



TESTIMONY BY T. Shekhinah Braveheart

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Senate Bill 123

The Second Look Act

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The Justice Policy Institute (JPI) is a nonprofit organization founded in 1997 dedicated to developing practical solutions to problems plaguing juvenile and criminal legal systems. With over 25 years of experience, JPI has played a crucial role in national reform initiatives, including a specific focus on addressing issues in Maryland's legal system.

JPI supports Senate Bill 123, which would allow incarcerated people to have their sentences modified after serving 20 years or reaching 60 years of age. It would also allow the state's attorney to move to modify a person's sentence at any time.

When There Is Harm, There Need to Be Repair

JPI's recent publication, [*Safe at Home: Improving Maryland's Parole Release Decision Making*](#), offers a comprehensive assessment of Maryland's parole system, delving deep into the systemic issues that have plagued release decision-making processes for decades. Between 2017 and 2021, the average parole grant rate was 39.7 percent. However, these rates sharply decline as the "time served" and the petitioner's age increase. For instance, after 20 years of incarceration, the grant rate plummets to 22 percent, further dropping to 5.6 percent after 50 years of time served.

This trend of imposing stricter release criteria on older individuals with lengthy prison terms contradicts well-established research indicating that criminal activity tends to decline significantly after the age of 40, leading to reduced recidivism rates. Despite rehabilitative success and program completion, long-sentenced individuals eligible for parole often face bureaucratic delays and repeated recommendations for "re-hearings," enduring 3 to 8 parole hearings throughout their incarceration. This situation highlights the dysfunctionality of the parole system, characterized by inefficiencies and a lack of responsiveness to rehabilitation efforts.

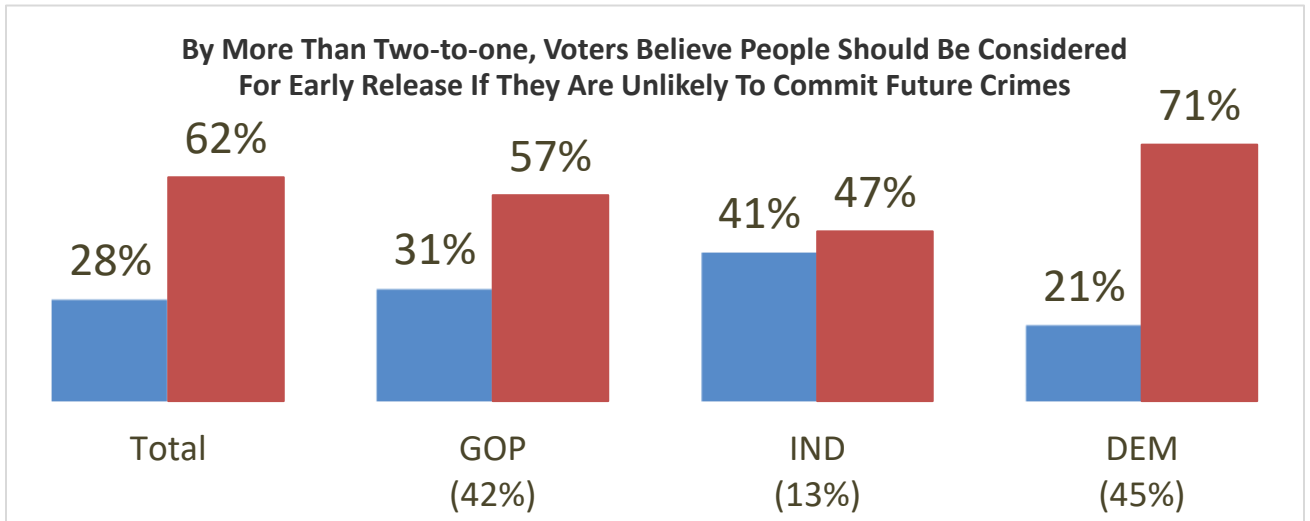
Reasons to Support Second Look

Senate Bill 123 presents a crucial opportunity for individuals to showcase their personal growth and transformation. It also offers the opportunity to address deeply entrenched racially biased incarceration and parole denial patterns while posing minimal risks to public safety and fostering community strength. Additionally, there is substantial public support for releasing individuals deemed low risk for reoffending.

Despite these facts, the Maryland Parole Commission (MPC) has persistently obstructed the path to exit for deserving individuals, a practice that is incongruent with the realities outlined above. This underscores the urgent need for the state to explore and implement alternative options.

- JPI reported in [*Rethinking Approaches to Over-incarceration of Black Young Adults in Maryland*](#) that nearly 50 percent of people serving the longest prison terms in Maryland were initially incarcerated as emerging adults. People who committed crimes when they were under the age of 25 have a greater capacity to change and grow over time. Most people who commit serious crimes naturally grow out of that behavior as they mature and become less likely to re-offend. Continuing to incarcerate people unnecessarily wastes taxpayer money that could otherwise be spent on things that prevent crime and protect public safety.
- The Unger case, a 2012 Maryland Appellate Court decision, released over 200 long-sentenced individuals with an average age of 63 and provided a natural case study. After ten years, the Unger cohort continues to have less than a five percent recidivism rate, and more Ungers have unfortunately passed away than reoffended. Notably, this population comprises individuals denied parole due to being identified as too high risk by the Maryland Parole Commission. Their experience in the decade since the Unger ruling belies those decisions and is a strong argument for an alternative option like SB 123 so that people in prison can show how they have grown and changed.
- This bill has serious racial justice implications as Maryland leads the nation in sentencing young Black men to the longest prison terms. At a rate 25 percent higher than the next most racially disparate state, Mississippi, Maryland's restrictive release policies for this specific population are an obstacle to remedying this situation. It, in fact, exacerbates the long-standing disparities in the prison system. According to data collected in 2020, of the men over 60 years old in Maryland's prison system who have served at least 20 years, 54 percent were Black – SB123 could correct this wrongdoing by allowing judges to have the option to consider resentencing.
- Nationally, people who have been released through Second Look Laws have extremely low rates of reoffending, and many are now working to improve their community's safety by working as mentors with the highest at-risk youth. We have experienced this in Maryland with the passage of the Juvenile Restoration Act (JRA). Those who have been granted a re-sentencing are thriving as community members; to date, none have recidivated. Washington DC's Incarceration Reduction Act (IRAA/SLAA) resulted in 225 individuals being released with just under 6 percent recidivism measured as re-arrest/violation.

- According to a 2022 poll conducted by political and public affairs survey research firm Public Opinion Strategies, American voters supported “Second Look Laws” by a two-to-one margin, and by more than two-to-one, voters believe people should be considered for early release if they are unlikely to commit future crimes. Thus prioritizing public safety over prolonged “punishment. “



*N=500 Registered voters



Poll Question: “Which ONE of the following statements comes closer to your own opinion?

People should stay in prison and serve their full sentences, even if they reach a point at which they are unlikely to commit future crimes...or...People in prison should be allowed to be considered for an early release from their sentence if they reach a point where they are unlikely to commit future crimes.”

All commonly argued points are valid: Our communities desperately need and deserve safety, the need for criminal legal reform is real, and harm needs to be repaired. Healing starts by creating a system that works, and SB 123 is a reasonable starting point. The Justice Policy Institute urges this committee to issue a favorable report on SB123: Second Look.