

Cantora Testimony SB0771 3-14-23.pdf

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Position: FAV



Senate Judiciary Proceedings Committee
Testimony on SB0771, Maryland Second Look Act
March 15, 2023
SUPPORT
Andrea Cantora
Associate Professor, University of Baltimore

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

I, Andrea Cantora, am testifying in support of SB 0771, the Maryland Second Look Act. I am submitting this testimony as a faculty member in the School of Criminal Justice at the University of Baltimore. 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.

In addition to my role as an associate professor, I am also the Director of the University of Baltimore's Second Chance College Program – a college program that operates at Jessup Correctional Institution. Since 2014 I have come to know many men serving very long sentences, including life. The group of men that I have come to know are the most motivated to succeed, most involved in prison programming, are mentors to younger men, and serve as facilitators in self-help and violence prevention programs. In my 23 years of experience working with incarcerated people I am most impressed by the persistence and accomplishments of those serving very long sentences.

Consistent with my own observations, research finds prisoners serving long sentences are the easiest population to manage, most compliant with prison rules, and most likely to mentor younger prisoners.¹ The recidivism research on lifers shows that once released they have very low rates of recidivism. Specifically, lifers who are paroled are one-third less likely to be rearrested within three years compared to all released prisoners.² In California, a 15-year longitudinal research study was conducted on 860 parolees sentenced to life. Within the 15-year study period only 5 of those individuals (less than 1%) were convicted of a new felony.³ In Maryland, we can look to the Unger releases from 2012 and to date no one released under Unger has returned to prison.

¹ Johnson, R., & Dobranska, A. (2005). Mature Coping among Life Sentenced Inmates: An Exploratory Study of Adjusted Dynamics. *Corrections Compendium*: 8-28.

² Mauer, M., King, R.S., & Young, M. (2004). *The Meaning of 'Life': Long Prison Sentences in Context*. Washington, DC: The Sentencing Project.

³ Weisberg, R. Mukamal, D., & Segall, J.D. (2011). *Life in Limbo: An Examination of Parole Releases for Prisoners Serving Life Sentences with the Possibility of Parole in California*. Stanford University: Stanford Criminal Justice Center.

Research also indicates that offenders “age out” of crime. As people age they are less likely to engage in risky behavior and more likely to conform to societal norms. Achieving life milestones (e.g., marriage, children, employment, etc.), and natural maturation, are often the factors that change the life course of someone engaged in criminal behavior. Unfortunately, the longer someone remains incarcerated the more likely they are to lose their social networks on the outside, and the less likely they are to get married and obtain a meaningful career.

This bill is an important tool in making meaningful opportunities for release happen. Currently, incarcerated people in MD can only petition the Court for modification within 90 days of sentencing, severely limiting any potential sentence modifications¹. This bill also has serious racial justice implications, given that of the 2,212 people serving life sentences in MD, 80% are Black², a huge disparity compared to the 31% of Black Marylanders in the general population³.

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.

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

Thank you.

Sincerely,



Andrea Cantora, Ph.D.
Associate Professor, School of Criminal Justice
Director of Second Change College Program

SB0771 Support.pdf

Uploaded by: Anne Kirsch

Position: FAV

Anne Bocchini Kirsch
Director of Advocacy, PREPARE
anne@prepare-parole.org
(410) 994-6136

SB0771 - Criminal Procedure - Petition to Modify or Reduce Sentence (Maryland Second Look Act) - SUPPORT

Over 95% of people take pleas rather than go to trial, and these individuals have only two legal options for release without overturning that plea - a modification, which expires after 5 years, and a post-conviction, which expires after 10 years. Parole is not on the table for a variety of cases that range from the life without sentences given for murders to without parole sentences given through special enhancements for non-violent drug cases and simple robberies that could amount to stealing a purse off the back of a chair. For many people who are currently incarcerated, the Second Look Act would be their only chance for release.

In my work as a parole advocate, I generally review the kinds of cases that would fall under the Second Look Act as they approach 15 years or 50% of their sentence. There are many sentences that are not parole eligible, and I have gotten to know people with these sentences as I collected stories for the Who I Am Today project. I never met the person as they were when they committed their crime. I met the person they are today. This gives me a very different perspective on who they are.

I built my first parole packet in 2017, and have handled hundreds of cases at this point. I've met many people who have grown and changed so much that I can't imagine the person they were decades ago. I've helped them write their stories, and learned how difficult recovery can be. Sometimes they weren't ready after 5 years, or even 10, but they mature and persevere and make great accomplishments in their second decade in prison. I've seen firsthand how lack of education and resources can put someone down the wrong path, and how they can correct that course and become teachers, leaders and mentors when given the right opportunities. Some of these people are precisely who are missing in our community today. They are the men and women who could educate the youth and build our communities from the inside out to become healed, whole and productive.

It is a tragedy that our children have to commit a crime and go to prison to receive the education and mentoring they need to be successful. If given the opportunity, the right incarcerated people will become the returning citizens who can engage the next generation before the crime is committed. We have the drive, knowledge and passion to break the cycle locked away right now at a huge cost to our state. Why are we paying to keep the solution away from the problem?

I do not suggest that every person will make this kind of total transformation. A second look does not imply an early release for everyone, or even most people. It is an opportunity for us to recognize that people have the capacity for change, a capacity that is impossible to predict at a sentencing hearing 20 years earlier. After all, who could look at a graduating high school class and accurately predict what each would be doing at age 40? It is also a chance for us to, without judgment or accusation, stop the harm caused by a myriad of systemic injustices that led to over sentencing and over incarceration of specific groups of people - most notably Black men, who currently account for over 10,000 of the 14,955 people sentenced to prison in Maryland. There is no requirement in SB0771 that anyone be granted an early release. This exercise of discretion is up to the judge and based on the facts of the case and the progress of the individual. SB0771 simply says that everyone deserves an opportunity after 20 years to have their progress measured, their case reviewed, and a new evaluation made based on their current situation.

Second Look Act (1).pdf

Uploaded by: Anne Kirsch

Position: FAV

Who I Am Today

**Giving incarcerated
people a voice outside
the walls**

Anne Bocchini Kirsch
Carol Bocchini
Who I Am Today
PO Box 9738
Towson, MD 21284
whoiamtodayproject@gmail.com
(410) 994-6136

Who I Am Today Project

Sharing the Words and Faces of Those Whose Only Hope is the Maryland Second Look Act

The following are five of the hundreds of submissions received by the Who I Am Today project, a collection of the stories of people who have served long sentences in a positive way. **The people shown here are all serving Life Without the Possibility of Parole sentences.** Correctional Services Article 7-301 (d) (3) says “If an inmate has been sentenced to imprisonment for life without the possibility of parole under § 2-203 or § 2-304 of the Criminal Law Article, the inmate is not eligible for parole consideration and may not be granted parole at any time during the inmate's sentence.” This means that without **Second Look legislation they have no path to release.** Their stories of rehabilitation, healing and giving back will speak for themselves through these submissions.

I've received numerous letters from individuals serving Life Without the Possibility of Parole sentences for felony murder, which means they participated in the predicate felony, but not the murder itself. I also have seen several cases with sentences over 100 years - the highest of which is a 300-year sentence with a current release date of Aug 10, 2243. Without Second Look legislation, none of these individuals have a chance of release under any circumstances.

There are many people who have no legal options left at their disposal. In spite of the lengthy list of possible motions, many of them only apply in incredibly narrow circumstances. In fact, 97% of charges end in a plea, and that majority has only two avenues available - a modification, which expires after 5 years, and a post-conviction, which expires after 10 years. Second Look legislation contemplates a case review at 20 years or later, at which time these options are long expired and it is the only chance these people have for release.

Sonyia Daniels



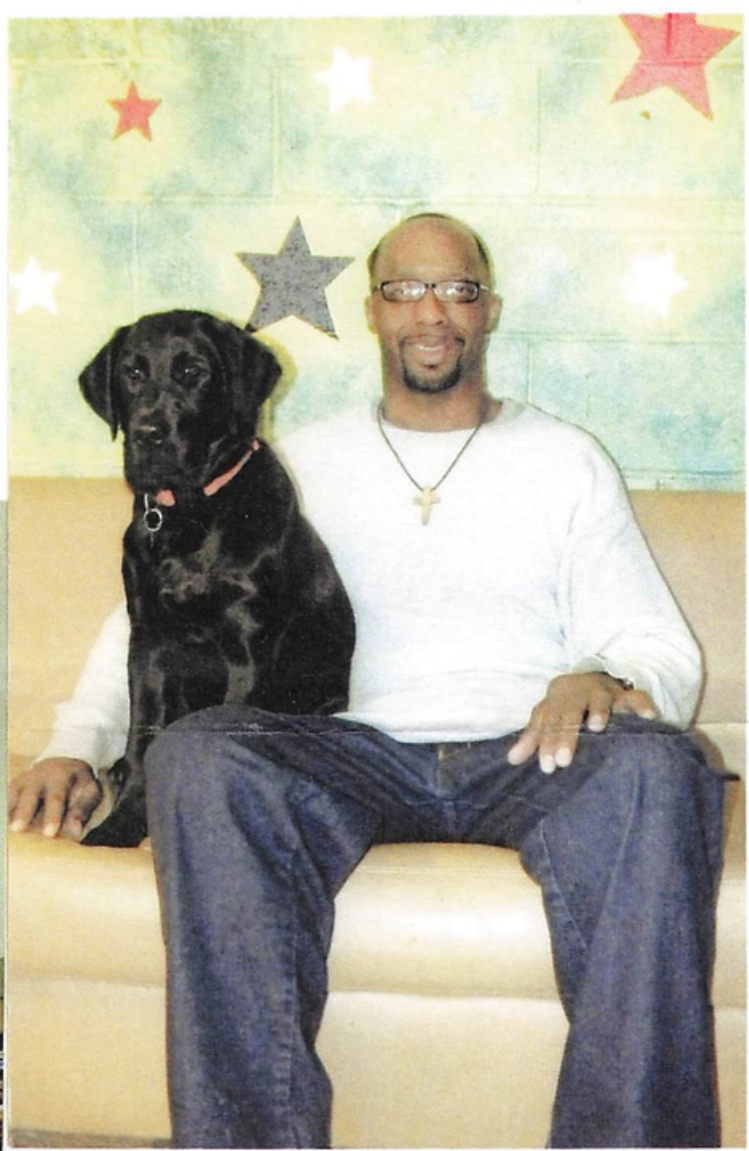
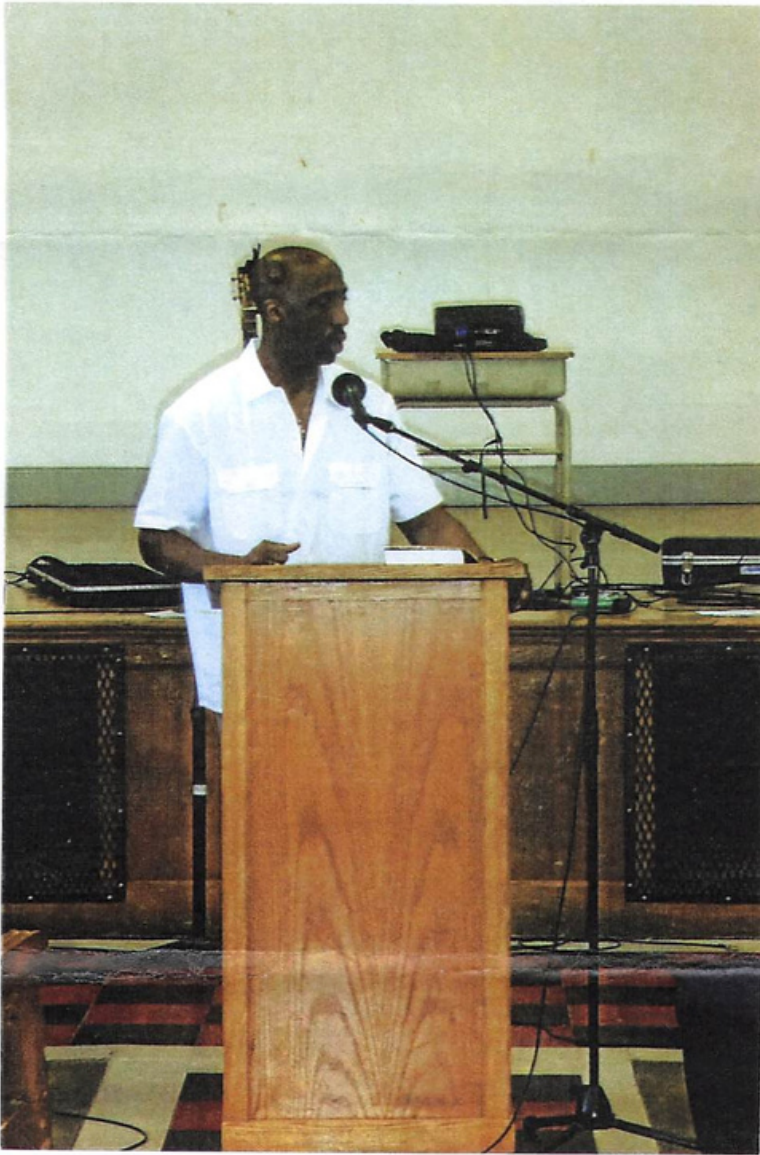
My name is Sonya Daniels, and I've been incarcerated since 2002. I'd like to tell you what I've done with the last 20 years.

I arrived in prison broken by a lifetime of abuse and mental illness, so the first thing I did was get myself stable. I knew I still wanted to be a mother, daughter, sister and aunt. I was determined to keep my family connections strong, and as of today, I'm still succeeding.

As I healed, I found a growing desire to give something back. Remorse is more than being sorry, it is changing your heart and actions too. I was surrounded by women who needed help, and I asked God to show me what I could do.

Over the past two decades, I became a mentor, a leader, and a peer recovery specialist. I helped many women get and stay on the right path here, and formed long-lasting friendships with some of them. I celebrate their successful reentries with them, knowing we may never see each other again.

Inside, I share my faith and recovery as a leader in the Celebrate Recovery program, which I helped maintain through the COVID pandemic. I meet with peers through the peer recovery program to help them stay clean, get the help they need, and not come back. I've forged strong relationships with staff, residents, volunteers, and relatives, and I let God use me to make a positive impact on the world every day.



Melwin Powell

My name is Melvin E. Powell Jr, I am the only son of Mr. Melvin E. Powell, Sr. and Ms. Betty W. Powell, I entered this world on November 2, 1968 at Anne Arundel General Hospital. My only sister, Crystal W. Powell-Davenport, was already here awaiting my arrival. My father is a retired transportation / heavy machine operator for the U.S. Naval Academy. My mother retired from teaching school after 40+ years of service. I attended school in Annapolis.

My world was undone and turned completely upside down with the loss of Mr. Edward Sherman Wilson, my grandfather, to brain cancer. Being very young when he passed, I blamed myself for years, as it was I who encouraged him to go get tested in the first place. To my young mind, if I had not told him to go to the doctor, he would not have died. Naïve as it sounds, to my mind, my hero was gone and it was my fault. This perceived reality was the beginning of my downward spiral in life.

In 1986, one bad life choice forever changed my life. I chose to start hanging out with people who, to my young mind, were men. Not real men like my father and grandfather, but those wantabe men. Flashy, loud, and with a desire to be "cool" and "tough". It was what these 'wantabe men' taught me, that led to a felony-murder conviction, along with the natural-life sentence that accompanied it. My new residence became the Maryland Department of Correction.

Taken from all I knew and deposited within a societal structure foreign to me, I set out to become the man my elders set the example for and which God meant me to be. My search began in earnest to discover what it was to be a real man. To get there, I believed I would need to grow mentally, physically, emotionally and spiritually. This journey began with obtaining my GED in 1993. This led to courses at Baltimore City Community College followed by an Associate's of Arts Degree in Christian Education from Amherst Theological Seminary. I have taken many other classes that have contributed to my academic and mental growth, at the present I am enrolled in International Christian College & Seminary to obtain my Ordination. My life was greatly influenced by my affiliation with and participation in the Old Town Jaycees. There I developed my skills in leadership and organization. These skills have proven valuable in my functioning in a leadership roll in various other organizations over the years. Two of

the most important leadership roles I have had and currently holds are the offices of Pastor and Mentor. In 1998, Bishop Orlando N. Hamilton and Rev. Dr. John C. Allee, Senior Bishop and General Overseer of Holy Trinity Ministry ordained me as a Pastor-Teacher. This ordination I still hold today. While I have been a mentor to many throughout my adult life, it wasn't until 2007 under the leadership of Mr. Keith Kitchen, then RCI's Chaplain, that I started mentoring in an organized group designed for that purpose. This group is called 'MEN for LIFE'. Then in 2011, I was asked to function as a mentor for the MCI-H Youth Challenge Program. In 2012, I was appointed Program Director. Through this position, I was able to utilize all the skills I had acquired and I restructured the program and revised its curriculum. In 6 years, the program had graduated over 240 men providing them with vital life skills along with the knowledge and encouragement to share what they have learned with those with whom they come into contact. I have a real passion for enlightening and encouraging young men.

When not engaged in mentoring, teaching or at work, I work out, read, play bass guitar and seek new things to learn. All of this is to help me deal with the stress of surviving daily life within this system.

My life's goal is to continue to help as many people as I can to become the person who God meant them to be, and lead as many as I can toward the Kingdom of God. I intend to accomplish this through the ministry I founded called "**Desire of All Nations Bible Fellowship**" where "**The Kingdom Of God is our Rule & The Glory of God is our Goal**".

The mission is to:

- † Inspire holiness in the lives of believers
- † Increase Faith within the hearts of growing Christians
- † Teach Biblical Manhood to younger men (Mighty Men Of God Program)
- † Instill Hope in the hearts of people struggling everywhere

Continuing to Mentor through the program I have founded "**Man UP**" Manhood "**The Ultimate Potential**" where "**Our Minimum Is Not Our Maximum**". Seeing the plight of the young men today, I have been moved to call them up to a higher standard than the one that I see many young men have for themselves. In everyone there is

Ultimate potential that God has purposed in us that society's flashy lights has blinded, causing many not to see it or feel doomed to failure when seeking it. I believe that educating them about God's plan for man will do this. Manhood Training will bring God's plan to fulfillment. **MAN UP** will do this through a series of educational discussions on:

Personal and Interpersonal Effectiveness:

Topics will cover: Self, Personal Character and Motivations

- ⇒ Understanding how private victories affect public victories.
- ⇒ Seeing how obtaining these victories will empower young men to dismantle and eradicate negative, harmful and/or self-destructive thoughts and behavior patterns.
- ⇒ Showing how knowledge gained from making and keeping promises to ourselves will inspire in them the wisdom of the value in the promises made to others.
- ⇒ Male hood's minimum is not Manhood's maximum.

Michelle Blythe



Who I Am Today

December 11, 2022

My name is Michelle Blythe (914-146). I used to exist, but today I am living, and it's with a reason and a purpose. Sometimes God disrupts what you call living for a bigger purpose and to find Him. I met a man named Jesus and He is a big part of who I am today. He saved me, forgave me, loves me, and taught me how to love others, in spite of how they might treat me.

Being 22 years of age when I got locked up until now, being 49 years old I have grown and matured into a virtuous and respectful woman. I realize my life is not about me, it's helping others and giving back to the world. I enjoy counseling the ladies in this prison, giving good advice, prayer, Bible study, and a shoulder to cry on in their time of need, necessities they may need, and most of all, love. Love with a sincere heart. I am very patient, understanding, sincere, loving, open-minded, and of strong faith. I serve on the church committee and the dance ministry.

I've overcome two major 3-way bypass heart surgeries, fear of dying in this place, being kind to others when they treat me unfairly, I left my daughter when she was just one year old. She is now 28 years old. She admires me and looks up to me even though I didn't raise her, my mom and sisters did. I have good family support that value my opinion, see the good in me, and most of all loves me.

Today I don't let my heart lead me. I lead my heart. I submit and allow change to take control. I had to change me in order for others to see that change is real and it's okay to be sensitive and vulnerable and not a product of your environment. The ladies here are in school, jobs, church, and some are counseling the younger generation most of all a change of attitude, they thank me, but I say it's not me, it's God that uses me as His vessel.

Thanks to God.

Success Station



Jeffrey Ebb

October 19, 2022

Jeffrey D. Ebb, Sr.
JCI ID#192431/ SID#891395
P.O. Box 534
Jessup, MD 20794

WHO I AM Today,
PO Box 9738,
Towson, MD 21284

Dear Maryland Legislature:

I am sending this letter hoping that it will make a difference with the campaign to change the narrative about long term incarcerated citizens, who have been diligently laboring to demonstrate that no one deserves to be defined for the rest of their life by the worst thing they may have ever done.

I am Jeffrey D. Ebb; I was born in East Baltimore's Lafayette Housing Projects and raised in West Baltimore's Edmonson Village. I am an incarcerated Veteran, currently serving a "Death by incarceration"; life without parole sentence as a direct result of the disease of addiction. I am in no way attempting to minimize the pain and loss nor excuse my conduct. I simply want to acknowledge I have been afflicted with a mental health disease since childhood. My parents were substance users, but my father was an alcoholic and poly substance abuser. He was both physically and verbally abusive. My parents separated when I was about eight years old as a result of my fathers' abusiveness and alcoholism.

By the Grace and Mercy of the Creator, I was blessed to graduate from Carver Vocational Technical High school with a trade in carpentry and even joined the military (Army National Guard) to get my life moving in the right direction. I knew that if I did not get away from the negativity, my life would not be progressive. My son was born around this time and I wanted to be the best father I knew how. I wanted to marry Ms. Rita Jackson, the mother of my son, and pursue a stable and responsible life. At my core, I have always wanted to have a positively progressive lifestyle. However, substance abuse challenges and resultant criminal record contributed to my discharge from the military. Every time I would apply for jobs, my record would prevent me from being hired. To take care of my responsibilities until I could find stable employment, I started selling drugs. My addiction caused me to become unmanageable.

Having now been incarcerated three decades (30 years), I have been serving my fellow incarcerated citizens and demonstrate my remorse through progressive programming, self-improvement, commitment to strengthening the interconnected fabric of our communities and persuading youth to embrace their citizenship and anti-violence in order to make something productive of their lives and healthier communities. I am a staunch advocate of rehabilitation through education and service. I have over twenty five years of programming as a facilitator, mentor, mediator,

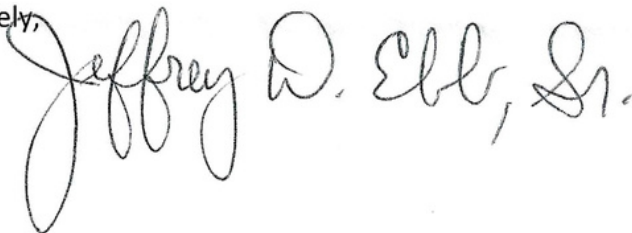
and role-model to help guide youth activities at this institution affecting hundreds of lives, and creating a safe environment for staff and incarcerated citizens. Five of the main programs for that purpose of accomplishing this task are;

- **Peer Recovery Support Specialist-** this program teaches the value of building and maintaining motivation, coping with urges, managing thoughts, feeling, and behaviors, and learning to live a balanced life.
- **Alternatives to Violence Project-**this is a creative conflict resolution and experiential program that includes values with hopes of seeking non-violent ways of dealing with problems and issues.
- **Houses of Healing-** this program is a cognitive behavior therapy and emotional literacy program that helps participants understand why they have made so many bad decisions and gives them the tools to make better decisions.
- **University of Baltimore Second Chance College Program-** I mentor students in this awesome program which is a real life changer for those students that offers access to higher education and a pathway to a better life.
- **Outback Observer Editor-** This in the institutional newsletter that I helped to create and been managing for twenty years.

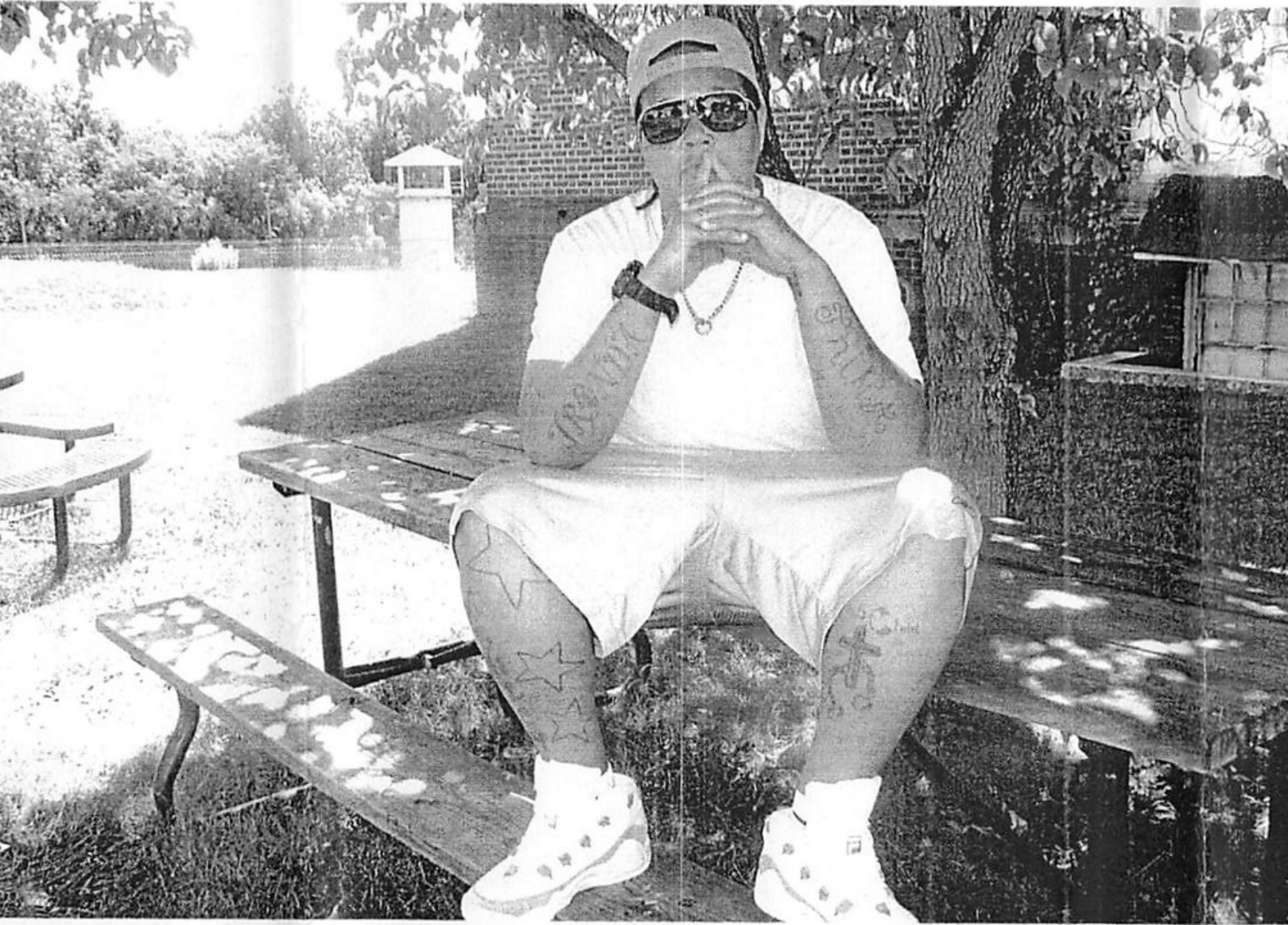
Please note additional accomplishments are identified in the attached resume.

I am incredibly serious about saving lives, preventing victimization, and redirecting at-risk youth and those affiliated with gangs. Take a close look at the transformation I have made during his lengthy three decades of incarceration. I am firmly committed to progressively metamorphosing lives and public safety. Please allow me a meaningful opportunity to demonstrate my resolve to be an asset to the social contract. If you sense I can be of assistance working with youth to prevent them from making choices that diminish their freedom and put them on the path to incarceration please do not hesitate to call upon me; I am ready, willing, and qualified to handle the work.

Sincerely,

A handwritten signature in black ink that reads "Jeffrey D. Ehl, Sr." The signature is written in a cursive style with a large, looping initial 'J'.

Brittany Barclay



Dear Legislature,

12-12-2022

I am writing this letter because I am very intrigued to the fact that I can have the opportunity to write about who I am today, oppose to what led to my imprisonment.

I currently have "Life Without Parole". I have been incarcerated since January 2009. I was 19 years old. When I first came to MCI-W I had no idea who I was or where I was going in life.

My first few years in the beginning were rough because I was in my own way. In 2012 I became enrolled in school because I wanted better. Since 2012 I have also been categorized as a Model Inmate.

One day I eventually woke up and was hungry for change. I knew change could be difficult. However, that didn't stop me. I became so aware of the things I had to do to better myself so I put my feet to work. I signed up for all kind of groups that I knew would help me positively in all areas. While I continued to go to school as well my grades only improved because of my determination to succeed and I graduated and received my Diploma in 2013. Throughout years of dedication I also received "29 certificates" as well as "certifications in ① Blood Spill, ② Sanitation, ③ Floor Tech, and ④ MCE.

I had to live and learn. What kept me going was the fact that I believed in

my ability to change. I imagined myself as the person I wanted to become. Basically, I would finish what I start and I didn't allow setbacks to discourage me it only challenged me more to do what I had to do. The key to so much in this place is that "It takes nothing to join the crowd it takes everything to stand alone"... I STAND ALONE... I work for "MCE" on my off days I participate in cleaning details in which I buff and strip floors. I also train other inmates so that they can receive certifications.

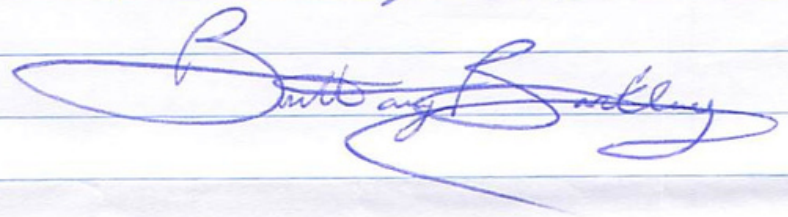
So much is easier said than done but I overcome many trials, tribulations, obstacles that life may throw at me because nothing is worth me losing everything I have worked so hard for. Yes, some things are inevitable that's when challenges are faced then decisions are made. For instance I live to lead by example. Isolation has helped me become a leader. I find my own truth. I'm not swayed by fear nor opinions. I'm faced with my own decisions. I examine who I am as an individual. I know what's important to me. I overcome many challenges because to me personally things ain't always about the process it's about the results.

I never judge a book by its cover. So many are misunderstood. My purpose is to help people and I welcome to help any and all regardless of their skin color, religion, preference, or charge. I give people honesty not what they want to hear. I don't judge, neither do I

pacify. I treat people how I want to be treated. I have helped many find themselves from my own personal truth and acknowledgement. Everyone deserves a chance to be heard.

Outside of here I have a huge family very supportive, loving, caring and amazing. I am 33 years old now still till this day my entire family is still here by my side. For that I am gratefully blessed as well as honored. I'm just as equal as anyone else. I'm no better than anyone. God deserves the glory. I give back in here in all the ways I can. I can't wait to be able to give back to my community. I have a destination, I know my purpose, I have a heart.

kindest regards,

A handwritten signature in blue ink, appearing to read "Anthony Bradley". The signature is highly stylized and cursive, with a large, sweeping flourish at the end.

0771.pdf

Uploaded by: Atoya Fletcher

Position: FAV

Hello, I am writing in support of the Maryland Second Look Act SB0771/HB1263. I support this bill from different perspectives. 1-As a former Correctional Officer I had the chance to be face to face with some of the people that were actually incarcerated and I had the chance to see most of them change and evolve from the person that they once were. I have seen most rehabilitate themselves by helping others such as the youth get their lives straight so that they won't continue to make the same mistakes that they made and by becoming involved in programs designed especially for reform. The prisons now have an Inside Peer Specialist Program, Smart Recovery and Conflict Resolution Programs that will prepare these incarcerated individuals with the knowledge to help others from becoming victims & perpetrators. 2-As someone who has a loved one that it locked up. Although I agree that if you commit a crime you must be punished but what is a punishment if you do not learn from it? The prisons themselves are just a place to house incarcerated individuals until their sentence is up, they are not teaching these individuals to be better it's something that they must want and learn on their own. They must want to sign up for the programs and want to change. Once a person has decided to be a better person and put forth the effort to change then that is when the punishment has been fulfilled. The whole point of the prison system is to reform and rehabilitate. Once that has been accomplished there should be a chance for redemption. Redemption to prove to the world that they are not the same person that they once were. I believe that a number of individuals fit this description and should be giving a second chance. I support this bill for those ALREADY incarcerated with a good prison record, 1/4 of their time served and strong signs of improvement. Thank you for your time on this matter.

GROGAN_TESTIMONY_SB 0771.pdf

Uploaded by: Dorain Grogan

Position: FAV

**TESTIMONY ON SB 0771
MARYLAND SECOND LOOK ACT**

**Senate Judiciary Proceedings Committee
March 15, 2023**

SUPPORT

Submitted by: Dorain Grogan

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

I, Dorain Grogan, **am testifying in support of SB 0771, the Maryland Second Look Act.** I am submitting this testimony as an impacted family member, as my son is incarcerated. Please know, I would be there to testify in person, if not for my disability.

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.

My son has been incarcerated for over 15 years, during which time I have seen tremendous growth in him, mentally and physically. His judgement has greatly improved since he was a teenager, when he was incarcerated. He has taken on the challenge to improve himself in many ways over the years. He is currently taking classes at Georgetown to get his degree. He was one of the first 25 students accepted to the program from hundreds of applications across the state. He has also been mentoring some of the younger men in prison to help them stay on the right path. He is trying very hard to help other people on the correct path. Even correctional officers praise him and trust him. I know when he comes home, he will continue on that same path. In the past year, I have lost my sight, and having him home to support me around the house and to travel would be an amazing gift.

This bill is an important tool in making meaningful opportunities for release happen, as currently, incarcerated people in MD can only petition the Court for modification within 90 days of sentencing, severely limiting any potential sentence modifications¹.

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 and other incarcerated people in Maryland who committed a crime aged 18 and up. For other parents who have watched their teenage children be incarcerated, this would mean so much.

I know when my son is given the opportunity to come home, he will stay home and be very successful. He has a loving support system around him with myself and his sisters. He has demonstrated over the past 15 years of his incarceration, his dedication to growth and success. Please give him and so many others the 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.

¹ Maryland Rule 4-345

SB0771GPEPTestimony-MDSecondLookAct FINAL.pdf

Uploaded by: Eliza Cornejo

Position: FAV

**TESTIMONY ON SB 0771
MARYLAND SECOND LOOK ACT**

Senate Judiciary Proceedings Committee

March 15, 2023

SUPPORT

Submitted by: Eliza Cornejo

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

I, Eliza Cornejo am testifying in support of SB 0771, the Maryland Second Look Act. I am submitting this testimony as the Executive Director of the Goucher Prison Education Partnership (GPEP), a program of Goucher College, a non-profit, liberal arts college located in Towson, Maryland.

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

For over 10 years, GPEP has been proud to offer access to a rigorous college education to students who are incarcerated in two Maryland state prisons: the Maryland Correctional Institution – Jessup (MCIJ) and the Maryland Correctional Institution for Women (MCIW). Around 130 students enroll at Goucher College every year through GPEP; each working toward a bachelor’s degree that they can complete either while incarcerated or after transferring their credits and finishing at any accredited college nationwide upon release, including on Goucher’s main campus in Towson. Their scholarly work as students and the work they go on to do as alumni enhances their communities both inside and outside of the prisons. All of us benefit from their contributions to our state and our country.

To date, former GPEP students have continued their studies at 20 different colleges and universities, earning 26 degrees. Two former students are now enrolled in master’s degree programs at Johns Hopkins University and Rutgers University in NJ, respectively. Of the students who have completed their full degree with Goucher, 40% have graduated with honors. In addition to continuing their studies, when they return home from prison former GPEP students engage in as wide a range of pursuits as can be expected of any diverse student body including working in all areas of the service industry, participating in religious leadership groups, and starting their own businesses. Some work for non-profit organizations like the Education Trust

and the Vera Institute of Justice, creating academic and professional opportunities for other people who are formerly incarcerated. Many have been able to secure good-paying jobs with benefits for the first time in their lives that allow them to be present and engaged parents and partners. The fact that they are home with their families and engaging in meaningful work means that instead of passing on to their children cycles of poverty and incarceration, they are passing on generational accumulated wealth and hope for a brighter future for us all.

The time to look at sentence modification is far overdue. Especially with the restoration of federal Pell Grants to incarcerated students as of July 2023, and bills like [HB0416](#) and [HB89](#) that support the implementation of higher education and other rehabilitative programs in prison, there is a large (and growing!) population of individuals in prison who are eager and well equipped to make a positive impact in their communities outside of prison. Studies have shown that access to a high-quality education in prison can lower recidivism rates by over 38%¹, so as more people who are incarcerated have access to high quality education and resources, I am confident that more people will be staying home once they come home. It is critical that we take a second look at these cases and the human beings behind these sentences.

This bill is an important tool in making meaningful opportunities for release happen, as currently, incarcerated people in MD can only petition the Court for modification within 90 days of sentencing, severely limiting any potential sentence modifications². This bill also has serious racial justice implications, given that of the 2,212 people currently serving life sentences in Maryland, 80% are Black³, a huge disparity given that only 31% of Marylanders in the general population are Black⁴.

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. It is important to note here that the definition of minor used is under 18 years of age, meaning a teenager who was sentenced as an adult when they were 18 years and 1 day old would not be eligible for the Juvenile Restoration Act. We know that the brain is not fully developed until at least 26 years old, particularly the frontal cortex where decision-making and executive functioning is processed. So, there is still an enormous need for comprehensive sentencing reform for all. 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 rate for other individuals released from decades-long sentences, this decision is unlikely to negatively impact public safety. This has been seen with 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 rate⁵. 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**.

Please feel free to reach out with any further questions. Thank you.



Eliza Cornejo
Executive Director
Goucher Prison Education Partnership
401-337-3067
eliza.cornejo@goucher.edu
www.goucher.edu/gpep



¹ [The Effects of College in Prison and Policy Implications](#) (2021)

² Maryland Rule 4-345

³ [MD DPSCS FY 2022 Q4 Inmate Characteristics Statistics \(2022\)](#)

⁴ [United States Census Data](#) 2021

⁵ Justice Policy Institute [Fact Sheet: The Ungers](#) (2018)

Senate Testimony for Second Look Act.docx.pdf

Uploaded by: Gordon Pack, Jr.

Position: FAV



PREPARE
PREpare for PARole and REentry

March 14, 2023

Re: Testimony in Support of SB0771
Criminal Procedure - Petition to Modify or Reduce Sentence
(Maryland Second Look Act)

Dear Members of the Judiciary:

As a registered voter, a parole advocate, and a returning citizen, I support SB0771 sponsored by Senator Benson. I believe in redemption and second chances; and I applaud continued efforts to enact a Second Look Act in Maryland for offenders who were emerging adults. Additionally, I ask that a favorable vote be rendered.

I am a beneficiary of the Juvenile Restoration Act (JUVRA) which became effective in October 2021. I was convicted for violent crimes committed as a fifteen year old in 1979. Consequently, I was sentenced to a congregate parole eligible life sentence. Despite becoming eligible for parole in 1992, having parole hearings in the double digits, amassing a strong record of accomplishments, demonstrating remorse, maturity and rehabilitation, I still did not know when or if I would ever be paroled nor what was expected of me to obtain release after forty-two years of imprisonment. With the sentencing Court no longer having jurisdiction and exhausting all legal remedies, the probability of living any of my life beyond prison walls seemed bleak.

No legal presumption that any prisoner should be released upon reaching parole eligibility in Maryland is a sadly perplexing reality. Courts are aware of parole eligibility dates when imposing sentences, may make recommendations regarding parole, and have reasonable expectations for convicts to be released from a term of confinement. Factors of parole consideration are legislated for the Parole Commission (MPC), too. However, the lack of statutory and regulatory provisions regarding the exercise of MPC discretion allows it to render decisions in any manner without explanation.

Fortunately, the legislature gave the Court jurisdiction to review my case. Considering the outlined criteria, including low risk assessments by the MPC and a private psychologist, the Court suspended my sentence enabling my release. Since that time I completed a transitional reentry program, continue involvement with support groups, gained meaningful employment with a nonprofit providing parole and reentry services, joined

Prepare-parole.org
PO Box 16274, Baltimore, MD 21210



PREPARE
PREpare for PARole and REentry

the lobbying effort for criminal reform, and engage in other community services. I am making a positive difference in the lives of others which would not have been possible without the JUVRA.

Though I am deeply sorry for the tragic crimes fifteen year old me committed and spend everyday trying to atone for my actions, I question the justice of holding a juvenile or emerging adult in prison for ten, twenty, thirty years beyond his parole eligibility date once maturity and rehabilitation has been demonstrated. So, parole is the only avenue of release for those who have exhausted appeals and post-convictions and/or have pleaded guilty. And that's only for those who are eligible for parole. Then, there are those who are sentenced to non-parolable terms.

Some of these men and women who have committed violent crimes, accepted responsibility for their transgressions, worked hard to improve their social functioning, become model prisoners, and would be productive citizens do not have a realistic opportunity of release. I believe that this segment of Maryland's population should have an opportunity for a second chance. The Second Look Act restores hope in the criminal justice system by providing a badly needed opportunity for Court intervention. Therefore, I urge this honorable committee to vote favorably for SB0771.

Truly yours,

Gordon R. Pack, Jr.

gordon@prepare-parole.org

gordonrpack@gmail.com

Cell# 410-456-7034

Prepare-parole.org
PO Box 16274, Baltimore, MD 21210

SB771.second look.JPR testimony.pdf

Uploaded by: Judith Lichtenberg

Position: FAV

Testimony in support of SB771: Criminal Procedure – Petition to Modify or Reduce Sentence (Maryland Second Look Act)

My name is Judith Lichtenberg. I have lived in Hyattsville/University Park since the early 1980s and am professor emerita of philosophy at Georgetown. Since 2016, I've been teaching, tutoring, and mentoring at Jessup Correctional Institution (JCI); a year or two later I began doing the same at the DC Jail. I'm on the executive committee of the [Maryland Alliance for Justice Reform](#) (MAJR).

I have taught well over a hundred students behind the walls. Many of them have been incarcerated since they were in their teens or twenties. Many have been locked up for more than 20 years. Most are very different people than they were when they committed their crimes. Most are people I like and trust a great deal. I find it unconscionable that they will live out their days in prison no matter who they are today or how they have changed. The people I am thinking of do not present a threat to society; they feel great remorse for what they did; and they can make valuable contributions to their communities.

This bill, which would allow a person to petition for a sentence modification if they have served 20 years (with a few other qualifications), is a crucial step in reducing mass incarceration and achieving justice. Keeping people incarcerated for crimes they committed when young is particularly problematic. [We know](#) that the brain does not reach maturity until a person is in their mid-twenties. And over the course of decades even those who committed crimes after 25 can change radically. Current practice is costly in terms of the tremendous waste of human resources that occurs when we lock people up for decades and decades because of crimes committed so long ago.

The number of prisoners 55 or older [grew 280% from 1999 to 2016](#). Some states estimate that it costs four times as much to care for older prisoners as younger ones. Because people age out of crime by middle age, incarcerating them does not serve any counterbalancing public safety benefit.

Legislators have introduced [second look bills](#) in 25 states. In 2020 the District of Columbia adopted the Second Look Amendment Act, which allows those whose offenses occurred before they were 25 to petition for resentencing once they have served 15 years.

A right to petition for sentence modification is not, of course, a guarantee that modification will be granted. But there are [a variety of reasons](#)—rooted in justice, mercy, racial inequities, inefficiency, ineffectiveness, and cost—to permit requests for sentence modification by prisoners who have served 20 years in prison.

I urge you to issue a favorable report on SB771.

Judith Lichtenberg
7109 Eversfield Drive
Hyattsville, MD 20782
District 22
301.814.7120
jalichtenberg@gmail.com

MTsiongasSB0771Testimony.pdf

Uploaded by: Magdalena Tsiongas

Position: FAV

**TESTIMONY ON SB 0771
MARYLAND SECOND LOOK ACT**

**Senate Judiciary Proceedings Committee
March 15, 2023**

SUPPORT

Submitted by: Magdalena Tsiongas

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

I, Magdalena Tsiongas, am testifying in support of SB 0771, 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.

Given that he is unable to testify himself, my loved one had a few words to share:

“After being sentenced to life without parole at 19 years old, during my past 16 years of incarceration, I had to choose to intentionally seek out opportunities for betterment, often in the face of hopelessness. I have come to support those around me in their own journeys by leading the Alcoholics Anonymous and Narcotics Anonymous groups for other incarcerated men. Religion has also been an important part of my healing, and I have dedicated myself as an usher in church. I have finally had the opportunity to take college classes and focus on writing, which has been a passion of mine since a child. I do all of this because I know there is much more for me to give to my community. The Maryland Second Look Act would allow me to demonstrate my growth to the Court, far beyond the 19 year old that first came to prison. Being able to one day come home would allow me to repay my family for all they have sacrificed for me these almost two decades and continue my growth in society.”

As a family member, the Maryland Second Look Act is a meaningful opportunity for relief, and one day release, for our loved ones. We have watched the growth in our loved ones over years and decades and know how much loving support they have behind them when they come home. This bill is a vital tool in making meaningful opportunities for release happen, as currently, incarcerated people in MD can only petition the Court for modification within 90 days of sentencing¹, meaning many people are denied modification before they have the opportunity to show their growth.

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 to people like my loved one, who were incarcerated as young adults.

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

Thank you for your work and thoughtful consideration of our comments.

¹Maryland Rule 4-345

Mike.pdf

Uploaded by: Marianne Diamond

Position: FAV

TESTIMONY ON SB0771

MARYLAND SECOND LOOK ACT

Senate Judiciary Proceedings Committee

March 15, 2023

SUPPORT

Submitted by: Leanna Ennis

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

I, Leanna Ennis, am testifying in support of SB 0770 The Maryland Second Look Act. I am submitting this testimony as an impacted friend 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.

I have known Mike over 20 years and the impact he had on me had a lifelong effect and the void that was left when he went away can only be filled once he is back reunited with us. He is a good man with a good heart who deserves a second chance. I truly believe if given the chance he would make a positive difference in so many lives and be a role model to many. He has so much to live for. There is so much waiting for him on the outside.

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.

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)

Sealover.pdf

Uploaded by: Marianne Diamond

Position: FAV

TESTIMONY ON SB0771

MARYLAND SECOND LOOK ACT

Senate Judiciary Proceedings Committee

March 15, 2023

SUPPORT

Submitted by: BARBARA ANN SEALOVER

Chair Smith, Vice Chair

Waldstreicher and members of the Judicial Proceedings Committee:

I, Barbara Ann Sealover, am testifying in support of SB0770 The Maryland Second Look Act. I am submitting this testimony as an impacted family member of an incarcerated person.

Passage of Maryland Second Look Act would create meaningful opportunity for sentence modification for incarcerated people after serving 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, or society, should have the opportunity for release.

As the Mother of an 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 son in prison. His absence fractured our family back then, and we have recovered the best we can. The thought of him rejoining our family, community, and becoming a productive member of society again, gives us hope.

During my sons incarceration, he found out he has a daughter, and, is now a grandfather of two beautiful babies. This has impacted him greatly and given him such hope for his future.

The man that sits in prison today is a far cry from the kid that committed crimes all those years ago. My son now sits on suicide watch, and helps other inmates through the worst times of their lives. He helps teach them the value of human life and gives them hope.

(2)

Through time, rehabilitation and maturity, my son is not the person who was locked up and sentenced many years ago. He no longer acts or thinks the way a 20 something kid does with no life, or responsibility. 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 to 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 SBO0494/HBO0409 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 of Maryland vs 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 re-enter and succeed in their communities.

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

Thank you,

Barbara Ann Sealover

1 Maryland Rule 4-345

2 MD DPSCS FY 2022 Q4

3 United States Census Data 2021

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

TESTIMONY ON SB0771.pdf

Uploaded by: Marianne Diamond

Position: FAV

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.

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)

SB0771 Bill Testimony.docx.pdf

Uploaded by: Maryland Legislative Latino Caucus

Position: FAV



MARYLAND LEGISLATIVE LATINO CAUCUS

Lowe House Office Building, 6 Bladen Street, Room 200 · Annapolis, Maryland 21401
Phone 410-841-3374 | 301-858-3374 · 800-492-7122 Ext. 3374 · Fax 410-841-3342 | 301-858-3342
latino.caucus@house.state.md.us · www.mdlatinocaucus.org

DAVID FRASER-HIDALGO, CHAIR
JOSELINE A. PEÑA-MELNYK, VICE-CHAIR
GABRIEL ACEVERO, TREASURER
JESSE T. PIPPY, SECRETARY
MADELIN MARTINEZ, EXECUTIVE DIRECTOR

TO: Senator William C. Smith, Jr., Chair
Senator Jeff Waldstreicher, Vice Chair
Judicial Proceedings Committee Members

FROM: Maryland Legislative Latino Caucus

DATE: March 13, 2023

RE: SB0771 Maryland Second Look Act

The MLLC supports SB0771 Maryland Second Look Act

The MLLC is a bipartisan group of Senators and Delegates committed to supporting legislation that improves the lives of Latinos throughout our state. The MLLC is a crucial voice in the development of public policy that uplifts the Latino community and benefits the state of Maryland. Thank you for allowing us the opportunity to express our support of SB0771.

Poor individuals of color disproportionately carry the weight of a criminal record.¹ In a state of just over 6 million, 1.5 million Marylanders have a criminal record, and across America, one in three African-American males and one in six Latino males, compared to one in seventeen white males, are expected to spend time in prison at some point in their lives.² Maryland currently leads the nation in incarcerating young Black men, incarcerating the highest percentage of people who are Black in the U.S., more than twice the national average,³ and as of 2019, Maryland incarcerated more than 18,500 Latinx individuals.⁴ This bill also addresses the issue of juvenile offenders who were young at the time of their incarceration and have a greater possibility of reform, as well as older offenders who have been rehabilitated and pose less of a threat to public safety. Research also shows that rates of recidivism drop with longer terms of confinement.⁵

SB0771 authorizes a person who is serving a term of confinement to petition a court to modify or reduce the sentence if they have served 20 years of the term of their confinement without application of diminution credits, or the equivalent of 25 of the term of confinement with the application of diminution credits, and at least five years have passed since the court decided any petition previously filed by the petitioner. This will enable incarcerated individuals who have served a bulk of their time and have been rehabilitated to reenter society and become productive community members.

For these reasons, the Maryland Legislative Latino Caucus respectfully requests a favorable report on SB0771.

¹ Pinard, M. (n.d.). *Criminal Records, Race, and Redemption. Legislation and Public Policy, 16.*

² [THOMAS P. BONCZAR, BUREAU OF JUSTICE STATISTICS, PREVALENCE OF IMPRISONMENT IN THE U.S. POPULATION, 1974-2001](#)

³ [Rethinking Approaches to Over Incarceration of Black Young Adults in Maryland. \(2019, November 6\). Justice Policy Institute.](#)

⁴ [Nellis, A. \(2021\). The Color of Justice: Racial and Ethnic Disparity in State Prisons. The Sentencing Project.](#)

⁵ [Recidivism of Prisoners Released in 30 States in 2005: Patterns from 2005 to 2010 - Update. \(n.d.\). Bureau of Justice Statistics.](#)

Testimony Criminal Procedure- Petition to Modify o

Uploaded by: Oluwatosin Afolabi

Position: FAV

JOANNE C. BENSON
Legislative District 24
Prince George's County

Budget and Taxation Committee
Education, Business and
Administration Subcommittee

Pensions Subcommittee
Chair, Rules Committee

Joint Committees

Audit and Evaluation Committee

Children, Youth, and Families

Ending Homelessness

Fair Practices and
State Personnel Oversight

Joint Committee on Pensions



James Senate Office Building
11 Bladen Street, Room 201
Annapolis, Maryland 21401
410-841-3148 · 301-858-3148
800-492-7122 Ext. 3148
Fax 410-841-3149 · 301-858-3149
Joanne.Benson@senate.state.md.us

THE SENATE OF MARYLAND
ANNAPOLIS, MARYLAND 21401

Testimony of Senator Joanne C. Benson

SB 771: Criminal Procedure – Petition to Modify or Reduce Sentence (Maryland Second Look Act)

Good afternoon, Chair Smith, Vice-Chair Waldstreicher, and esteemed members of The Judicial Proceedings Committee. I am here to present SB771, The Maryland Second Look Act.

With 2 million people confined in the US correctional facilities, the United States currently leads the world in the incarceration of its citizens. The Maryland Second Look Act will aid prison reform by providing deserving individuals a chance to be high functioning members of society. The bill will allow for people in the prison system to be able to modify their sentence and be given a second chance; a chance that no one else would be given.

Additionally, during the past 40 years, jail populations have grown by 500%. The majority of this increase is explained by changes in laws and practices utilized for sentencing, NOT changes in crime rates. The second look act is giving people in prison a second chance at life to become a contributing member of society. The prefrontal cortex is the part of the brain who's sole function is to control impulses and make good decisions but its not fully developed until the age of 25. There is a large percentage of teens who are incarcerated and spend the rest of their lives in jail. The Maryland Second Look Act ensures the fairness of the imprisonment system in the State of Maryland.

The intent of this legislation is to make it possible for someone who is currently serving a sentence to request a court modification or reduce their sentence under certain circumstances. For the petitioner to have the choice to seek appeal after their conviction, they must first have completed both accompanying impediments. The first part of the impediment is to have served 20 years of the sentence without the utilization of diminution credits, and the second part is to have the equivalent of a 25-year sentence with the utilization of diminution credits. Under this measure, the offender's appeal of a sentence change or reduction will be allowed to be opposed by the victim of the crime or a representative of the victim of the crime. In conclusion, this bill will guarantee that we maintain fair practices and just sentencing in our courts systems.

Thus, I respectfully urge the committee to issue a favorable report for SB771.

Support SB 771 - Second Look Act.pdf

Uploaded by: Philip Caroom

Position: FAV

Support SB 771 - Second Look Act

MARYLAND ALLIANCE FOR JUSTICE REFORM
Working to end unnecessary incarceration and build strong, safe communities



TO: Chair Will Smith and Senate Judic.Proceedings Committee

FROM: Phil Caroom, MAJR Executive Committee

DATE: March 15, 2023

Md. Alliance for Justice Reform ([MAJR-www.ma4jr.org](http://www.ma4jr.org)) supports SB 771 that would permit sentencing judges to consider possible modification of sentences under limited circumstances.

This is not a new concept that would create a crisis for the Judiciary. Quite the contrary, prior to a 2004 modification of Maryland Rule 4-345, Maryland judges regularly considered sentence modifications without a 5-year cap. So, SB 771, in its central provision, would restore this discretion that judges previously could exercise throughout earlier Maryland court history. (See revisor's notes to Maryland Rule 4-345.)

In effect, there is a backlog of cases created by Rule 4-345's amendment that the Courts could work through much as was done with the Unger cases and Justice Reinvestment reconsiderations after retroactive modification of mandatory sentence provisions.

One procedural difference between the current sentence modification Rule and SB 771 is the requirement for a hearing in a qualifying motion. Because of the 20 or 25 year qualification under SB 771, the hearing is especially appropriate because it is likely that the original sentencing judge will have retired and that a new judge will need to familiarize herself or himself with the case, the defendant and the victim. It also is desirable because sentencing judges, under current law, very rarely ever will see inmates who have been impacted by sentences after 5 years have passed and who have had decades to work on their rehabilitation. Judges should have this opportunity to see, in person, the impact and possible results of our lengthiest sentences.

SB 771 also is consistent with the policy of Maryland's Justice Reinvestment Act (JRA), permitting judges to grant retroactive reduction of sentences in recognition of new sentencing policies. Thus, Maryland courts, prosecutors, Public Defenders and other defense counsel have gained substantial experience in how to process a high volume of such requests.

Particularly, state prison population and expenses may be reduced via reductions for inmates with lowest-risk status—and successful applicants for SB 771 sentence modifications would be low risk in light of their aging, deteriorating health, and such individuals' self-rehabilitation achievements. These savings, as provided by JRA, would serve to provide more grant funding to assist with drug treatment, reentry and other rehabilitation programs for younger, higher risk offenders.

For all these reasons, Md. Alliance for Justice Reform (MAJR) urges a favorable report on SB 771.

PLEASE NOTE: Phil Caroom offers this testimony for Md. Alliance for Justice Reform and not for the Md. Judiciary.

SB 0771_MD Second Look. fav.pdf

Uploaded by: T. Shekhinah Braveheart

Position: FAV



Testimony to the Senate Judiciary Proceeding Committee

Senate Bill 0771 — Petition to Modify or Reduce a Sentence: The Maryland Second Look Act

Justicepolicy.org

Founded in 1997, the Justice Policy Institute (JPI) is a nonprofit organization developing workable solutions to problems plaguing juvenile and criminal justice systems. For over 25 years, JPI's work has been part of reform solutions nationally, with an intentional focus on Maryland. Our research and analyses identify effective programs and policies, in order to disseminate our findings to the media, policymakers, and advocates, and to provide training and technical assistance to people working for justice reform.

JPI supports Senate Bill 0771, which would permit individuals currently serving a term of confinement to petition the court for release opportunities after serving a term of at least 20 years.

[When There Is Harm, There Need to Be Repair](#)

Maryland's parole system does not work as the decarceration mechanism it should. The 2016 [Justice Reinvestment Coordinating Counsel](#) revealed that only 37 percent of offenders released in Maryland are released through parole, and of that 37 percent, individuals served an average of nine months past their parole eligibility date. As a result of bureaucratic delays and perpetual recommendations for "re-hearings", long-sentenced, parole-eligible individuals are often subjected to 3- 7 parole hearings throughout their incarceration, despite rehabilitative success and program completion. *That* is a broken parole system.

State and local discriminatory tactics of past eras continue to effect Maryland's criminal justice system today. The residual effect of racist-now obsolete- practices like "Key-Man jury selection" are evident. In 2020, the Maryland prison population included 680 Black men over the age of 60, accounting for 59% of the entire 60+ prison population. The Maryland Second Look Act would allow judges to consider individuals' post-conviction conduct, including their disciplinary record and participation in rehabilitative programming before determining that their sentence reduction and/or release poses little to no risk to public safety. The Maryland Second Look Act does *not* guarantee anyone will get out early. Instead, it just gives incarcerated people an opportunity to show the original sentence no longer fits.

[Adding Years, And Years, And Years to Sentences Has Not Made Us Safer](#)

Nationally, people who have been released through Second Look Laws have extremely low rates of re-offending, and many are now working in their communities to help young people avoid a life of crime. This runs contrary to the narrative that longer more punitive sentencing increases public safety. In Maryland, ex-offenders who have been released through Maryland's Juvenile Restoration Act (JRA) are now thriving, contributing members of their communities. *No one has reoffended.*

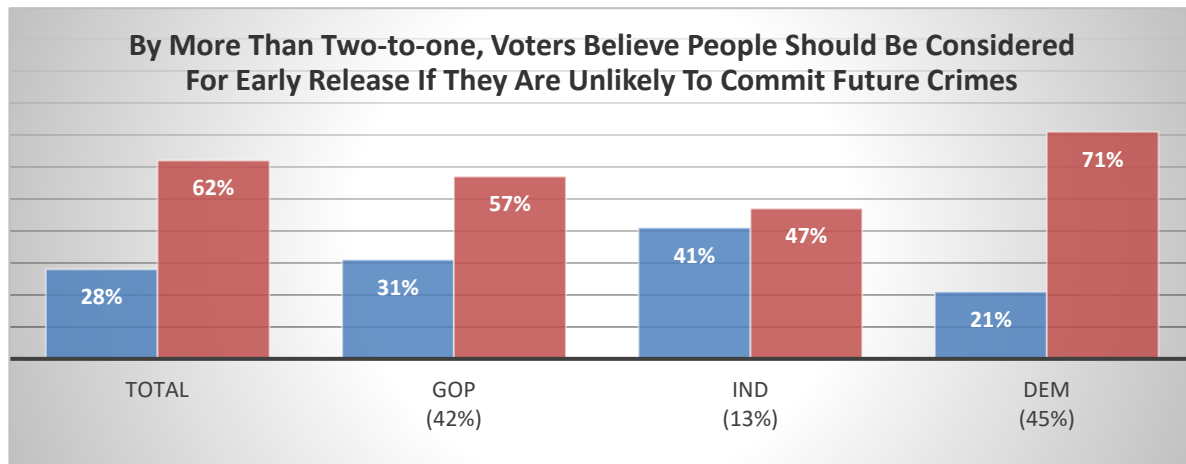
Former juvenile offender, Sara had not incurred any disciplinary infractions throughout her 27-year imprisonment. At nearly 50-years old, it was evident that she had "aged out of violent crime". She had a supervisory position at the same correctional job she had held for over 20 years, had no psychological history, and had completed every rehabilitative program available. Yet her two attempts at parole release failed. ""The parole process completely failed me, a 'meritorious inmate'. Can you imagine what happens to ordinary inmates? Far worse... people going up [for parole] a half dozen times. I got lucky...*a second chance*... due to JRA".

Today, Sara meets with the Maryland Higher Education Commission regularly formulating and structuring plans for college education on the inside, as well as providing direct services to returning citizens—adult and juvenile alike. Success stories like Sara’s demonstrate conclusively that a court should be able to consider updating sentences of deserving people, allow them to reunite with their families, and lead productive, law-abiding lives. Specifically, when further incarceration no longer advances public safety and rehabilitation nor serve the interests of justice.

Strongest Reasons to Support Second Look

The strongest reasons to support Second Look point to a low risk of re-offending:

- The Unger case, a landmark 2012 Appellate Court decision that resulted in the release of over 200 long-sentenced individuals, provides a natural case study. The Unger cohort (average age 63) has only a 3% recidivism rate. After ten years of freedom, more Ungers have died (13%) than reoffended.
- People who committed crimes when they were under age 25 have a greater capacity to change and grow over time. The vast majority of people who commit serious crimes naturally grow out of that behavior as they mature and become less likely to re-offend. Continuing to incarcerate people who have been already rehabilitated wastes taxpayer money that could otherwise be spent on things that actually prevent crime and protect public safety.
- According to a 2022 poll conducted by political and public affairs survey research firm, *Public Opinion Strategies*, American voters supported “Second Look Laws” by a two-to-one margin, and by more than two-to-one, voters believe people should be considered for early release if they are unlikely to commit future crimes. Thus, prioritizing public safety over prolonged “punishment”



*N=500 Registered voters



Poll Question: “Which ONE of the following statements comes closer to your own opinion?

People should stay in prison and serve their full sentences, even if they reach a point at which they are unlikely to commit future crimes...or...People in prison should be allowed to be considered for an early release from their sentence if they reach a point at which they are unlikely to commit future crimes.”

There is no denying that the state of Maryland is in dire need; our communities desperately want and deserve safety, the necessity for criminal justice reform persists, and past harm needs to be repaired. Correction starts by creating a system that works and *SB 0771-Maryland Second Look Act* can be a reasonable and integral part of it .

The Justice Policy Institute urges this committee to issue a favorable report.

SB 771 MOPD FWA Second Look Act.pdf

Uploaded by: Brian Saccenti

Position: FWA



NATASHA DARTIGUE
PUBLIC DEFENDER

KEITH LOTRIDGE
DEPUTY PUBLIC DEFENDER

MELISSA ROTHSTEIN
CHIEF OF EXTERNAL AFFAIRS

ELIZABETH HILLIARD
ACTING DIRECTOR OF GOVERNMENT RELATIONS

POSITION ON PROPOSED LEGISLATION

BILL: SB 771 – Maryland Second Look Act

FROM: Maryland Office of the Public Defender

POSITION: Favorable with amendments

DATE: 3/14/2023

The Maryland Office of the Public Defender respectfully requests that this Committee issue a favorable report with amendments on Senate Bill 771.

The Office of the Public Defender (OPD) supports the Maryland Second Look Act because it will create a needed procedural vehicle to allow courts to reduce unnecessary incarceration by releasing non-dangerous, rehabilitated individuals. Based on recent experience and legal developments, the OPD is proposing three friendly amendments.

The General Assembly has adopted “second look” provisions in the past to reduce unnecessary incarceration. As part of the Justice Reinvestment Act of 2016, it permitted people serving mandatory minimum sentences for drug felonies to file motions for reduction of sentence. As part of the Juvenile Restoration Act of 2021, it permitted people who had served at least 20 years for a crime that occurred when they were a minor to file a motion for reduction of sentence. These have been safe and effective ways to reduce mass incarceration in Maryland. If we trust judges to send people to prison for decades or even for life based on speculation that the person needs to be incarcerated to protect the public, then we ought trust judges to reduce those sentences when a defendant can show that they have been rehabilitated and would not pose a danger if released.

Based on its experience representing individuals on sentence reductions after the 2012 *Unger* decision, the 2016 Justice Reinvestment Act, and the 2021 Juvenile Restoration Act (JUVRA), the OPD knows that judges are more than capable of identifying people who can be safely released and modifying sentences accordingly. Counsel typically provide judges extensive information about the individual's childhood, the underlying crime, and, most importantly, their conduct while incarcerated to aid the court in making its decision. OPD, sometimes in collaboration with the Division of Correction, normally prepares release plans for clients to ensure they have the reentry support they need to be successful. The result is that rates of recidivism for people released after lengthy periods of incarceration through *Unger* and JUVRA have been very low, and many of those released have become forces for good in their communities.

Opponents to this legislation generally raise three points.

- First, they note that there are a number of other procedural vehicles to challenge a conviction or sentence in court, and suggest that this bill is unnecessary. This is incorrect. The procedural vehicles they cite require a showing of legal error, illegality, or newly discovered evidence, or they are time-limited so that they are no longer available when a person has served long enough to demonstrate significant rehabilitation, or they only apply to people convicted as adults for crimes occurring when they were children. None of them authorize a court to reduce a legal sentence of a person convicted of a crime that occurred when they were 18 or older after enough time has passed for the person to show that they have been rehabilitated. (If there was such a mechanism, we wouldn't need this bill!)

- Second, they argue that the Parole Commission, not the courts, should decide whether a person should be released. The problems with this argument are that there is no recognized right to state-funded counsel for indigent people in parole proceedings, and even if a person can hire counsel, the lawyer is not permitted to participate in the parole hearing. In second look court hearings, however, there is a right to counsel. This is important because having a lawyer (often working with a social worker and/or a reentry specialist) makes all the difference in the world. The legal team can more effectively gather and present information, retain an expert if needed, develop a release plan, call witnesses, and elicit information helpful to the decisionmaker in making the right call.
- Third, opponents note that participating in these hearings can be hard on victims or victims' family members. That is unfortunately true. But it is important to remember a few things. First, the State's Attorney is only required to notify the victim or victim's representative if they have requested notification. A victim or victim's representative is never required to request notification. If notified, they are never required to appear for the hearing. If they appear, they cannot be required to speak. Second, the reality is that for as long as a person is imprisoned, they will seek opportunities to be released. It is human nature to try to get out of a cage. A victim who has requested notice will be notified of those efforts. Only two things will stop a caged person from trying to regain their freedom: release from incarceration, or death. When a rehabilitated, non-dangerous person is released, the hearings normally end.

The OPD supports SB 771, and suggests the following amendments:

Proposed Amendment No. 1

Simplify the provision stating how long the person must serve before becoming eligible to file by changing subparagraph (a)(1)(i) as follows:

(A) (1) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, A PERSON WHO IS SERVING A TERM OF CONFINEMENT MAY PETITION THE COURT TO MODIFY OR REDUCE THE SENTENCE, REGARDLESS OF WHETHER THE PERSON FILED TIMELY MOTION FOR RECONSIDERATION UNDER MARYLAND RULE 4-345(E) OR WHETHER A PRIOR MOTION FOR RECONSIDERATION WAS DENIED BY THE COURT, IF:

(I) THE PETITIONER HAS SERVED ~~THE GREATER OF~~ AT LEAST:

~~1. 20 YEARS OF THE TERM OF CONFINEMENT WITHOUT APPLICATION OF DIMINUTION CREDITS; OR~~

~~2. THE EQUIVALENT OF 25 YEARS OF THE TERM OF CONFINEMENT WITH APPLICATION OF DIMINUTION CREDITS~~

This change would make a person eligible after serving 20 years, without regard to diminution credits. This has three main advantages. First, removing diminution credits from the standard makes it much less confusing. Second, it eliminates the need to ask the Department of Public Safety and Correctional Services' Commitments Unit to calculate diminution credits for every petitioner to determine when they are eligible to file. Third, the 20-year requirement is consistent with the Juvenile Restoration Act, which also requires a person to serve at least 20 years before they are eligible to file a motion for reduction of sentence.

Proposed Amendment No. 2

Modify paragraphs (e)(1) and (2) to remove the language creating a different standard for people who were under 18 at the time of the crime, as follows (and renumber the remaining paragraphs in subsection (e)):

~~(E) (1) FOR A PETITIONER WHO WAS SENTENCED TO A TERM OF CONFINEMENT FOR AN OFFENSE THAT WAS COMMITTED WHEN THE PETITIONER WAS A MINOR, THE COURT SHALL MODIFY THE SENTENCE IN A MANNER REASONABLY CALCULATED TO RESULT IN THE PETITIONER'S RELEASE WITHIN 3 YEARS IF THE COURT FINDS THAT THE PETITIONER HAS MATURED AND REHABILITATED SUCH THAT RETENTION OF THE SENTENCE IS NOT NECESSARY FOR THE PROTECTION OF THE PUBLIC.~~

~~(2) FOR A PETITIONER WHO WAS SENTENCED TO A TERM OF CONFINEMENT WHEN THE PETITIONER WAS AT LEAST 18 YEARS OLD, THE COURT MAY MODIFY THE SENTENCE IF THE COURT FINDS THAT RETENTION OF THE SENTENCE IS NOT NECESSARY FOR THE PROTECTION OF THE PUBLIC.~~

The OPD is recommending this change because the 2021 Juvenile Restoration Act, codified in pertinent part at Criminal Procedure Article § 8-110, already provides a means for a person who was under the age of 18 when the crime occurred to file a motion for reduction of sentence.

Proposed Amendment No. 3

Remove subsection (f), which provides that either party may file an application for leave to appeal from the court's ruling. This language is unnecessary. Maryland's appellate courts routinely apply existing statutory and case law to determine whether a particular type of order is appealable. *See, e.g., Brown v. State*, 470 Md. 503, 552 (2020) (concluding that an order denying a motion for modification of sentence under the Justice Reinvestment Act was appealable).

Removing subsection (f) will ensure that the question of appealability is resolved in a manner consistent with the general law regarding appealability.

* * *

For these reasons, we urge this Committee to issue a favorable report with the foregoing amendments for Senate Bill 771.

Submitted by: Maryland Office of the Public Defender, Government Relations Division.

sb771.pdf

Uploaded by: Matthew Pipkin

Position: UNF

MARYLAND JUDICIAL CONFERENCE
GOVERNMENT RELATIONS AND PUBLIC AFFAIRS

Hon. Matthew J. Fader
Chief Justice

187 Harry S. Truman Parkway
Annapolis, MD 21401

MEMORANDUM

TO: Senate Judicial Proceedings Committee
FROM: Legislative Committee
Suzanne D. Pelz, Esq.
410-260-1523
RE: Senate Bill 771
Criminal Procedure – Petition to Modify or Reduce Sentence
(Maryland Second Look Act)
DATE: March 8, 2023
(3/15)
POSITION: Oppose

The Maryland Judiciary opposes Senate Bill 771. This bill allows a person to file a petition to modify or reduce his or her sentence if he or she has served the greater of 20 years of the sentence term without application of diminution credits or 25 years of the sentence term with application of diminution credits. Petitions under the bill may only be filed by a petitioner once every 5 years and may be filed regardless of whether the petitioner previously filed a motion for reconsideration under Maryland Rule 4-345. The court shall hold a hearing on a petition if the petitioner meets the eligibility criteria above. If the petitioner committed the offense at issue when he or she was a minor, the court shall modify the sentence in a manner reasonably calculated to release the petitioner within 3 years if the petitioner has matured and rehabilitated such that he or she is no longer a threat to the public. If the petitioner was an adult when the offense was committed, the court may modify the sentence if retention of the sentence is no longer necessary for public safety. A court may not increase the length of a sentence under the bill.

The Judiciary understands the intention of the bill and takes no position on the policy aim of affording another chance to modify a sentence. However, the drafting of the bill raises legal and procedural concerns. Rather than simply affording an additional opportunity to file for a modification, the bill creates complicated and unworkable procedures.

First, the general right to file an application for leave to appeal in the bill seems overly broad as compared to existing rights to appeal from discretionary sentencing decisions. The right to file an application for leave to appeal to the Appellate Court of Maryland makes most sense in regard to determinations made under proposed 8-501 (E)(1) (pp. 3-lines, 24 through 30) referring to petitioners who were sentenced when they were minors and containing that provision (mentioned above) that the court “shall modify the sentence.” Sentencing decisions that were made under proposed 8-501 (E)(2) are, as

drafted, entirely under a judge's discretion, as they are for motions for modification filed under the existing Rule 4-345(e). Generally, except on a few very limited grounds, there is not a *general* right to file an application for leave to appeal from denial of a motion for modification of sentence under Rule 4-345(e). *State v. Rodriguez*, 125 Md. App. 428, 442 (1999).

It is also not clear what standard the Appellate Court of Maryland would apply to an appeal of a discretionary sentencing decision, so long as a legal sentence exists. If there is an appeal from the trial judge's decision, either by the state or the petitioner (but not a victim), what standard of review would the appellate court apply – abuse of discretion, arbitrary and capricious, insufficiency of evidence to support the court's conclusion? Also, no specific fact-finding is required, only an amorphous determination as to whether a juvenile has matured and whether retention of the sentence is not necessary for the protection of the public.

Further, this bill provides that the State may appeal which is problematic as there is no provision indicating how the State would appeal or why this is needed. Once modification is granted, the court would be legally precluded from increasing a sentence so it is unclear what relief the State could seek.

As applied to crimes committed by adults, this bill appears to place circuit courts in a position to make decisions currently left to parole. The standard set in the bill is whether "retention of the sentence is not necessary for the protection of the public" plus, for juvenile offenders, the inmate has "matured." That is quintessentially an act of post-judgment clemency, which is an executive branch function, through parole, statutory diminution credits, or gubernatorial commutation or pardon. The role of reviewing sentences, as imposed on the Judiciary by this bill, is more appropriately handled by the Parole Commission. The current standards for the Parole Commission are set forth in Section 7-305 of the Correctional Services Article and are more specific and comprehensive, requiring evidence that can be evaluated. The standard set forth in the bill gives no guidance at all, either to the trial judge or to appellate judges. Section 7-305 of the Correctional Services Article lists 11 specific factors that the Parole Commission must consider in deciding whether to grant parole. They give guidance to the Commission and require factual development. Senate Bill 771 provides no criteria other than whether a juvenile has "matured" or that "retention of the sentence is not necessary for the protection of the public." It is not clear what factors the court will consider in making those amorphous determinations or what factors an appellate court would consider in determining whether the trial judge has abused his/her discretion in granting or denying relief.

Further, on the page 3, line 26 the bill requires "the court shall modify." Although this provision is tempered by the balance of the section, which mandates reduction only if the judge finds that the petitioner "has matured and rehabilitated such that retention of the sentence is not necessary for the protection of the public" the Judiciary traditionally opposes legislation that includes mandatory provisions.

There also is the anomaly of excusing the failure to move for modification of sentence (other than for illegality) within 90 days or the five-year deadline for ruling on such a motion (which was added to the rule at the insistence of the legislature) for inmates who have served 20-25 years but not for anyone else. Subject to relief under the various post-conviction remedies, inmates who missed the 90-day deadline will not be entitled to discretionary modification relief until they serve 20-25 years, which the great majority of inmates never do.

In addition, the phrase “modify the sentence in a manner reasonably calculated to result in the petitioner’s release within 3 years” (which appears in the bill at Criminal Procedure Article § 8-501(e)(1)) is vague, and additional clarity would be needed to enable courts to apply it properly and consistently.

cc. Hon. Joanne Benson
Judicial Council
Legislative Committee
Kelley O’Connor

SB 771 Maryland's Second Look Act.pdf

Uploaded by: Scott Shellenberger

Position: UNF

Bill Number: SB 771

Scott D. Shellenberger, State's Attorney for Baltimore County

Opposed

WRITTEN TESTIMONY OF SCOTT D. SHELLENBERGER,
STATE'S ATTORNEY FOR BALTIMORE COUNTY,
IN OPPOSITION OF SENATE BILL 771
MARYLAND'S SECOND LOOK ACT

I write in opposition to Senate Bill 771, Maryland's Second Look Act, as creating yet another post-conviction right that further drags victims to court and prevents any finality to a criminal case.

Right after a jury or Judge finds a Defendant guilty, Maryland law currently permits numerous ways for a Defendant to challenge his conviction and sentence. Here are the current rights:

1. Motion for new trial
2. Motion to modify or reduce sentence (motion can be held for five years)
3. If the modification is based upon illegal sentence, fraud, mistake or irregularity, there is no time limit
4. Three Judge panel to reduce or modify
5. Appeal to the Court of Special Appeals
6. Ask for appeal to the Court of Appeals
7. Post-Conviction (sometimes they get more than one)
8. Writ of Corum Nobis
9. Writ of Habeas Corpus
10. Writ of Actual Innocence
11. Motion to vacate judgement (passed last year)
12. Post-Conviction DNA testing
13. The parole system which can review a sentence more than once.

Based on the above list, this Bill should not be called the Maryland Second Look Act. It should be called the Maryland 14th Look Act.

When does it end for victims of crime?

When can I look at the victim of a crime and say it is over?

It never ends and this bill will add one more event over which the State and Victim has no control.

Senate Bill 771 is an attempt to create another parole commission. Parole exists' to let Defendants out of jail early if they do all the right things in jail. Why are we creating something that already exists on top of the 12 ways a Defendant can challenge their conviction and sentence through the Judiciary?

I urge an unfavorable report to Senate Bill 771 as Defendants have so many rights now, they do not need or deserve one more.

Written Testimony for SB 0771_ HB 1263_ Criminal

Uploaded by: Trudy Tibbals

Position: UNF

Written Testimony for SB 0771/ HB 1263: Criminal Procedure – Petition to Modify or Reduce Sentence 3 (Maryland Second Look Act)

Dear Judicial Proceedings Committee Chair Smith, Vice Chair Waldstreicher, and all other esteemed Committee Members:

I implore all of you to think about what this bill means to criminals, especially hardened criminals and those charged with heinous crimes, such as rape, murder, etc. that carry long sentences, sometimes LIFE-long sentences without a chance for parole. This bill means that those criminals only have to serve a portion of their sentence, 20 - 25 years, and not their entire criminal sentence, before they are “eligible” to file a Motion to petition the court to modify or reduce their sentence, “...regardless of whether the person filed a timely motion for reconsideration...” or “whether a prior motion for reconsideration was denied by the court...” So, in other words, as long as a criminal “qualifies”, any and all criminals can file for their sentence to be reduced. What happened to serving the required sentence as decided by the judge assigned to the case? What happened to “don’t do the crime, if you’re not willing to do the time!” This is unimaginable!! This does not serve justice to the victim(s) of the crime. Where are the victim(s)’ rights in this new equation? It actually seems that the criminals have more rights than the victims of the crimes!!

Please vote “Unfavorable” in opposition to this Maryland Second Look Act! It is wrong to release criminals before their rightful sentence is served entirely!!

Thank you for your time and attention!

Trudy Tibbals
A very concerned mother and Maryland resident

Sentence reduction - senate testimony - 2023 - SB

Uploaded by: Lisae C Jordan

Position: INFO



Working to end sexual violence in Maryland

P.O. Box 8782
Silver Spring, MD 20907
Phone: 301-565-2277
Fax: 301-565-3619

For more information contact:
Lisae C. Jordan, Esquire
443-995-5544
www.mcasa.org

Testimony Regarding Senate Bill 771
Lisae C. Jordan, Executive Director & Counsel
March 15, 2023

The Maryland Coalition Against Sexual Assault (MCASA) is a non-profit membership organization that includes the State's seventeen rape crisis centers, law enforcement, mental health and health care providers, attorneys, educators, survivors of sexual violence and other concerned individuals. MCASA includes the Sexual Assault Legal Institute (SALI), a statewide legal services provider for survivors of sexual assault. MCASA represents the unified voice and combined energy of all of its members working to eliminate sexual violence. We urge the Judicial Proceedings Committee to amend Senate Bill 771 to ensure greater victim participation.

Senate Bill 771

Crime Victim Participation in Proceedings Regarding Sentence Reduction

Senate Bill 771 creates a process for reduction of sentences after a convicted defendant has served a significant portion of a sentence. MCASA appreciates the provisions requiring notice to a victim and the opportunity to be heard. We note, however, that it could inflict significant trauma on a rape victim to participate in person and, conversely, if a victim does not object to the reduction, it is onerous to require personal appearance. We therefore urge the Committee to permit a victim to submit victim impact statement and to require the Court to consider the statement, including previously filed statements.

On page 3, line 19, after "RULE 4-345" insert: "OR SUBMIT A VICTIM IMPACT STATEMENT" and

On page 4, line 4, after "REDUCE THE SENTENCE" insert "AND CONSIDERS ANY VICTIM IMPACT STATEMENT FILED IN THE CASE AT THE TIME OF SENTENCING OR UNDER SUBSECTION (C)"

**The Maryland Coalition Against Sexual Assault urges the
Judicial Proceedings Committee to Amend Senate Bill 771**