

HB 853; Favorable with Amendments
Senate Judicial Proceedings Committee
March 25, 2025
Testimony by: John Sexton

Chair Smith, Vice Chair Waldstreicher, and members of the Judicial Proceedings Committee:

With the proposed Second Look Act, you are missing out on the chance to deal with a significant population of people:

-Those who have already served over 30 years.

There is a significant group of people who have served well over 30 years and, in many cases, 40 or 50+ years. A demographic that has demonstrated excellent rehabilitation, statistically aged out of errant behavior decades ago, and would be assets to their communities if given the chance. But instead, they are languishing and costing the state exorbitant amounts of money to keep them in prison. This despite the fact that they are not a danger to the public and have not been for decades.

The infrastructure and capacity of Maryland systems to process this demographic has been decimated over the course of past decades; consequently, they have never been given the chance that their original sentence at least implied they would have. You should include in this Second Look Act any individual who has already served over 30 years, whose record demonstrates that they are worthy of a second look.

-Those with a life without the possibility of parole (LWOP) sentence.

Whenever someone mentions “life without parole”, most have an automatic thought process that reflects a perception of the worst of the worst, incorrigible, irredeemable. The predominant belief is that any person receiving this sentence must be a wretched soul indeed. While that may have been the designated purpose of the sentence, the reality is that LWOP has not been utilized pursuant to sentence design and has been applied way beyond the scope and import of its stated objective.

How do we know that?

LWOP was enacted by Chapter 237, Acts of 1987 [HB 693 of 1987]. It was dubbed as a “compromise” bill, and its stated need was to address cases in which the death penalty would have otherwise been appropriate but not available. The example given was “serial killers who are not eligible for the death penalty” (Senate Judicial Proceedings Committee Summary of Committee Report, Department of Legislative Reference 1987). The report also went on to cite the administrative costs of death penalty proceedings. Clearly, LWOP was created as the death penalty alternative, and accordingly, the cases in which it would be warranted, both pursuant to stated legislative intent and the morals of humanity, should have been limited to cases where the death penalty would have been appropriate.

A look at the numbers leaves no doubt that the stated intent of LWOP has been cast aside and, in its utilization, abused. Any notion of only being given to the worst offenders is patently false. Maryland executed a total of about 310 people between 1638 and 2005¹. That’s almost 370 years that it took Maryland to execute 310 people. LWOP was created in 1987- it’s

taken Maryland less than 40 years to have 424 people serving LWOP². Put another way, if we were to follow the stated intent of LWOP by the General Assembly in 1987, we would have to accept that we believe Maryland should have otherwise executed 424 people in less than 40 years, when it took 370 years to execute 310 souls. Let's look at another 40-year period. Between 1973 and 2013, 53 people received the death penalty³. A total of 53! And this includes the so-called "superpredator" era- but somehow, in the last 40 years, 424 people would have otherwise deserved that punishment. Really?

Including LWOP cases in the Second Look bill would only give the court the opportunity to ensure the appropriateness of LWOP in a given case. That's it!

None of us should be okay with the notion that Maryland thinks 424 souls warranted being executed in the past 40 years.

I urge you to make a practical difference by including those who have served long sentences, as well as those with LWOP, in the passing of the **Maryland Second Look Act, HB 853**.

Thank you,
John Sexton
sextonj783@gmail.com

¹ https://en.wikipedia.org/wiki/List_of_people_executed_in_Maryland

²The Sentencing Project; A Matter of Life: The Scope and Impact of Life and Long Term Imprisonment in the United States, 2025.

³Bureau of Justice Statistics, Table 17. <https://bjs.ojp.gov/content/pub/pdf/cp13st.pdf>