



PREPARE
PREpare for PARole and REentry

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HB0317 - Motion for Reduction of Sentence - SUPPORT

Maryland currently incarcerates over 15,000 people, 71% of whom are Black, almost all men. Maryland recently committed itself to reducing this overpopulation in prisons and reducing the racial disparities through initiatives like the Maryland Equitable Justice Collaborative. The problem is a complex one that has existed for a long time and that means it will require many tools to solve. HB0317 creates one such tool that fills a gap in our current criminal justice system.

Some of the disparities trace back to the fact that historically Black individuals were subject to inequities in sentencing and prosecution. For example, currently, 80% of those serving a life sentence are Black. Some trace to rudimentary or incorrect scientific methods which have been replaced. While some of these inequities have been addressed in modern proceedings, there are men languishing in prison after three, four and five decades. Rectifying this situation after such a passage of time is nearly impossible because there is no way back into court even when the State's Attorney is supportive of release, leaving the State's Attorney's office trying to jam the case into what is often an ill-fitting motion in order to serve the interests of justice and ethical prosecution.

Parole is not a meaningful avenue for release in these unusual cases. Some are subject to sentences that do not include the possibility of parole, leaving them beyond the reach of the Parole Commission. Furthermore, the Parole Commission is not set up to analyze the conditions of the original conviction, and instead takes the state-supplied facts on their face. To ask the Parole Commission to investigate the prosecutorial and policing practices, political climate, scientific validity and other surrounding facts of the original case takes them completely outside of their mandate into an area where they have little background or expertise and few resources.

HB0317 creates a new tool for State's Attorneys to use should they choose to. While many may not see an immediate use for it today, I would put forth that it does no harm to have it available in case it is needed. A county with few such cases, or even none that it can identify, might consider this like a roadside emergency kit - hopefully they will

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never need it, but they will be glad to have it if and when they do. For those State's Attorneys that identify cases where they feel there has been an injustice, they will have access to a legal and appropriate measure to bring their concerns before a judge and get an analysis of the individual's case in the light of modern day ethics and often decades of behavioral monitoring and reports.

HB0317 does not force anyone to do anything - it does not force a State's Attorney to file a motion, it does not force a judge to order a release. Even if it is never used in a single proceeding, it will always be there as a safety net to serve the interests of fairness and justice when there has been a misstep. We all make mistakes, even those in public office, and we should all be afforded the opportunity to make things right.