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Re: Second Look Act, Senate Bill 123/House Bill 724

Senate Bill 123/House Bill 724, the aptly named Second Look Act, constructs a balanced procedure enabling a person imprisoned for 20 years to have a court assess whether to “modify” or reduce their sentence. It is a balanced and fair bill and should be brought up for a vote in the Senate and passed. It is good legislation for the people of Maryland and is consistent with fairness and sound public safety policy.

Prior to 2004, there was no time limit for an incarcerated person to file a motion to reduce their sentence. That changed in 2004, when a five-year limit was imposed. That meant that if the court did not reduce the sentence within five years, the incarcerated person could never have an opportunity to have his or her sentence reduced, no matter how exemplary their prison record, or how complete their rehabilitation.

SB 123 provides a mechanism through a careful court review process to review lengthy sentences and provide an opportunity for consideration of sentence modification for inmates who served 20 years and who are no longer a threat to the public.

Statistics have consistently demonstrated that older inmates have a very low recidivism rate. Those statistics have been borne out by the recent releases from incarceration under the Justice Reinvestment Act. There have been no known offenses committed by persons who were released under that Act after serving over 20 years in prison. Long-term incarcerated persons released pursuant to the Unger decision have also had an extraordinarily low recidivism rate. For these reasons, knowledgeable prosecutors like State’s Attorneys Ivan Bates (Baltimore City) and Aisha Braveboy (Prince George’s County) and former Baltimore State’s Attorney and former Maryland Secretary of Public Safety, Stuart Simms support this Bill.

Incarcerated persons serving long sentences would have even more incentive to be model prisoners, if there was a way to seek a reduced sentence after serving 20 years. Wardens could expect better behavior in the prison population. Taxpayers would see lower taxes due to a reduction in costs of incarcerating older persons, and releases under this bill would result in an increase in the tax base. Formerly incarcerated persons could contribute to the community by working and paying taxes, and being mentors to young people to stay away from crime.

Maryland has the dubious distinction of being the worst state in the nation for over-incarceration of black men, and of racial disparities throughout the justice system. Passage of this Bill would be a beginning to rectify these wrongs.

This is a small step towards improving our state and our society as a whole. It is in keeping with trends around the country to reduce the incarceration rates of older individuals, whose prolonged incarceration does not increase public safety, and is an undue burden on taxpayers.

The Second Look Act should be brought up for a vote, and passed.

Lisa Sansone, Baltimore, Maryland