



Maryland Criminal Defense Attorneys' Association

March 26, 2024

Dear Chairman Clippinger and Members of the House Judiciary Committee:

I write to you as the President of the Maryland Criminal Defense Attorneys' Association in support of House Bill 724/Senate Bill 123 ("Second Look Act"). The MCDAA is comprised of more than 400 attorneys in the State of Maryland who practice criminal defense. Our organization seeks to protect the rights of individuals charged with and/or convicted of crimes, and to ensure the proper administration of justice. We also believe in second chances where the punitive/deterrence aspects of the sentence have been fulfilled and the rehabilitative/repentant characteristics of the offender prove abundant and sustained.

The Second Look Act is essential legislation that will fill in gaps where current legislation is not capable of providing a remedy in such appropriate scenarios. Currently, a defendant serving a sentence can only ask the sentencing court to reconsider its sentence within five years of the date of sentencing. However, in practice, if the court has sentenced a defendant to a sentence in excess of 20 years, no sentencing judge is going to reconsider its sentence within the first five years of that offender's term of imprisonment. This is because the court will want to see an extended period of incarceration that demonstrates rehabilitation, compliance with the rules of the institution, no new charges, and other continuous progress over a lengthy period of time. That simply cannot be demonstrated within the first five years of incarceration.

Many judges and prosecutors realize that people do have the capacity to change for the better as time goes on. What a young person does in their early 20s is not reflective of what they would do in their 40s, 50s, 60s, or beyond, especially given the time they have had to reflect on their past actions while serving decades in prison. Yet currently, judges and prosecutors are unable to provide remedies for those offenders that have served lengthy sentences and have conformed their behavior to what is expected of them.

The Second Look Act would allow the sentencing court to reconsider an offender's sentence after serving a substantial period of time. It is not an automatic get-out-of-jail free card, it is just an opportunity to be heard and to prove oneself to the court. The Second Look Act places limits on the number of times that a motion for reconsideration can be filed so as to prevent unbounded motions appearing on the docket year after year.

The State's Attorneys from Baltimore City and Prince George's County fully support the Second Look Act. This is important support because these two jurisdictions produce the largest volume of criminal cases each year, and respectively, the largest number of incarcerated individuals serving lengthy prison sentences. Most noteworthy is that these jurisdictions also happen to be predominantly African American with many of the offenders entering the criminal justice system at a very young age due to social inequities. The Second Look Act can be a second chance for the most disadvantaged members of the community.

Our organization respectfully requests that you allow the Second Look Act to be put to a vote so that the delegates elected by the people of Maryland can vote on whether to give offenders who truly deserve it, a second chance.

Sincerely,

Megan E. Coleman

Megan E. Coleman, Esq., President of the MCDAA