



FAVORABLE WITH AMENDMENT TESTIMONY FOR HOUSE BILL 853

Maryland Second Look Act

TO: Members of the Senate Judicial Proceedings Committee

FROM: Center for Criminal Justice Reform, University of Baltimore School of Law

DATE: March 21, 2025

The University of Baltimore School of Law's Center for Criminal Justice Reform is dedicated to supporting community driven efforts to improve public safety and address the harm and inequities caused by the criminal legal system.

The Center strongly supports House Bill 853 with amendments. The Senate Judicial Proceedings should amend House Bill 853 to be consistent with the original text of House Bill 853 and that of Senate Bill 291.

I. Unnecessarily long sentences are detrimental to public safety in correctional settings and our communities.

House Bill 853 promotes, rather than hinders, public safety. There is no evidence that unnecessarily long sentences deter people from engaging in criminal behavior.¹ Instead, certainty of apprehension—not severity of sentence—plays a far greater role in discouraging people from engaging in crime.² Incarcerated people grow and change regardless of how old they were at the time of their offense. Accordingly, recidivism rates are extremely low for people released in their mid-40s or later.³ Furthermore, by creating an opportunity for resentencing, this bill would also very likely improve morale and behavior inside prisons, benefiting incarcerated people and corrections officers alike.⁴ Furthermore, by creating opportunities for sentence reconsideration, HB 853 also promotes hope, rehabilitation, and safety behind the walls. A recent DLS report showed that violent assaults jumped by more than 50% in the last fiscal year. Incentivizing positive, productive behavior within facilities benefits incarcerated people and the correctional

¹ See U.S. DEP'T OF JUSTICE, OFFICE OF JUSTICE PROGRAMS, *Five Things About Deterrence*, <https://www.ojp.gov/pdffiles1/nij/247350.pdf>.

² Id.

³ In one study, only 4% of people convicted of violent crimes released between ages 45 and 54, and 1% released at 55 or older, were reincarcerated for new crimes within three years. Among people previously convicted of murder, those rates fell to 1.5% and 0.4%, respectively. J.J Prescott, et al., *Understanding Violent-Crime Recidivism*, NOTRE DAME LAW REVIEW, 95:4, 1643-1698, 1688-1690 (2018).

⁴ KEVIN SHARP & KEVIN RING, *Judges Should be Able to Take a 'Second Look' at Prison Sentencing*, USA TODAY (June 20, 2019, 5:22 PM), <https://www.usatoday.com/story/opinion/policing/2019/06/20/inmates-prison-reform-judges-sentencing-trump-policing-the-usa/1498072001/>.

workforce alike. The state must improve the conditions for those who live and work in these facilities, and truly one of the greatest such tools is hope.

II. Unnecessarily long sentences devastate families and communities across the socioeconomic spectrum, race, and ethnicity, but they disproportionately impact communities of color.

Reducing unnecessarily long sentences, regardless of a person's age at the time of their offense, is a critical component of addressing mass incarceration and mitigating racial disparities in our criminal legal systems. Data demonstrate that “there are stark racial and ethnic differences in the shares of people who are sentenced to and serving 10 years or more in prison, especially when comparing Black people and White people.”⁵ For example, “46% of the total number [of] people serving life or sentences of 50 years or more were Black” across the country in 2020.⁶ Racial disparities for children sentenced to long terms of imprisonment as adults in Maryland are also instructive here: 87 percent of those who became eligible for relief under the Juvenile Restoration Act (JRA) are Black.⁷ According to the Campaign for Fair Sentencing of Youth, this racial disparity is the worst in the entire nation.⁸

III. House Bill 853 would promote cost-savings and allow those funds to be allocated to effective public health and safety efforts.

The state prison population and expenses may be reduced via sentence reductions for incarcerated people with lowest-risk status. Successful applicants for House Bill 853 sentence modifications would be very low risk in light of their age, likely deteriorating health, and demonstrated self-rehabilitation achievements. Cost savings are especially likely because costs increase dramatically for older individuals in prison.⁹ Wasteful and unnecessary policies and practices—such as the ongoing incarceration of people who pose the lowest risk of reoffending—harm public safety by siphoning massive sums of money that could otherwise support programs that actually prevent crime. The cost savings that are likely to result from the passage of House Bill 853 would allow the reallocation of critical funds to assist with substance use treatment, victim and trauma recovery services, reentry and other rehabilitation programs for people at higher risk of engaging in criminal behavior.

IV. The successful implementation of the Juvenile Restoration Act bolsters confidence in the impact of House Bill 853.

⁵ COUNCIL ON CRIMINAL JUSTICE, *How Long is Enough? Task Force on Long Sentences Final Report* (Mar. 2023), https://assets.foleon.com/eu-central-1/de-uploads-7e3kk3/41697/task_force_on_long_sentences_final_report.ecc1d701464c.pdf.

⁶ *Id.*

⁷ CAMPAIGN FOR THE FAIR SENTENCING OF YOUTH, *Juvenile Restoration Act (HB409/SB494)*, https://cfsy.org/wp-content/uploads/HB409_SB494_JuvenileRestorationAct_FACTSHEET-1.pdf.

⁸ *Id.*

⁹ MATT MCKILLOP & ALEX BOUCHER, *Aging Prison Populations Drive Up Costs*, THE PEW CHARITABLE TRUSTS, (Feb. 20, 2018), <https://www.pewtrusts.org/en/research-and-analysis/articles/2018/02/20/aging-prison-populations-drive-up-costs>.

Positive outcomes from the JRA, which this committee supported four years ago, underscore the types of impact that the passage of House Bill 853 would have on Maryland families and communities. Marylanders who were granted relief pursuant to the JRA have contributed to their families and communities since returning home by caring for sick family members, paying taxes, and dedicating their lives to repairing and preventing the types of harmful behavior that they engaged in as young people. Our communities are safer and healthier because of their contributions. Existing law fails to remedy all unnecessarily long sentences—even for individuals who are not a threat to public safety and even when the interests of justice would be best served by a reduced sentence. There is an entire population of incarcerated Marylanders who are not eligible for relief under the JRA who have the same capacity for change, redemption, and positive impact. House Bill 853 would afford them that opportunity.

V. House Bill 853 centers the voices of victims in a manner that is meaningful for victims in a criminal justice proceeding.

House Bill 853 is designed to support crime victims, both through its procedural protections and systemic goals. It appropriately provides victims with notice of a hearing and directs the court to consider “any statement offered by a victim or a victim’s representative” in deciding whether to reduce an individual’s sentence. Victims may decide for themselves whether to attend a hearing or offer a statement; at no point will any victim be required to participate in proceedings pursuant to House Bill 853. While all crime victims deserve some form of accountability for the harm done to them, this does not mean that all victims see accountability and justice in the same way or have the same priorities. Victims are not a monolith; some welcome the chance to obtain information about the personal changes made by defendants in their cases and see this proceeding as an opportunity to achieve greater healing and closure. Others may not want to be involved in a process that potentially opens old wounds. All of these victims must be supported, including through the availability of appropriate and necessary services.

Research demonstrates the diversity of victim and survivor perspectives, including the large percentage of crime victims interested in more than simply punishment, for whom healing and accountability require much more. Survey data from the Alliance for Safety and Justice shed more light on the views of victims; their recent report finding that victims overwhelmingly prefer justice approaches that prioritize rehabilitation over punishment and strongly prefer investments in crime prevention and treatment to more spending on prisons. Most victims who were surveyed prefer more spending on prevention and rehabilitation to prison sentences that keep people incarcerated as long as possible.¹⁰

House Bill 853 provides the opportunity for victims to participate in a way that is consistent with the purpose of the criminal justice system and the voice and participation they deserve. Moreover, our criminal justice system’s primary functions are to promote justice and to protect the community. Prosecutors, and our system more broadly, should represent and balance society’s myriad interests in the pursuit of justice, which means not limiting focus *exclusively* to the interests of the portion of individual victims who never wish to see the person who harmed

¹⁰ The Right to Heal and a New Approach to Public Safety: A National Crime Victims’ Platform”, p. 9, <https://asj.allianceforsafetyandjustice.org/wp-content/uploads/2024/09/RTH24Summary.pdf>.

them released. Decisions regarding second chances should likewise be balanced and made in the interest of justice, safety, and broader community needs.

For these reasons, we urge a favorable with amendment report on House Bill 853.