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HB 853

Judicial Proceedings

Maryland Second Look Act

Chair Smith, Vice Chair Waldstreicher, and members of the Judicial Proceedings Committee thank you for the opportunity to submit testimony in strong support of HB 853. I am Shekhinah Braveheart with the Justice Policy Institute (JPI), a national nonprofit organization founded in 1997 dedicated to developing practical solutions to problems plaguing juvenile and criminal legal systems.

The Second Look Act aims to reduce inefficiencies in Maryland's judicial and parole systems while helping Maryland move towards a more just criminal legal system that balances public safety with the recognition that rehabilitation is possible. It promotes fairness and supports public safety by focusing on individuals unlikely to re-offend.

When there is harm, There Needs to Be Repair. Currently, judges may only hold a motion for reconsideration of a sentence for 5 years from the sentencing date before issuing a decision. This limitation has prevented many long-sentenced individuals from asking the court to reconsider their sentence after a lengthy period of demonstrated rehabilitation. No other mechanisms in Maryland law allow an individual to go back into court for judicial sentence review based on demonstrated rehabilitation.

JPI's recent publication, [*Safe at Home: Improving Maryland's Parole Release Decision Making*](#), offers a comprehensive assessment of Maryland's parole system, delving deep into the systemic issues that have plagued release decision-making processes for decades. Between 2017 and 2021, the average parole grant rate was 39.7 percent. However, these rates sharply decline as the "time served" and the petitioner's age

increase. For instance, after 20 years of incarceration, the grant rate plummets to 22 percent, further dropping to 5.6 percent after 50 years of time served.

This trend of imposing stricter release criteria on older individuals with lengthy prison terms contradicts well-established research indicating that criminal activity tends to decline significantly after the age of 40, leading to reduced recidivism rates. Despite rehabilitative success and program completion, long-sentenced individuals eligible for parole often face bureaucratic delays and repeated recommendations for "re-hearings," enduring 3 to 8 parole hearings throughout their incarceration. This situation highlights the dysfunctionality of the parole system, characterized by inefficiencies and a lack of responsiveness to rehabilitation efforts.

Reasons to Support Second Look

HB 853 allows individuals to showcase their personal growth and transformation. It also offers the opportunity to address deeply entrenched racially biased incarceration and parole denial patterns while posing minimal risks to public safety and fostering community strength. Additionally, there is substantial public support for releasing individuals deemed low risk for reoffending.

Despite these facts, the Maryland Parole Commission (MPC) has persistently obstructed the path to exit for deserving individuals, a practice that is incongruent with the realities outlined above. This underscores the urgent need for the state to explore and implement alternative options.

JPI reported in [Rethinking Approaches to Over-incarceration of Black Young Adults in Maryland](#) that nearly 50 percent of people serving the longest prison terms in Maryland were initially incarcerated as emerging adults. People who committed crimes when they were under the age of 25 have a greater capacity to change and grow over time. Most people who commit serious crimes naturally grow out of that behavior as they mature and become less likely to re-offend. Continuing to incarcerate people unnecessarily wastes taxpayer money that could otherwise be spent on things that prevent crime and protect public safety.

This bill also has serious racial justice implications, given that of the 2,212 people serving life sentences in MD, 80% are Blackⁱ, a huge disparity when compared to the only 31% 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% higher than the next nearest state, Mississippi.

This bill has profound racial justice implications as Maryland leads the nation in sentencing young Black men to the most extended prison terms. At a rate 25 percent higher than the next most racially disparate state, Mississippi, Maryland's restrictive release policies for this specific population are an obstacle to remedying this situation. It exacerbates the long-standing disparities in the prison system. According to data collected in 2020, of the men over 60 years old in Maryland's prison system who have served at least 20 years, 54 percent were Black – HB 853 could correct this wrongdoing by allowing judges to have the option to consider resentencing.

Nationally, people who have been released through Second Look Laws have extremely low rates of reoffending, and many are now working to improve their community's safety by working as mentors with the highest at-risk youth. We have experienced this in Maryland with the passage of the Juvenile Restoration Act (JRA). Those granted a re-sentencing are thriving as community members; to date, none have recidivated. Washington DC's Incarceration Reduction Act (IRAA/SLAA) resulted in 225 individuals being released with just under 6 percent recidivism measured as re-arrest/violation.

Under the D.C. Second Look Amendment Act (2021), Ned McAllister was released after 27 years. His case highlighted his transformation, training as a carpenter, mentoring younger inmates, and maintaining strong family connections. His release demonstrated how long-term sentences often fail to account for personal growth and diminishing returns of incarceration over time. Studies show that [long sentences are not only costly but ineffective](#) in deterring crime compared to investments in rehabilitation and community support.

The Act would require that victims receive notice of a resentencing hearing and obligate the Judge to consider the victim's input if the victim or their representative chooses to offer a statement. Importantly, victims would not be required to return to court or participate in any way if they decide not to. Additionally, victims prefer, by a ratio of 2 to 1, a criminal justice system that emphasizes rehabilitation for those who commit crimes over punishment.

According to a 2022 poll conducted by political and public affairs survey research firm Public Opinion Strategies, American voters supported “Second Look Laws” by a two-to-one margin, and by more than two-to-one, voters believe people should be considered for early release if they are unlikely to commit future crimes. Thus prioritizing public safety over prolonged “punishment.”

For these reasons, I encourage you to vote **favorably** on the **Maryland Second Look Act HB 853**.

ⁱ [MD DPSCS FY 2022 Q4 Inmate Characteristics Statistics](#) (2022)