnic group of a target population to the proportion of the *same* racial or ethnic demographic group in the general population. Disparity, however, refers to a state of being unequal. A disparity describes an unequal outcome experienced by one racial or ethnic group of the target population as contrast against a different racial or ethnic group in the target population.

The information provided in this note is drawn from quantitative data analysis of available statistical datasets on crime and criminal justice collected by entities at the national and state level. Moreover, the information includes scholarly literature on racial and ethnic disparities in the U.S. criminal justice system.

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**Information Sources:** University of Baltimore Schaefer Center; Bowie State University; Department of Legislative Services

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