

**TESTIMONY ON SB123  
MARYLAND SECOND LOOK ACT**

**Senate Judiciary Proceedings Committee  
February 1, 2024**

**SUPPORT**

Submitted by: **Theresa Erin Smith**

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

**I, Theresa Erin Smith am testifying in support of SB123, the Maryland Second Look Act.**  
I am submitting this testimony as an impacted family member.

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.

On January 24, 2024, I married my best friend and partner. He is currently in a Maryland prison and has been for 28 years. Our story started many years ago in Prince Georges County. We knew each other in passing. Unfortunately, my husband didn't have the same loving, strong family as I did growing up. He was verbally, physically, sexually, and emotionally abused as a child. By the time he was 18 he was in the Juvenile system for a few years and locked up on and off. At the ripe age of 22 (not likely 22 in his mind—I'm sure there's science to support this) he fatally shot 1 person and wounded another. Since then, he has been serving a life sentence in the Maryland Department of Corrections. There he works as a "blood spill" technician. His job description is to clean up after fights/stabbings etc...He makes \$1 a day. The average income for this role in Maryland based on Indeed is between \$18.44-\$42.05 per hour. They are now also using him to clean up other prisoners' feces and not just blood spill. My husband will be fifty years old in April. Fifty years old. The cost of his imprisonment to all has been far exceeded by any positives he may have received. He is at the point in his journey where all he wants to do is come home, be a husband and have a family. Whilst this does not change the heinous crimes he committed, when does it end? Regardless of wanted growth, maturity and aging out of crime, one cannot ignore that there is subconscious growth over the span of 28 years. His brain has fully developed, and he's been living in captivity since. Now, he walks the line, the balancing act. He wants to come home so he can help provide. So that he is not a drain on the system, society, or our family anymore. But what does that mean? That means he spends everyday trying to do right, stay out of trouble and prove that he is worthy of release. However, at the same time, he is still in captivity. He must conform; he must stay alive. That is the balancing act that he and so many other face on a daily basis. My husband and I are grateful we were given the opportunity to get married considering his incarceration, but I ask you, how would you feel if you were strip searched after your wedding? Your ring taken from you? Being stared at by 3 Correctional Officers as you struggle to say your vows without shedding tears for fear of someone seeing you vulnerable. Whilst many would say, you are lucky you got to get married. Yes, that is true, but I ask you, when is it enough? He is almost a 50-year-old man trying to share the scared tradition of marriage. Immediately reminded as he turned to walk around the corner of where he is. To give the right

only to take it away by the act of sheer embarrassment and humiliation. Unable to perform our religious traditions because the prison said no. My husband wants nothing more than to come home and take the burden of the house off me. That is all. To take care of me, start a business and pay his dues. He just needs the opportunity. He is not that same 22-year-old young man that went into prison 28 years ago. I know for myself; it took me until I was at least 25 to get into full on adult hood if not longer. I was just one of the lucky ones. I had a family that cared. Not all have that growing up. I think the mass imprisonment issue speak too that statement being true.

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 modifications<sup>1</sup>. Maryland judges used to have the ability to review sentences, an important safety valve for extreme sentences, but this opportunity was eliminated with a rule change in 2004<sup>2</sup>. Furthermore for more than 25 years, Maryland's parole system was not available to people serving life with parole sentences. Now, the Governor has finally been removed from the parole process, but this is not enough to remedy decades of wrongful denials which contributed to the bloated prison system and its extreme racial disparities.

This bill also has serious racial justice implications, given that of the 2,212 people serving life sentences in MD, 80% are Black<sup>3</sup>, a huge disparity when compared to the only 31% of Black Marylanders in the general population<sup>4</sup>. Shamefully, Maryland also leads the nation in sentencing young Black men to the longest prison terms, at a rate 25% higher than the next nearest state, Mississippi<sup>5</sup>.

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. For example, in the past 12 years since the Maryland Supreme Court held that improper jury instructions invalidated the life with parole sentences of 235 people, 96% have remained in the community without incident<sup>6</sup>. These individuals, 90 percent of whom are Black, spent an average of 40 years behind bars but could have been contributing to our communities decades earlier. 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 SB123**.

Thank you.

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<sup>1</sup> Maryland Rule 4-345

<sup>2</sup> [Court of Appeals of Maryland Rules Order](#)

<sup>3</sup> [MD DPSCS FY 2022 Q4 Inmate Characteristics Statistics](#) (2022)

<sup>4</sup> [United States Census Data](#) (2021)

<sup>5</sup> Justice Policy Institute [Rethinking Approaches to Over Incarceration of Black Young Adults in Maryland](#) (2019)

<sup>6</sup> Justice Policy Institute [Fact Sheet: The Ungers](#) (2018)