



MARYLAND ALLIANCE FOR JUSTICE REFORM

Working to end unnecessary incarceration and build strong, safe communities

To: Chairman Will Smith and members of Senate Judicial Proceedings Committee
From: Phil Caroom, MAJR exec. com. chair
January 14, 2020

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Consistent with the principals of the Justice Reinvestment Act (JRA), Maryland Alliance for Justice Reform (MAJR) generally opposes legislation that would delay parole eligibility — in the instance of SB 36 adding increasing by 10 years the time those serving life sentences must wait.

We recognize, however, that when JRA increased the maximum penalty for second degree murder to 40 years, this concurrently had the effect of increasing the time for parole eligibility for second degree murder to 20 years. This disparity presents the paradox that an individual who convicted of first degree murder and who receives a life sentence legally may be eligible sooner for parole sooner (15 years) than if convicted of second degree (20 years) despite the theoretically lesser sentence.

Before JRA, the penalty for second degree murder was 30 years— so, whether convicted of first degree or second degree, an individual with either type of murder conviction could face the Parole Commission after the same 15 year interval.

As a practical matter, we recognize that few, if any, individuals with life sentences earn parole on the first try. This is because the Parole Commission is a careful and responsible group of trained professionals, led by Commissioners selected for their discretion and wisdom. But, if and when a rare individual appears with extraordinary circumstances who may merit such parole, SB 36 would tie the hands of the Commission and would prevent them from rewarding an especially deserving individual.

Under these circumstances, MAJR does *not* oppose an increase to 20 years for life sentences to equitably rebalance the scales that existed for all those convicted of murder, as these were set before JRA. But, we do oppose an increase to 25 years that could unduly burden the most deserving parole applicants, that would prevent the exercise of Parole Commissioners’ discretion and that could unnecessarily burden taxpayers with the expense of 10 added years of incarceration for those found deserving of Parole.

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PLEASE NOTE: This testimony is submitted for MAJR and not for the Md. Judiciary.