

Testimony for the House Judiciary Committee

Thursday, March 28th, 2024

SB 123 - Criminal Procedure - Petition to Reduce Sentence

Favorable with Amendments

Dear Chair Clippinger, Vice-Chair Bartlett, and members of the committee,

We write to you to express our support with amendments for Senator Carter's bill, SB 123, on behalf of the Maryland Lifers Coalition. We are a grassroots coalition of directly impacted and formerly incarcerated Maryland citizens, who advocate for legislation and systems that not only provide opportunities for citizens to return home from lengthy sentences but also support returning citizens with pathways to reintegrate into society around the state.

With Maryland leading the nation with the highest percentage of incarcerated Black residents, around 71%, it is imperative our legislators create more meaningful pathways for individuals who are serving extreme sentences and have demonstrated their rehabilitation to come home. SB 123 takes steps toward correcting this egregious disparity, however some of the amendments that have been added to the bill are counter to the bill's goal.

In order for this legislation to truly be a second look for all the bill must be amended to;

1. Allow any incarcerated individual to petition the court for resentencing after serving at least 20 years, regardless of the nature of their offense so that people can be evaluated for who they are today and not by their conviction, which is already going to be considered by the judge in the review process,
2. Allow incarcerated individuals to petition the court for resentencing at least three years after their first petition is denied so that individuals have an opportunity to demonstrate their progress in rehabilitation efforts

In the last two years, individuals returning to the community through parole or the Juvenile Restoration Act have demonstrated compelling success rates. Over the 12 years since the Maryland Supreme Court ruled that improper jury instructions invalidated life-with-parole sentences for 235 individuals, a remarkable 96% have reintegrated into the community without any incidents. These individuals, many of whom were sentenced at a young age, 90 percent of

whom are Black, spent an average of 40 years behind bars but could have been contributing to our communities' decades earlier.

Now is not the time for Maryland to go backward in our fight for true justice reform. We must take steps to end mass incarceration within the state, by amending and passing SB 123.

Respectfully,

Maryland Lifers Coalition