



**Maryland State Legislature
House Judiciary Committee
Testimony in Support of HB317
January 30, 2024**

For The People submits this testimony in support of House Bill 317 which would grant State's Attorneys the discretion to petition courts to consider the resentencing of convicted persons in Maryland if it is in the interest of justice.

For The People submits this testimony as an organization which has worked with State's Attorney's Offices nationwide, from diverse political and geographical backgrounds, to implement these policies. For The People was founded by Hillary Blout, a former prosecutor who crafted the nation's first Prosecutor-Initiated Resentencing law in California (AB 2942) which was enacted in 2018. Since then, Illinois, Minnesota, Oregon, and Washington have also enacted this policy. These laws have provided a new opportunity for prosecutors to reevaluate lengthy sentences and petition the court for resentencing, with input from victims and public safety at the forefront of those decisions. They do not question whether original sentencing decisions were legal or appropriate. Rather, they give prosecutors the ability to consider whether the sentence today still serves the interest of justice.

HB317 would provide Maryland's State's Attorneys with this discretionary tool to carry out their duty of administering justice both at the time of sentencing and after. Some sentences that were reasonable and appropriate during sentencing may no longer be just today, given changes in sentencing practices and research now known around adolescent brain development and the relatively low risk of recidivism for elderly people. HB317 would give State's Attorneys the discretion to look back at such sentences on a case-by-case basis.

As HB317 is discretionary, each elected State's Attorney can choose to opt in or opt out of conducting this work in their county. Each State's Attorney can make the decision that is in the best interest of the community they were elected to serve. HB317 includes a system of checks and balances to ensure a thorough and methodical review process for each case. After a careful review of the case, the State's Attorney would have the authority only to file a motion for resentencing with the court holding the power to make a final decision. Equally as important, HB317 guarantees a victim's right to be notified of the hearing and to have their voice heard. We have seen prosecutors heavily weigh victim input as one of the most crucial parts of the process of determining if they should proceed with petitioning for resentencing in the first place. Further, victims also have a right to be heard in the resentencing proceedings before a Judge.

In the past years of implementation, prosecutors across the country have opted in to using these laws; others have simply opted out. Prosecutors' offices implementing this law come from a wide diversity of counties—large, small, medium, rural, urban—with prosecutors from across the political spectrum. To date, approximately 1,000 people have been resentenced and released through these laws, which speaks to the extremely careful and methodical review process for each case. The states that have enacted these laws have not experienced an overburdening influx of petitions or resulting hearings. Further, while not enough time has passed for a comprehensive study, less than 1% of the people resentenced through these laws have been re-arrested to our knowledge—and even fewer have returned to prison. Compared to average recidivism rates showing 46% of people returning to prison, these results are remarkable.

HB317 would help eliminate costs of incarcerating people who no longer pose a risk to public safety and allow critical taxpayer dollars to be redirected toward more effective crime-reducing activities. It would give State's Attorneys an additional tool to ensure that justice prevails. For these reasons, For The People

supports HB317 and encourages the Committee to report favorably on this important bill.

Respectfully,

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