



**Testimony of Molly Gill
Vice President of Policy, FAMM
Hearing on HB 443
February 19, 2019
House Judiciary Committee**

I want to thank Chair Clippinger, Vice Chair Atterbeary, and members of the House Judiciary Committee for the opportunity to submit testimony on behalf of FAMM. **FAMM supports HB 443 because we believe sentences should be individualized, proportionate, and sufficient but of no greater length than necessary to meet the purposes of punishment and secure public safety.**

FAMM is a nonpartisan, nonprofit sentencing reform advocacy group founded in Washington, D.C. in 1991. FAMM's mission is to protect public safety and promote efficiency in the criminal justice system by advocating for individualized, proportional criminal sentencing laws. We are not against punishment or prisons. We simply believe that sentences should fit the crime and the offender, and that judges are in the best position to decide the proper punishment in each and every case.

The practice of categorically denying parole to individuals sentenced to life in prison offends the legislature's commitment to the exercise of individualized discretion in parole decisions, is unnecessary to protect public safety, and results in unjust outcomes for thousands of prisoners who have no meaningful way to demonstrate their readiness to return to the community to live as law abiding members.

Parole is the way the criminal justice system takes a second look at an individual's prison sentence after a significant period of time has been spent incarcerated to evaluate whether the sentence continues to meet the goals of punishment or has outlived its usefulness. When the Maryland legislature provided for parole, it did so confident that the executive branch would ensure parole-eligible prisoners a genuine opportunity to secure release from prison upon demonstrating their rehabilitation. Judges sentenced individuals to terms of life similarly sure that the executive would exercise reasoned discretion and evaluate each prisoner seeking parole as an individual.

For nearly 25 years, however, Maryland's governors have not exercised the discretion the other two branches expected and that justice requires. Instead, each governor, starting with Gov. Parris Glendening, has categorically refused parole to any otherwise eligible prisoner serving a life sentence.

People are sentenced to life in prison for very serious, usually violent, crimes. Each life sentence reflects the need to protect the community and provide appropriate punishment. A life sentence with the possibility of parole embodies the belief that some who have served a substantial



amount of time and used that time to reflect, grow, learn skills, and turn their backs on crime can return to and abide peacefully in the community. Parole eligibility is the commitment of our criminal justice system to the principle that rehabilitation is possible and a message to every prisoner that if they work hard, abide by the rules, engage in recidivism-reducing programming, and pay their debt to society, they can earn their way home.

But in categorically denying parole to lifers, the recent governors have frozen these individuals in time, thwarting the principles that animate parole and sending a message that the State of Maryland does not believe in the capacity of anyone sentenced to life to grow and change.

But we know from the experience of the so-called “Ungers” that prisoners sentenced to life can return home and live law-abiding lives. More than 190 former prisoners have left prison after meticulous, individualized reviews of their cases by states’ attorneys. Recidivism among this community is vanishingly small. Public safety was not compromised by releasing them.

The practice of denying parole to lifers weighs most heavily on individuals sentenced to life with parole for crimes they committed as children. Hundreds of these individuals have literally grown up in Maryland’s prisons. Many of them have been up for parole repeatedly and for no purpose, as they are turned down time and again. Their outlook for any relief in the Maryland parole system is so bleak that lawsuits in federal and state court are pending; these lawsuits are challenging Maryland’s practice of denying these people parole as unconstitutional under Supreme Court precedent governing the sentencing of juveniles and guaranteeing that they be given a meaningful opportunity to demonstrate maturity and rehabilitation.

FAMM’s interest in HB 443 is informed by our participation in the Maryland Juvenile Lifer Parole Representation Project. This project came together in June 2017 to recruit, train, and support pro bono lawyers to provide representation to juvenile lifers facing parole proceedings. Our project has trained 44 volunteer attorneys and provided 26 juvenile lifers with lawyers free of charge. We aim to provide juvenile lifers support as they face parole hearings, and also to shine a light on the ways that the Maryland parole system has failed juvenile and adult lifers.

Our work with the Project has brought us in close contact with former lifers and families of current ones. We have been privy to the harm wreaked by a parole system that holds no promise for these incarcerated lifers. All of them deserve a meaningful chance at parole. Without an executive committed to individualized assessments of their worthiness, their cause is lost. **We urge you to support HB 443.**

Thank you for the opportunity to submit testimony and for considering our views. FAMM is happy to assist you as you consider this important issue.