



February 5, 2020

Senator Will Smith
Chair, Judicial Proceedings
Miller Senate Office Building
11 Bladen Street
Annapolis, MD 21401

Re: Support for – Petition to Modify or Reduce Sentence (Maryland Second Look Act)

Dear Chairman Smith and Committee Members:

As the State's Attorney for Baltimore City, I strongly support SB591 which allows a person who is incarcerated to file for sentence modification if they meet certain criteria including; serving more than 20-25 years, committing the crime as a juvenile, or being 55 years of age or older.

Over the past decade this country's incarceration rate has gone down by more than 10%. The decline illustrates that our country and its citizens value efforts of decarceration, but these efforts alone are not sufficient. There remains in the U.S. nearly 2.3 million people in prisons. According to a report released in 2019 by the Vera Institute of Justice, 17,815 people were held in Maryland's state prisons at the end of 2018. This number amounts to a prison incarceration rate of 295 per 100,000 residents — a 1.7% drop from the rate in 2017. Over the past decade, the rate has fallen by nearly 29%. And while these reductions in numbers are a positive step in the right direction, more can be done. The Maryland 2016 Justice Reinvestment Act played a key and primary role in reducing the prison population in recent years, and HB0323 expands on this progress to keep Maryland moving as a leader in ending mass incarceration while continuing to hold public safety paramount.

My office prioritizes justice over convictions at all times, and this means we must ask ourselves is this sentence fair, is it just, does it improve safety? Evidence and data at both the state and federal levels demonstrate that people age out of crime and it is possible to release a significant number of incarcerated people, sentenced to decades-long terms of imprisonment, without negatively affecting public safety. Lengthy prison terms, often doled out as a deterrent and solely as a product of the tough on crime culture, are counterproductive for public safety and contribute to the dynamic of diminishing returns as the prison system has expanded.¹ Evidence illustrates that individuals age out of engagement in criminal activity, they have limited effect on deterrence and they place finite resources into increased incarceration and away from resources that address and prevent/rehabilitate criminal behaviors.² Allowing for the modification of sentences when an individual is no longer a public safety threat, and when the wants and needs of the victims are considered, is providing justice.

¹ <https://www.sentencingproject.org/publications/long-term-sentences-time-reconsider-scale-punishment/>

² <https://www.sentencingproject.org/publications/long-term-sentences-time-reconsider-scale-punishment/>

STATE'S ATTORNEY
Marilyn J. Mosby



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The Petition to Modify or Reduce a Sentence, SB591 allows Maryland to further efforts that began in 2017, to reduce mass incarceration while promoting public safety and wisely using the limited criminal justices resources that exist. People grow and change. There are presently tens of thousands of rehabilitated people in prisons who have no meaningful mechanism to seek release and no one advocating on their behalf. To end our incarceration addiction and develop a more dignified, humane, and sensible system, we must do more than change how we arrest, prosecute, and sentence people in the future. We must also look back at those we have already locked away and recognize people's ability to grow. For these reasons we urge you to favorably recommend SB591.

Thank you for your consideration.

Sincerely,

A handwritten signature in blue ink, reading "Marilyn J. Mosby". The signature is stylized with a large, looped "M" and "J".

Marilyn J. Mosby
State's Attorney for Baltimore City