

TESTIMONY ON SB123

MARYLAND SECOND LOOK ACT

Senate Judiciary Proceedings Committee

February 1, 2024

SUPPORT

Submitted by:

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

I, Dondre' Phoenix, am testifying in support of SB123, the Maryland Second Look Act. I am submitting this testimony as a community member in District 37B. I'm CEO of Thirty Four Enterprises and founder, coordinator of TFE Future & Media 101 For Our Future Youth Program in which we utilize music, multimedia, mentorship, goal setting, incentives, life skills and LOVE to give our kids a sense of value, responsibility, accountability and a positive vision for their future. I have a very close loved one who received a 130-year sentence. His sentencing was the motivation to start my youth program. I wanted to give the youth a positive, motivational and inspiring space, with incentives, to stay out of trouble. Due to a loophole in my loved one's case, he was released in October 2023. Since his release, he has become a mentor in my youth program, and he has volunteered to be an assistant coach for his son's football team. With the huge obstacle of his criminal record, obtaining employment became very challenging. However, he recently began full-time employment at a local hospital.

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.

During the many conversations with my formerly incarcerated loved one, one of the things that he stated was his need to be there for his son. He obviously couldn't do that behind bars. Yes, he's taken full accountability for his actions that landed him there. He also realized there were some huge changes he had to make within himself. Getting a second chance is one thing, but not taking it for granted and utilizing it to make a positive impact, not just in his son's life, but also in the community that he caused so much havoc in, is what the very best of second chances is all about. He's very appreciative that I have given him the opportunity to share his story and to actively engage with the youth in my program, give them positive energy and to be a walking testament that second chances do happen, despite your past. Even more important than that, programs like TFE Future & Media 101 For Our Future gives the youth mentorship, activities, incentives, a sense of responsibility, a sense of hope, a family atmosphere that shows we care and the tools for life, with the hope it will deter them from taking a path that will lead them to prison. The Maryland Second Act is a very important piece of legislation that will forever change the lives of many and will make a huge impact for those that have earned that second chance. We've all made mistakes, bad decisions and miscues in life, some more severe than others. None the less, if those who have made amends, have accepted responsibility and for a period of time, have shown to have changed their lives that warrants forgiveness, they should be strongly considered to be given a SECOND LOOK.

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. 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 2004². 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, a huge disparity when compared to the only 31% of Black Marylanders in the general population. 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.

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. 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.

1 Maryland Rule 4-345

2 Court of Appeals of Maryland Rules Order

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

4 United States Census Data (2021)

5 Justice Policy Institute Rethinking Approaches to Over Incarceration of Black Young Adults in Maryland (2019)

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