

TESTIMONY ON SB0771

MARYLAND SECOND LOOK ACT

Senate Judiciary Proceedings Committee

March 15, 2023

SUPPORT

Submitted by: MARIANNE DIAMOND

Chair Smith, Vice Chair Waldstreicher and members of the Judicial Proceedings Committee:

I, Marianne Diamond, am testifying in support of SB 0770 The Maryland Second Look Act. I am submitting this testimony as an impacted family member of an incarcerated person.

Passage of the Maryland Second Look Act would create a meaningful opportunity for sentence modification for incarcerated people after having served 20 years of their sentence. I firmly believe that those individuals who are able to demonstrate their growth and rehabilitation, such that they are no longer a threat to public safety, should have the opportunity for release.

As the sister of incarcerated person, this would greatly impact the life of my whole family. For the past 18 years we have done our very best to support my brother in prison. His absence fractured our family back then and we have recovered the best we can. The thought of him rejoining our community gives us hope. More importantly, this Act would give my brother a chance to reenter the world and his family. During his incarceration, my brother found out he has a daughter, and now he has grandchildren. This has impacted him greatly and given him such hope for his future. The kid that committed crimes all those years ago is a far cry from the man that sits in prison today. This man sits on suicide watch and helps other inmates through the worst times of their lives. He gives them hope and helps to teach the value of the human life. Through rehabilitation, time and maturity, my brother is not the person who was locked up and sentenced. He no longer thinks and reacts the way a 20 something kid with no life or responsibility acts. He is a 41 year old man with a plan for his life and a reason to live and succeed on the outside. This ACT would give him the opportunity to prove that he will be a statistic of success.

This bill is an important tool in making meaningful opportunities for release happen, as currently, incarcerated people in Maryland can only petition the Court for modification within 90 days of sentencing, severely limiting any potential sentence modifications (1). This bill also has serious racial justice implications, giving that of the 2,212 people serving life sentences in MD, 80% are Black (2), a huge disparity when compared to the only 31% of Black Marylanders in the general population (3).

In 2021, the General Assembly made a positive step by passing the Juvenile Restoration Act SB0494/HB0409 which allowed individuals who were minors sentenced as adults the ability to petition the court for sentence modification after 20 years. The Maryland Second Look Act would extend this

ability both to youth sentenced after the JRA went into effect (who were excluded from the bill) and other incarcerated people in Maryland who committed a crime aged 18 and up.

Given the tendency for people to age out of crime and the very low recidivism for other individuals released from decades long sentences, this decision is unlikely to negatively impact public safety. This has been seen the Ungers, 200 Marylanders serving life sentences who were released after the landmark case Maryland v Unger, who, five years after the case, had a 1% recidivism rate (4). We know many more men and women serving decades long sentences who have worked hard, hoping for their chance to reenter and succeed in their communities.

For these reasons, I encourage you to vote favorably on the Maryland Second Look Act SB0771.

Thank you.

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1 Maryland Rule 4-345

2 MD DPSCS FY 2022 Q4 Inmate Characteristics Statistics (2022)

3 United States Census Data 2021

4 Justice Policy Institute Fact Sheet: The Ungers (2018)