

**TESTIMONY ON SB 123
MARYLAND SECOND LOOK ACT**

**House Judiciary Committee
March 28, 2024**

FAVORABLE with AMENDMENTS

Submitted by: Joan Dorsey

Chair Clippinger, Vice Chair Bartlett and members of the Judiciary Committee:

I, Joan Dorsey, am submitting this testimony in support of, the Maryland Second Look Act, with an amendment to ensure everyone who has served 20 years will be eligible to petition. I am submitting this testimony as an impacted family member and member of the Maryland Second Look Coalition, Family Support Network, and MAJR.

I support this initiative, SECOND LOOK ACT SB 123, where the Second-look laws would legally allow courts to re-examine the sentences of incarcerated individuals with a minimum of 20 years to apply for sentence modification. The opportunity should be given to people regardless of their offense, as the Judge will consider a wide range of things, to include the nature of their offense, their rehabilitation and any mitigating factors to support a *potential* change in sentence. Therefore I ask that the exclusion for those sentenced under Criminal Law Article 3-303 be removed and no more exclusionary amendments be added.

I believe that the literature inclusive of numerous studies targeting 20-year sentences justifies, substantiates and validates why 20 years sentencing will significantly reduce mass incarceration. Countless evidenced based studies have definitively reported in many official, authenticated documents that credible, scholarly and reliable research in many states and countries support this argument.

The premise is that if the incarcerated persons have demonstrated their growth and progress by rehabilitation and show that they are no longer a threat to the safety of others, then the opportunity should be available for them to apply for modification at 20 years and ultimately be released.

My son would be eligible and meets the criteria for this law if passed. He is currently 37 years old and was incarcerated at age 19 years old. My husband and I adopted him at 2 1/2 months old, where subtle but noticeable developmental behaviors began. At age 7, he was diagnosed

with Tourette Syndrome, (multiple motor tics and vocal tics) as well as and other health impairments. The lack of technology, research, knowledge, skills and training in the late 80's from renowned physicians regarding Tourette Syndrome only produced very little help, just speculation and many medications that failed!. The teasing, bullying and being ostracized led to unruly and reckless behavior. He was a truly a classic book case example of Tourette Syndrome whereby this body jumped and moved all over and all the time. Echolalia, coprolalia, palialia overwhelmed in conversations and consumed him. He was relentlessly punished by teacher, church leaders, sport leaders coaches, by writing repeatedly, recess removed, trips, and events not allowed to attend, time out in corners and more. Our son and us literally prayed and cried out to anyone we thought that could help him. His mind and body traveled down a daily life of uncertainly, confusion and isolation with powerful medications that only exacerbated and worsen his condition as he developed and progressed into middle school. As a result, proper treatment, he began reckless and unruly behaviors that manifested in school, peer groups and in the general public. These misbehaviors, and my son not having the ability to manage, led him to incarceration.

I believe my son received an unfair and unjust sentence as the judge doubled his sentence, going outside of the guidelines, never taking in consideration the clinically diagnosed disabilities of Tourette Syndrome and other health impairments. Additionally, I believe that racial disparity can clearly be seen in his case. He has thus far served nearly twenty years in prison with limited support, however with my husband's and my consistent communication with strong advocacy, allow the storms slowly diminish with meds and counseling, even though barely adequate. Currently, my son has grown to be a loving, caring, compassionate, and responsible man, through rehabilitation, and a continuous very strong support of family. We love him very much and are fighting for his purposeful life.

My husband and I are aging, 73 and 75 and experiencing a number of health challenges where our son's absence has created a profound impact on our lives, however, his release from incarceration after 20 years will significantly help, assist and support us! I know my son is ready to contribute to the community and would meet the criteria set forth and truly make a positive difference and change in this society.

I believe that "The Second Look Act" that includes the option for a 20 year sentence review, incorporates an absolute confirmation of corroborative data with proper measures and will execute the following factors:

- Reduce and eliminate factual racial disparities among Black and Brown persons who have been sentenced to long sentences, which is well documented
- Eliminate mandatory minimum sentences and allow the discretion of the judge to be the executive rather than sentence guidelines
- Examine the incarcerated individuals who have aged out and show no threat to public safety
- Provide huge monetary savings to empower communities, states and countries to invest
- Reviewing sentences after 20 years critically measuring the fairness and justice of the sentence rendered
- Carefully look at the unfairness and societal impact on the poor, low income, disadvantaged, and disabled
- Eliminate enhancements, parole, continuous parole denials, and consecutive sentences
- Provide provisions for re-entry to society which can increase jobs, employment, family unification and lessen family support and dependence on government
- Review and examine the lengthy sentences of persons for misdemeanors and the innocent convicted of a crime
- Review and scrutinize the criteria of the 20 year sentence review, which can provide data that demonstrates that the reduction of lengthy sentences prove that it is not a deterrent to crime and does not limit public safety.
- Allow a Judge to assess the qualifications of applicants based upon a strict criterion for prison release, for example: good time served, accomplishments, character references from correctional officers and staff, outside contacts, rehabilitation, any outreach/support given to community, family, and while in jail
- Review statistics in research that demonstrate how contributions to society and the world reduced the prison population of mass incarceration and the over-crowdedness of jails causing violence and deaths
- Seriously analyze and understand data that shows incarcerated persons who age out of crime and showing no threat to public safety
- Examine facts that show the recidivism rates decline for persons released after lengthy sentences.
- Identify persons with misdemeanors sentences to long sentences due to racial disparity, which is well documented, and provide opportunities for release.

- Identify and address mental and physical disabilities and consequently find the proper and effective treatments and resources, then pursue implementation.

The criminal justice system in the state of Maryland houses the highest number of blacks incarcerated in the United States at 71 % which doubles the national average. Additionally, Maryland heads the country with distributing the longest sentences to young black men, with a 25% higher than MISSISSIPPI... I PONDER and ask WHY WHEN I READ AND HEAR ABOUT THE OTHER STATES MAKING MODIFICATIONS, CONSIDERATIONS AND PASSING SECOND LOOK LEGISLATION.... My belief is that IT IS NOW,,,,,,NOT TO WAIT CONTINUE TO RESEARCH, TAKE OVER STUDIES, continue to attend hearings, meetings that generally conclude using proven data that stated Second Look sentencing can be highly effective! We know that one of the major issues in THE STATE OF MARYLAND criminal justice system is MASS INCARCERATION. I believe that review of a sentence at 20 years can bring a meaningful resolve to support this issue. WE MUST PRIORITIZE FAIR AND JUST SENTENCES FOR ALL AND PASS THE BILL NOW.

My hope is that mercy, grace and a strong hard look are considered by you in the passage of the Second Look Act whereby, clearly seeing and understanding that the evidenced based studies of other states, countries who have modified and reduced sentences in alignment with the 20 year sentence have demonstrated positive outcomes. Please, please look at the strict criteria to be followed for the acceptance of being granted release and pass this bill. I believe that individuals deserving OF A SECOND CHANCE AND fully have met the criteria for the 20 year sentence review should be considered for release. As a result, their character will demonstrate positive attributes of a productive citizen eagerly, actively, seriously committed to serving the community and this world.