



MONTGOMERY COUNTY, MARYLAND
WOMEN'S DEMOCRATIC CLUB

P.O. Box 34047, Bethesda, MD 20827

www.womensdemocraticclub.org

**Senate Bill 123 – Criminal Procedure -- Petition to Reduce Sentence
Judiciary Committee – March 28, 2024
Favorable with Amendments**

Thank you for this opportunity to submit written testimony concerning an important priority of the **Montgomery County Women's Democratic Club (WDC)** for the 2024 legislative session. WDC is one of Maryland's largest and most active Democratic Clubs with hundreds of politically active women and men, including many elected officials.

We firmly believe that our state has for too long allowed people who are demonstrably rehabilitated to languish in prison, a costly policy that fails to credit their efforts to reform and does nothing to make our state safe. For that reason, we strongly support SB0123, which gives individuals who have served more than 20 years in Maryland's prisons an opportunity to seek a reduction of their sentence, based on a showing that they have been rehabilitated and do not represent a threat to public safety.

A meaningful chance of release from prison, such as the opportunity provided by SB0123, is a powerful incentive for people who are serving long sentences to remain steadfast in their efforts to be rehabilitated. The value of giving people hope cannot be underestimated. Recognizing and rewarding an individual's personal transformation is both an act of humanity and justice and a cost-effective and sensible way to allow people who are serving long sentences to ultimately make positive contributions to their community.

Much-needed resources are being wasted on incarcerating people that professional criminologists would agree does absolutely nothing to make our state safer. The average cost to Maryland taxpayers to keep a person imprisoned is close to \$60,000 per year.¹ Much of the cost is attributable to incarcerating many aging prisoners and the much higher medical needs of those over age 55. The state could realize considerable savings by offering a second chance to those who have served 20 or more years, many of whom are likely to be over 55 and costly to incarcerate. We should heed the advice of experts who say we are keeping people in prison too long.²

There are also huge social costs resulting from the incalculable harm suffered by the families, particularly the children of incarcerated parents, and the communities, when incarcerated family members cannot contribute economically or emotionally to the well-being of the family.³ Long sentences exacerbate these harms. Moreover, this cost has been borne disproportionately by Black families. Over 70 percent of

¹ Fiscal and Policy Note for SB0771 (2023 Session), p. 4, which states that the average total cost to house a State inmate in a Division of Correction (DOC) facility, including overhead, is estimated at \$4,970 per month.

https://mgaleg.maryland.gov/2023RS/fnotes/bil_0001/sb0771.pdf

² See, for example, Principle 6 in a resolution adopted by the American Bar Association in 2022, which recommends a second look after 15 years of incarceration. [22A604 \(americanbar.org\)](https://www.americanbar.org/resolutions/2022/principle-6)

³The Governor's Office for Children, Children and Families Affected by Incarceration, <https://goc.maryland.gov/incarceration/>



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Maryland's prison population is Black.⁴ SB0123 provides Maryland with an opportunity to remediate the harm experienced by its Black population as a result of decades of over-policing and harsh sentencing.

History shows that we can safely release many of the Marylanders serving long sentences. That has been Maryland's experience with the Juvenile Restoration Act (JRA), which provides an opportunity for resentencing to individuals who were incarcerated as minors, who have served at least 20 years, and who have demonstrated to a judge that their release does not pose any threat to public safety and serves the interests of justice. The courts have shown that they can identify individuals who have been rehabilitated and who can be safely released.⁵

We know that criminal activity is primarily a young person's game and that people age out of crime.⁶ The immature patterns of thinking found in emerging adults and that can be a factor in criminal behavior are long outgrown after 10 years. The commission of serious crimes such as homicide and rape peak at ages 18-20.⁷ Moreover, people released after decades of imprisonment for the most serious crimes have extremely low recidivism rates.⁸ For these reasons, we recommend deletion of the language in the bill that would deny giving a second chance to individuals who are serving time for rape and would strongly oppose any amendments that would exclude any other individuals on the basis of their offense.

The courts are well-positioned to evaluate the progress an individual has made since his or her original sentencing and make a considered judgment about the interests of public safety and justice. Like the JRA, SB0123 provides a viable path to re-entry that a failed parole system has been unable to offer to the many Marylanders whose records demonstrate they deserve a second chance. **For these reasons, WDC urges a favorable report with amendments for SB0123.**

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Carol Cichowski
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WDC Advocacy Committee

⁴ DOC Data Dashboard, https://www.dpscs.state.md.us/community_releases/DOC-Annual-Data-Dashboard.shtml

⁵For information on the first year, see The Juvenile Restoration Act: Year One – October 1, 2021 to September 30, 2022, Maryland Office of the Public Defender (October 2022), p. 13, https://8684715c-49a2-4082-abff-3d2e65a61f0b.usrfiles.com/ugd/868471_e5999fc44e87471baca9aa9ca10180fb.pdf

⁶ Fetting, A. and Zeidman, S., People Age Out of Crime. Prison Sentences Should Reflect That (September 9, 2022), <https://time.com/6211619/long-prison-sentences-youthful-offenders/>; Kazemian, L., "Pathways to Desistance From Crime Among Juveniles and Adults: Applications to Criminal Justice Policy and Practice," NCJ 301503, in Desistance From Crime: Implications for Research, Policy, and Practice (Washington, DC: U.S. Department of Justice, National Institute of Justice, 2021), NCJ 301497, <https://www.ojp.gov/pdffiles1/nij/301503.pdf>

⁷The Marshall Project, Justice Lab. Goldstein D., Too old to commit crime? (March 20, 2015), <https://www.themarshallproject.org/2015/03/20/too-old-to-commit-crime>; Sampson, RJ, Laub, JH., Life-course desisters? Trajectories of crime among delinquent boys followed to age 70. Criminology 41: 301.

⁸ Ghandnoosh, N., "A Second Look at Injustice," The Sentencing Project (May 12, 2021), <https://www.sentencingproject.org/app/uploads/2022/10/A-Second-Look-at-Injustice.pdf>