



ARCHDIOCESE OF BALTIMORE † ARCHDIOCESE OF WASHINGTON † DIOCESE OF WILMINGTON

February 5, 2020

SB 591

Criminal Procedure – Petition to Modify or Reduce Sentence (Maryland Second Look Act)

Senate Judicial Proceedings Committee

Position: Support

The Maryland Catholic Conference offers this testimony in SUPPORT of Senate Bill 591. The Catholic Conference represents the public policy interests of the three (arch)dioceses serving Maryland, including the Archdioceses of Baltimore and Washington and the Diocese of Wilmington, which together encompass over one million Marylanders.

Senate Bill 591 would allow persons who have served lengthy prison sentences to petition for a modification or reduction of their sentence, regardless of whether they have been denied a prior motion for reconsideration. The “second look” review afforded by Senate Bill 591 would be limited to a.) sentences imposed for crimes committed when the petitioner was a minor, after petitioner has served the greater of 20 years without diminution credits or 25 years with diminution credits, or b.) sentences imposed for crimes committed when the petitioner was over the age of 18, so long as he or she is at least 55 years of age and have served at least 25 years. Additionally, the court must find that the petitioner does not pose a risk to public safety.

In its 2000 pastoral statement “Responsibility, Rehabilitation, and Restoration: A Catholic Perspective on Crime and Criminal Justice”, the United States Conference of Catholic Bishops (USCCB) reinforced Church teaching that “both victims and offenders are children of God” and that “their lives and dignity should be protected and respected”, while concurrently recognizing that “punishment must have clear purposes: protecting society and rehabilitating those who violate the law.” Senate Bill 591 respects both of those tenets, seeking to ensure public safety while affording a second chance for those who once violated the law but have been rehabilitated.

Moreover, this bill addresses two important issues. First, this bill addresses instances of unnecessarily lengthy sentences for juvenile offenders, who were not fully formed in conscience at the time of their offense and exhibit “greater prospects for reform”. (See *Miller v. Alabama*, 132 S. Ct. 2455 (2012)). Second, this bill addresses the issue of unnecessary imprisonment of older inmates who pose no threat to public safety. Sentencing review for inmates over 55 years of age is a reasonable measure to ensure older inmates who have been rehabilitated do not live their remaining years in confinement. Additionally, due to increased costs of care, elderly inmates are a significantly greater cost burden on the state.

Lastly, it is important to note that recidivism rates for those released after lengthy terms are often considerably lower than those who’ve served shorter sentences. It is for all these reasons that the Maryland Catholic Conference respectfully urges a favorable report on Senate Bill 591.