

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.