



Written Testimony of Celeste Trusty
State Legislative Affairs Director for FAMM
In Support of HB 853 (with Amendment)
Maryland Senate Judicial Proceedings Committee
March 25, 2025

I would like to thank Chair Smith, Vice Chair Waldstreicher, and members of the Senate Judicial Proceedings Committee for the opportunity to submit written testimony in support of HB 853 with amendment, a bill that would allow opportunities for some incarcerated people who were convicted before age 25 and have served at least 20 years of their sentence to petition the court for relief. FAMM supports HB 853 with amendment and urges the Committee to issue a favorable report on this crucial piece of legislation.

FAMM is a nonpartisan, nonprofit organization that advocates sentencing and prison policies that are individualized and fair, protect public safety, and preserve families. Creating and expanding access to “second look” mechanisms - pathways to review the appropriateness and necessity of a person’s continued incarceration - is among one of FAMM’s top priorities across the country. HB 853 would create such a mechanism for many people who were minors but convicted as adults prior to October 1, 2021, and have served at least 20 years of their sentence; and many people who have served twenty years or more of a sentence for an offense that occurred prior to age 25.

FAMM firmly believes that second-look opportunities should be available to all incarcerated people who meet the requirements laid out in the bill, and that categories of people should not be excluded based on their conviction, sentence, or age at time of conviction. Every case is different, and every case should be individually evaluated. There are strict eligibility criteria included in the bill, as well as a comprehensive compilation of input and information to be considered with each application. There is an emphasis on prioritizing public safety in each final decision. Preemptively barring groups of people from accessing second-look relief diminishes the overall impact of this legislation, and perpetuates harmful stigma attached to people serving life without parole sentences and people with convictions for sexual offenses.

HB 853 would allow the court to consider several important factors such as the person’s age at the time of conviction and evidence of maturation during their period of incarceration, as well as

the offense, level of participation in the offense, and any victim input. The court may also consider a person's family and community circumstances at the time of the offense and during their incarceration, as well as their educational, vocational, rehabilitative, and disciplinary history.

Second look sentencing mechanisms such as those outlined in HB 853 provide an amazing opportunity for our communities to benefit from returning credible messengers with lived experience to our communities after incarceration. Across the country and here in Maryland, FAMM advocates alongside incredible incarcerated people who have demonstrated readiness to return to their communities, yet for far too many of these people, there are an absence of opportunities to do so. Second-look efforts have proven highly successful across the country and in Maryland as our society moves away from a past focus on harsh sentencing, and toward embracing mercy as a counterbalance to punishment.

In Maryland, it costs an average of nearly \$40,000 a year to incarcerate each person, and that number grows exponentially as people age.¹ In July of 2022, the Maryland Department of Public Safety and Correctional Services reported more than 3,100 people over age 51 living in its state prisons, with more than 1,100 of this group over age 60.² As people mature into adulthood, the likelihood of engaging in criminal behavior diminishes, therefore it makes sense to create pathways for incarcerated people to be released back into their communities instead of demanding continued incarceration.

The provisions included in HB 853 should be considered a public safety effort, allowing invaluable taxpayer resources to be reallocated from our overcrowded prisons and into our communities. The release of around 200 incarcerated people through the *Unger v. Maryland* ruling has already saved Marylanders an estimated \$185 million and is expected to grow to a taxpayer savings of more than \$1 billion over the next decade.³ HB 853 would allow Marylanders to continue to benefit from second-look opportunities by creating a mechanism for post-conviction review for people sentenced to excessive terms of incarceration, thereby freeing up precious taxpayer resources to be reallocated from investing in incarceration to investing in things Maryland's communities really need.

¹ Vera Institute for Justice, *Price of Prisons*, Maryland factsheet. January 2012.

<https://www.vera.org/downloads/publications/price-of-prisons-updated-version-021914.pdf>

² MARYLAND DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES Incarcerated Individual Characteristics Report, July 1, 2022.

<https://www.dpscs.state.md.us/publicinfo/publications/pdfs/Inmate%20Characteristics%20Report%20FY%202022%20Q4.pdf>

³ Justice Policy Institute, *The Ungers: 5 Years and Counting*, 2021. https://justicepolicy.org/wp-content/uploads/2021/06/The_Ungers_5_Years_and_Counting.pdf

Thank you for considering FAMM's input on HB 853, a common-sense and necessary piece of legislation for Maryland. We ask that you return a favorable report for HB 853 with amendment. Please do not hesitate to reach out to me at ctrusty@famm.org or 267-559-0195 with any further questions.