SENATE BILL 123
TESTIMONY OF STUART SIMMS
IN FAVOR OF THE BILL

To the Chair and members of the Committee Good Afternoon.

My name is Stuart Simms. I am a member of the Bar in Maryland and have served in a number of public safety roles and served over 18 years in private practice that included service as defense counsel in criminal matters. I appear here today in favor of Senate Bill 123.

If passed and implemented, this bill would slightly expand post-conviction relief for a small segment of persons convicted of Maryland offenses who have served a significant portion of their respective sentences. Specifically, the procedure and eligibility for relief proposed in the bill are limited to a person who has served at least 20 years of their sentence and is at least 3

years removed from their last post-conviction claim. An individual may also pursue relief if the State in its discretion submits a claim.

The procedure outlined in the bill specifies 10 specific factors for a court to assess a post-conviction. Those factors are consistent with reviewing the merits of an offender's progress and protecting the public.

In my view, this procedure, if enacted is not:

- A reversal of a conviction;
- Not forgiveness or exoneration;
- Does not conflict with other processes such as gubernatorial authority, current modification of sentences under MD Rules, or
- The current parole process.

The focus of the bill is on a select group of potential offenders who will have served or have been incarcerated a considerable period of time. 20 or 30 years. This particularly significant for Maryland where according to Maryland

Department of Public Safety's Annual Report for FY 2022 there were 1100 persons 60 or older out of a base population of approximately 15,000. If individuals are granted relief under the proposed legislation there is a significant opportunity for this State to save expenses on overtime, supervision and medical costs.

Again, thank you for the opportunity to testify in support of SB 123.