



MARYLAND ALLIANCE FOR JUSTICE REFORM
Citizens working to reform criminal justice in Maryland



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Testimony in support of SB 123: Criminal Procedure – Petition to Reduce Sentence
(Maryland Second Look Act)

My name is Judith Lichtenberg. I am testifying on behalf of the Maryland Alliance for Justice Reform (MAJR), a nonprofit, all-volunteer organization of more than 2,000 Marylanders; I serve on its executive committee and the board. I have lived in Hyattsville since the early 1980s and am professor emerita of philosophy at Georgetown University. Since 2016, I've been teaching, tutoring, and mentoring at Jessup Correctional Institution (JCI), the DC Jail, and Patuxent Institution—in colleges courses offered for credit by Georgetown University and the University of Baltimore.

The Second Look Act would create an opportunity for incarcerated people to have their sentence reduced after many years—usually decades—of imprisonment. It would also allow the state's attorney to move to modify a person's sentence at any time.

Those who can demonstrate their growth and rehabilitation and show that they are no longer a threat to public safety should have the opportunity for release. Currently, incarcerated people can only petition the court for modification within 5 years. Maryland judges used to have the ability to review sentences without this time limit, but this opportunity was eliminated in 2004.

This bill has serious racial justice implications. Of the 2,212 people serving life sentences in Maryland, 80 percent are Black—a huge disparity when compared to the only 31 percent of Black Marylanders in the general population. Maryland also 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.

We know that people age out of crime and that those released from decades-long sentences have very low recidivism rates. Since the Maryland Supreme Court held 12 years ago that improper jury instructions invalidated the life with parole sentences of 235 people (in what is known as the Unger cases), 96 percent returned to the community without incident. These individuals, 90 percent of whom are Black, spent an average of 40 years behind bars. We know

many more men and women serving decades-long sentences who have worked hard, transformed their lives, and deserve the chance to reenter and succeed in their communities.

Since 2016 I have taught well over a hundred students behind the walls. Many of them have been incarcerated since they were in their teens or twenties. Many have been locked up for more than 20 years. Most are very different people than they were when they committed their crimes. Most are people I believe are decent and trustworthy. I find it unconscionable that they will live out their days in prison no matter who they are today or how they have changed. The people I am thinking of do not present a threat to society; they are remorseful for their crimes; and they can and want to make valuable contributions to their communities.

A current amendment to SB123 would exclude those convicted of first-degree rape. The Committee should reject excluding any group of people; no one is inherently incapable of transformation. MAJR supports a second look for *all*.

A right to petition for sentence reduction does not guarantee that a reduction will be granted. But for many reasons—justice, mercy, racial inequities, wastefulness, and cost—sentence modification should be at least a possible outcome for prisoners who have served 20 years in prison.

I urge you to give a favorable report to SB123, amended so as to be a second look for all.

Respectfully,

Judith Lichtenberg

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