

**TESTIMONY ON SB123**  
**MARYLAND SECOND LOOK ACT**

**Senate Judiciary Proceedings Committee**

**February 1, 2024**

**SUPPORT**

Submitted by: **Ms. Towanda Fenwick**

Chair Smith, Vice Chair Waldstreicher and members of the Judicial Proceedings Committee:

**I, Towanda Fenwick am testifying in support of SB123, the Maryland Second Look Act.** I am submitting this testimony as a community member in District 14 and an impacted family member of a incarcerated person.

Passage of the Maryland Second Look Act would create a meaningful opportunity for sentence modification for incarcerated people after having served 20 years of their sentence. I firmly believe that those individuals who are able to demonstrate their growth and rehabilitation, such that they are no longer a threat to public safety, should have the opportunity for release.

My family member has been incarcerated for 30+ years. My daughter has never seen her father outside of jail and I know it would make a difference in her life having her father home. When we go for family day I see how much she desires to have her father. During family day, my daughter walks everywhere with him and she never let him out of her sight. Three years ago we were given some bad news. He found out he has colon cancer and it's now in stage 4. It has been very difficult to get the medical treatment that he needs being incarcerated.

He has taking many classes while being housed at Jessup Maryland and now at Cumberland, Maryland. He has many certificates and held many jobs including, tutoring, working in the infirmary, kitchen, tier representative, housing representative to name a few. He is very active in resolving problems that may occur between inmates and he exhibits great behavior that he would want others to imitate. He leads the religious class in the morning. Also, he has demonstrated remorse for his actions every day and there's not a day that goes by that he does not ask for forgiveness. He is not the same immature person that he was over 30 years ago. There's a story that he needs to tell to the youth that's heading in the wrong direction. We are asking for you to please pass this bill, so that the time that he has left he can change someone's life and leave a positive impact. The community needs to have the people who have demonstrated rehabilitation out, so that they can be helpful in combating crime. They have lived it and they would be the better person to help break the cycle. Thank you for reading a short version of why I think this bill needs to be passed.

This bill is an important tool in making meaningful opportunities for release happen, as currently, incarcerated people in MD can only petition the Court for modification within 90 days of sentencing, severely limiting any potential sentence modifications

Maryland judges used to have the ability to review sentences, an important safety valve for extreme sentences, but this opportunity was eliminated with a rule change in 2004. Furthermore for more than 25 years, Maryland's parole system was not available to people serving life with parole sentences. Now, the Governor has finally been removed from the parole process, but this is not enough to remedy decades of wrongful denials which contributed to the bloated prison system and its extreme racial disparities.

This bill also has serious racial justice implications, given that of the 2,212 people serving life sentences in MD, 80% are Black. a huge disparity when compared to the only 31% of Black Marylanders in the general population. Shamefully, Maryland also leads the nation in sentencing young Black men to the longest prison terms, at a rate 25% higher than the next nearest state, Mississippi.

Given the tendency for people to age out of crime and the very low recidivism rate for other individuals released from decades-long sentences, this decision is unlikely to negatively impact public safety. For example, in the past 12 years since the Maryland Supreme Court held that improper jury instructions invalidated the life with parole sentences of 235 people, 96% have remained in the community without incident. These individuals, 90 percent of whom are Black, spent an average of 40 years behind bars but could have been contributing to our communities decades earlier. We know many more men and women serving decades-long sentences who have worked hard, hoping for their chance to reenter and succeed in their communities.

For these reasons, I encourage you to vote **favorably** on the **Maryland Second Look Act SB123**.

Thank you.

