UNIVERSITY OF BALTIMORE
Center for Criminal Justice Reform

TESTIMONY IN SUPPORT OF SB 162

Criminal Procedure – Motion to Reduce Duration of Sentence – Repeal of Sentencing Date Limitation

TO: Members of the Judicial Proceedings Committee

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

DATE: January 23, 2026

The University of Baltimore School of Law Center for Criminal Justice Reform supports community-driven efforts to improve public safety and address the harm and inequity caused by the criminal legal system. In alignment with this mission, **we offer our strong support of Senate Bill 162.**

Last year, the General Assembly passed the Maryland Second Look Act, allowing certain individuals 18-24 years old at the time of their offense to file a petition to reduce their sentence if they have served at least 20 years of the term of confinement. This important expansion of opportunity for judicial review includes the consideration of critical factors to determine that the individual does not pose a risk to the public, and that the interests of justice will be better served by a reduced sentence.

While an extremely important step forward for our state, unfortunately as passed, this legislation creates a harmful inconsistency that runs counter to the interests of justice and the data: allowing individuals ages 18 to 24 to receive an opportunity for review, but not individuals under the age of 18 at the time of their offense. This means, for example, that a child under 18 and a 24-year-old arrested today as co-defendants would face different outcomes under the current law. The 24-year-old would be eligible for sentence review after 20 years, while a 15-, 16- or 17-year-old would not. SB 162 is a straightforward and common-sense fix to address these disparities and ensure fundamental fairness, as well as compliance with the U.S. Constitution in sentencing review.

Senate Bill 162 brings consistency with decades of U.S. Supreme Court precedent which has repeatedly emphasized that defendants who were convicted of crimes when they were children deserve greater not fewer opportunities to demonstrate their successful rehabilitation. Since 2005, the U.S. Supreme Court has held on numerous occasions that the Eighth Amendment requires youth under the age of 18 to be sentenced with a focus on their potential for growth, maturity, and rehabilitation. In the twenty years since the landmark decision *Roper v. Simmons* (holding that the eighth amendment prohibits anyone from being sentenced to

death for a crime committed while the individual was under the age of 18), the Court has maintained that children must be provided with sentences that create a meaningful opportunity to obtain release based on a variety of factors such as maturity and rehabilitation.[1]

In 2012, the Court established that mandatory life sentences for crimes committed by individuals under 18 is a violation of the Eighth Amendment.[2] Once again, with a focus on the potential for rehabilitation, the Court in *Miller v. Alabama* emphasized that children have "greater prospects for reform" and that a mandatory life-without-parole sentence disregards the possibility of rehabilitation.[3]

It is clear from this precedent that the U.S. Constitution prohibits the extreme and disproportionate punishment of children. With a focus on the importance of rehabilitation, the U.S. Supreme Court has built a body of jurisprudence that favors creating mechanisms for the consideration of children, taking into account the vast research supporting their unique potential for growth and transformative change. Maryland's current implementation of legislation which unintentionally harms or excludes them, while providing relief for older individuals including potential co-defendants, is an inconsistency that must be urgently fixed.

We urge a favorable report on Senate Bill 162.

[1] *Roper v. Simmons*, 543 U.S. 551 (2005)
[2] *Miller v. Alabama*, 132 S. Ct. 2455 (2012)
[3] *Id.*