

TESTIMONY IN *SUPPORT* OF SB 0033
CORRECTIONAL SERVICES – MEDICAL PAROLE – LIFE IMPRISONMENT

To: Senator William C. Smith, Jr., Chair of the Judicial Proceedings Committee

From: Olivia Johnson and David O’Donoghue, Student Attorneys, Youth, Education and Justice Clinic, University of Maryland Francis King Carey School of Law (admitted pursuant to Rule 19-220 of the Maryland Rules Governing Admission to the Bar).

Date: February 7, 2023

We are second year law students and student attorneys in the Youth, Education, and Justice Clinic (“Clinic”) at the University of Maryland Francis King Carey School of Law. The Clinic represents children who have been excluded from school through suspension, expulsion, or other means, as well as individuals who have served decades in Maryland prisons for crimes they committed as children and who are now eligible to be considered for parole. We write in support of Senate Bill 0033, which would remove the Governor from Maryland’s medical parole process and vest the authority to grant medical parole exclusively with the Maryland Parole Commission (“The Commission”).

At the outset of the COVID-19 pandemic in 2020, the Commission recommended that one of our clients be released from incarceration on medical parole, given his underlying health conditions. In making the recommendation, the Commission carefully reviewed our client’s medical issues and understood that COVID-19—with the outsized impact it would have on Maryland’s prison population—put our client in potential peril. However, then-Governor Larry Hogan denied the Commission’s recommendation, without offering any specific reasons. But for the Governor’s denial, our client would have been released from prison nearly three years ago.

The General Assembly removed the Governor from the non-medical parole process in 2021, repealing provisions that required Governor’s approval of parole for individuals serving a term of life imprisonment. In doing so, the General Assembly recognized that the Governor is not well positioned to make decisions of such enormous consequence and that demand careful analysis devoid of political consideration. Rather, these decisions are best left to the Commission, whose members adhere to laws and regulations that delineate the various factors they must consider in every parole decision. Commission members also have the knowledge and experience necessary to weigh the various factors and to make the decisions that serve the best interests of the individual and of the public. The same is true in the medical parole context.

SB 0033 seeks to align Maryland’s medical parole process with the General Assembly’s removal of the governor from the broader parole process. We ask for a favorable report.

This written testimony is submitted on behalf of the Youth, Education, and Justice Clinic at the University of Maryland Francis King Carey School of Law and not on behalf of the School of Law or the University of Maryland, Baltimore.