



THE SENATE OF MARYLAND
Annapolis, Maryland 21401

**Testimony of Senator Jill P. Carter
In Favor of SB 123 – Criminal Procedure – Petition To Reduce
Sentence
Before the Judicial Proceedings Committee
On February 1st 2024**

Mr. Chairman, Vice Chair, and Members of the Committee:

I come before you today in support of Senate Bill 123. This bill gives incarcerated persons, who have served at least 20 or more years of their sentence, the opportunity to petition the court to reduce or modify their sentence.

Maryland has a mass incarceration problem that is made abundantly clear when you look at the numbers. We hold the unfortunate distinction of having the highest percentage of Black people in our prison system, at 71 percent of our prison population, which is more than twice the national average. The documented bias against Black, Brown, and low-income individuals is pervasive throughout every stage of Maryland's criminal legal system, from racial profiling by police to arrest and sentencing.

Maryland's prison system is filled with Black people who were excessively sentenced or denied parole based on "superpredator" mythology. The devastating "lock them up and throw away the key" mentality from the last 30 years led to harsh changes to law and policy. One detrimental consequence is that individuals in Maryland serving exceptionally long sentences can only seek a sentence review by

challenging the constitutionality of their conviction. In the past, Maryland judges had the authority to review sentences, serving as a crucial safeguard against excessively harsh sentences. Unfortunately, this process was eliminated with a rule change by the Standing Committee on Rules of Practice and Procedure in 2004. For more than 25 years, individuals serving life sentences with the possibility of parole were excluded from Maryland's parole system, contributing to the bloated prison system and its pronounced racial disparities. While the Governor's removal from the parole process is a step forward, it falls short of rectifying decades of unjust denials. SB 123 ensures that, decades later, sentences can be reviewed based on our current understanding of fairness and racial justice.

Frequently, it is asserted that those serving life sentences are inherently "the worst of the worst." While I understand why this sentiment exists, my personal experience contradicts it. I have encountered an exceptional community of individuals serving life sentences, predominantly Black men and women, who have often lived through devastating experiences of their own, and who have lived every day with the harm they caused to others. Within the confines of prison, they have worked to organize, educate one another, and share insights with those beyond the walls—insights that might have steered them away from incarceration. These individuals have shed tears over the consequences of their actions, initiated anti-violence initiatives, sought ways to engage with youth from their neighborhoods, and attempted to mentor younger family members through phone calls and prison visits.

Furthermore, many of the people who have been released from extreme sentences in recent years are building public safety. They work with young people, working in peer recovery programs, and developing small businesses. They provide support to their families, all while navigating a new world. They are strengthening their families and their communities with their presence and positive contributions.

Research consistently reveals a significant decrease in recidivism rates among people released from prison in their 40s and beyond. In

fact, people convicted of the most serious offenses have the *lowest* recidivism rates. In Maryland, this was vividly demonstrated by the “Ungers,” so named for the *Unger v. Maryland* decision. As the Justice Policy Institute explains, in 2012, the Maryland Court of Appeals held that improper jury instructions invalidated the life with parole sentences of 235 people.³ As of 2019, 192 of them had been released. Most were young adults when they were sentenced and had spent an average of 40 years behind bars. Almost 90 percent were Black, even though only 18 percent of Maryland’s population was Black when they were sentenced. Since their release, less than 4 percent have returned to prison.

Additionally, according to the Governor's Office for Children, incarceration overall costs Maryland taxpayers approximately \$38,000 per inmate annually. Approximately \$300 million each year is spent on incarcerating people from Baltimore City alone. Continuing to keep individuals who pose no risk to the public incarcerated hurts taxpayers and benefits no one. Maryland could save more than a billion dollars over the next decade by building on this positive experience.

This is not an auto-release option from prison, or a get-out-of-jail-free card, but the bill rather builds on the Juvenile Restoration Act of 2021, which allows for people who have served 20 years for a crime they committed while a minor to petition for a reduction in their sentence. For Marylanders who have grappled with past mistakes, this bill extends a lifeline – a chance to showcase their personal growth and rehabilitation throughout their time behind bars. It represents hope to the disproportionately Black families who have been the “collateral damage” of our current broken system. And it sends a powerful message: that the state is actively acknowledging and rectifying past instances of bias and committing to equitable treatment for all those in its custody.

My Fellow Senators, I urge this committee to give a favorable report on SB 123.

Respectfully,

Jill P. Carter