



The **CAMPAIGN** for the
FAIR SENTENCING
of **YOUTH**

BILL: **House Bill 853**
TITLE: Postconviction Review – Procedure to Reduce Duration of Sentence
DATE: March 21, 2025
POSITION: **FAVORABLE WITH AMENDMENTS**
COMMITTEE: Judicial Proceedings Committee
CONTACT: Nikola Nable-Juris (nikola@cfsy.org)

Chair Smith and members of the Senate Judicial Proceedings Committee:

The Campaign for the Fair Sentencing of Youth (CFSY) respectfully submits this testimony for the official record to express our position as **favorable with amendments** for HB 853.

CFSY is a national organization. We recognize that all children, even those who commit serious offenses, are capable of growth and change. We advocate for all children serving lengthy sentences to receive meaningful opportunities for review and we provide support for them to thrive after release.

CFSY exclusively advocates for children under 18. We recognize, however, that redemption and rehabilitation are possible at any stage of life. We also acknowledge the growing body of brain science research about young adults and the evolving standards of decency in criminal sentencing. Sentences that foreclose all meaningful opportunities for review deny individuals the ability to demonstrate how they have changed throughout the course of their incarceration. Such sentences also remove critical incentives for positive growth and behavior in prison. Therefore, while we take no formal organizational position on HB 853's impact on individuals who were age 18 and older at the time of their offense, we recognize the importance of considering these scientific and moral advancements in sentencing and review practices.

CFSY's position is **favorable with amendments** to ensure that all children under 18 receive the opportunity to file a motion to the court to reduce their sentence. HB 853, as currently written, impacts children under 18 because it amends Maryland Criminal Procedure § 8-110. In 2021, the General Assembly passed § 8-110 into law via SB 494, the Juvenile Restoration Act (JUVRA). SB 494 (2021) arose out of seminal U.S. Supreme Court cases, including *Roper v. Simmons*,¹ *Graham v. Florida*,² *Miller v. Alabama*,³ and *Montgomery v. Louisiana*,⁴ that acknowledged children are constitutionally different from adults for the purpose of criminal sentencing. Passing HB 853 in its current form would inadvertently create inequities where future individuals aged 18 to 24 at the time of their offense could file a motion to the court for sentence reduction while future individuals under 18 could not.

CFSY advocates for an amendment on page 5, line 22, to clarify that the provisions of Criminal Procedure § 8-110 should apply to children under 18 who were sentenced before, *on, or after* October 1, 2021.



The CAMPAIGN for the
FAIR SENTENCING
of YOUTH

CFSY is grateful for your serious consideration of this bill and urges this Committee to support an amendment that would clarify that all children under 18, regardless of when their sentencing occurred, should be eligible to file a motion to the court for sentence reduction.

Thank you,

Nikola Nable-Juris, J.D.
National Legal and Policy Director
The Campaign for the Fair Sentencing of Youth

¹ *Roper v. Simmons*, 543 U.S. 551 (2005).

² *Graham v. Florida*, 560 U.S. 48 (2010).

³ *Miller v. Alabama*, 567 U.S. 460 (2012).

⁴ *Montgomery v. Louisiana*, 577 U.S. 190 (2016).