

STATE'S ATTORNEY
Marilyn J. Mosby



OFFICE of the STATE'S ATTORNEY for BALTIMORE CITY
120 East Baltimore Street | Baltimore, Maryland 21202

March 5, 2020

Delegate Luke Clippinger
Chair, Judiciary
House Office Building
6 Bladen Street
Annapolis, MD 21401

Re: Support for HB1437 Juveniles Convicted as Adults – Sentencing – Limitations and Reduction (Juvenile Restoration Act)

Dear Chairman Clippinger and Committee Members:

As the State's Attorney for Baltimore City, I strongly support HB1437 which allows for minors, when convicted as adults, to have imposed sentences less than the minimum term required by law and prohibiting impositions of sentences of life without the possibility of parole or release for a minor. Additionally this bill allows for an individual to file a motion to reduce the duration of the individual's sentence.

Prosecutors have a responsibility to seek justice over convictions. This is why my office supports this bill; ultimately to allow prosecutors across the State to put into practice the evidence found in developmental criminology –criminal behavior decreases significantly as people age, and therefore, lengthy and extended incarceration often does not promote community safety.

Taking then this evidence into account we must reconsider the mistakes we made in the tough-on-crime era of the 80s and 90s that brought us the escalated drug war and mass incarceration. During this time, harsh sentencing legislation was often doled out and frequently included mandatory minimum sentences, three strikes laws, life without parole, and more. Juveniles convicted of crimes were most often carrying the longest sentences as a result of these tough-on- crime tactics, leaving them to ultimately be characterized as “super predators” and “animals” who had no redeeming qualities. Ultimately though these tactics did not increase public safety and we have more people of color in jail than were kept as slaves. As Michelle Alexander wrote, “mass incarceration is the new Jim Crow.”

In Maryland, those given life sentences for crimes committed prior to age 18 have effectively become juvenile lifers without parole, something the Supreme Court outlawed in 2016. Indeed, twenty-three states across the Nation have banned juvenile life without the possibility of parole sentences, and several other states do not have anyone serving such sentences.

Prosecutors have often been the protagonists of this mass incarceration monstrosity we are facing today and so it is only right that prosecutors now play a role in undoing this system of oppression. As the lead prosecutor in Baltimore City, our office should have the authority, autonomy and discretion to review and revise sentences that are incompatible with current practices. Since the height of the war on crime, science has changed, public opinion has changed and importantly, people change. We are a nation of second chances. And we must be willing to consider the factors listed in the bill – such as an individual's age at the time of the offense, the individual's record while incarcerated, fitness to reenter society - as we contemplate reducing their sentence.

District Attorney Offices in California, Washington, New York, and Pennsylvania have used legislation similar to this proposal to create a sentencing review unit, enabling people currently incarcerated to receive an opportunity for release when continued imprisonment no longer serves the interests of justice. In doing so, these prosecutors are promoting a fairer and equitable justice system, which gives deserving individuals a second chance and saves precious taxpayer resources. House Bill 1437 does not allow for guaranteed release of these offenders. Rather, it creates a careful process for second chances, where public safety is the paramount deciding factor.

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The 80s and 90s were a dark time for our criminal justice system. We must recognize the mistakes of the past and modernize our approach to incarcerated individuals, particularly those sentenced as juveniles. This is why I urge your favorable report on HB1437.

Thank you for your consideration.

Sincerely,

A handwritten signature in blue ink that reads "Marilyn J. Mosby". The signature is written in a cursive style with a large, stylized initial "M".

Marilyn J. Mosby
State's Attorney for Baltimore City