

Maryland

Groups like MAJR (a coalition of prison activists, grassroots org, law groups), Out for Justice, MDACLU, Maryland Justice Project, MDAPP-HRC, MDCURE, and many others have coalition to address the broken parole system through various legislations such as below.

- “Lifers Bill” remove the governor from the system ([SB249](#)). HB846/SB249-Inmates-Life Imprisonment-Parole Reform. (last ten years bill presented)
- Senate recently introduce further restricting Parole those with Life sentences - [SB 150](#)
- SB225- Correctional Services-Eligibility for Parole-Life Imprisonment
- HB963-Correctional Services- Eligibility for Parole-Violent Crime
- Bill to eliminate Maryland Governors’ long-overused veto of Parole-eligible Lifers ([HB 443/SB 121](#)) (failed this session 2019)
- “Parole Incentive” bill will amend the Maryland Code’s Correctional Services Article, Sections 4-305, 7-301 and 7-309 to maintain a Parole Commission that is fair, professional and responsible for Maryland public safety
- This Maryland Alliance for Justice Reform bill would prevent Governors from removing the difference between “Parole-eligible” and “Without-the-possibility-of-Parole” sentences.
- Many of the governors would not acknowledge that the Parole Commission had sent a recommendation. Now there is a rule that they must give a decision within 180 days.
- MDACLU and MAJR have a pending Federal suit against Maryland Parole Commission and Governor challenging the parole system.

Maryland law provides two types of life sentences: those eligible for parole and those without the possibility of parole. Two other states where the Governor still has a role in parole are California and Oklahoma. In Maryland there are no criteria to guide the Governor’s decision-making.

Parole Derailed

In 1995, after receiving 13 recommendations from the Maryland Parole commission to parole lifers, and with a voter approval rating of under 20%, Governor Paris Glendening held a press conference and announced that he would not parole any lifer unless they were terminally ill. As a result of Glendening's "life means life" edict, no one serving a life term has been paroled outright since 1995. "Glendening effectively stopped all parole possibilities for persons serving life sentences, including hundreds who had been eligible after decades in prison." (This decision trapped over 2,500 people that were eligible for parole behind the walls.)

How Maryland Governors Have Exercised Executive Authority Over Lifers Since 1970

1970-1978 Gov. Marvin Mandel: 92 released

1979-1986 Gov. Harry Hughes: 65 released

1987-1994 Gov. William Schaefer: 32 released

1995-2002 Gov. Paris Glendening: 7 released

2003-2006 Gov. Robert Ehrlich, Jr: 6 released

2007-2015 Gov. Martin O'Malley: 0 released

O'Malley has not paroled, outright, any lifers. In 2011, at least 50 recommendations that were on his desk were denied.

2015-Present Gov. Larry Hogan: 7 released

Summary

Hogan since 2015 being in office has commuted 5 prisoners serving life sentences and granted parole to 2 prisoners serving life sentences but none sentenced young. "The three governors in office between 1996 and 2014 - Paris Glendening, Robert Ehrlich, and Martin O'Malley - rejected all of the Parole Commission's parole recommendations and commuted only a handful of recommended cases." There are 2,000 lifers in Maryland, and there have been 2 paroles.

UNGER CASE

Unger v. Maryland is the 2012 decision by the Maryland Court of Appeals that ordered retrials for nearly 250 persons given life sentences in criminal trials during the 1970s and 1980s. The Maryland Court of Appeals recognized that a jury instruction directing the jury to decide questions of law was structurally flawed and fundamentally unfair. As a result, more than 130 prisoners serving life sentences for violent crimes in the state of Maryland were granted new trials. Most pleaded guilty, were sentenced to "time served," and were subsequently released. Since the 2012 Unger decision, 182 persons have been released after three to four decades in prison. About 25% of this "Unger Population" were under age 21 at the time of their convictions. Their average age was 64. Some persons eligible for retrial have since died in prison, while trials are still pending in a small number of cases.

Maryland Parole Commission is a ten-member board appointed by the governor.

Appointed by Secretary of Public Safety & Correctional Services with Governor's approval & Senate advice & consent to 6-year terms:

David R. Blumberg, Chair (chosen by Secretary of Public Safety & Correctional Services with Governor's approval), 2021

Rev. Donna M. Hill, 2019; John Dale Smack III, 2020; John W. E. Cluster, Jr., 2021; Jane Chace Miller, Esq., 2021; Steven J. DeBoy, Sr., 2022; Jason E. Keckler, 2023; Christopher J. Reynolds, Esq., 2024; Sam Billotti IV, Esq., 2025; James Brochin, 2025.

The 19 risk assessment factors the Maryland Parole Commission considers before making a decision on whether or not to recommend parole for an inmate serving a life sentence:

- The circumstances surrounding the crime.
- The inmate's physical, mental and moral status.
- The inmate's progress during confinement, including academic progress in mandatory education programs.
- Why to believe that, if released on parole, the inmate will comply with all conditions of parole, particularly the requirement not to violate the law.
- Why to believe that the inmate's release will not be harmful to society.

- Any original or updated victim impact statement and/or during an open parole hearing, regarding the nature, extent and impact of the crime.
- Any recommendations of the sentencing judge from the transcript.
- Why to believe that the inmate no longer needs incarceration to increase the ability to lead a law-abiding life when released.
- The inmate's behavior and adjustment while incarcerated and the inmate's participating in institutional and self-help programs.
- The inmate's vocational training, educational training, and any other training.
- The inmate's attitude toward society, discipline, and authority.
- The inmate's past use of drugs and alcohol.
- The inmate's emotional maturity and insight into his or her problems.
- Reports and recommendation made by institutional staff personnel or by any professional consultant, e.g. physician, psychologist, or psychiatrist.
- The inmate's occupational skills and employment plans and potential.
- The inmate's family status and stability.
- The inmate's readiness to assume obligations and undertake responsibilities.
- The adequacy of the inmate's parole plan (home plan and employment plan) and available resources.

Compiled by: Tomiko Shine; Aging People in Prison Human Rights Campaign (APP-HRC)

Sources

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DCPS. Maryland Parole Commission