



Testimony for the Senate Judicial Proceedings Committee

January 27, 2026

SB 162 – Criminal Procedure - Motion to Reduce Duration of Sentence - Repeal of Sentencing Date Limitation

FAVORABLE

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The ACLU of Maryland urges a favorable report on SB 162 which seeks to close existing gaps in resentencing policy after the passage of the Second Look Act of 2025 and the Juvenile Restoration Act of 2021. The Second Look Act, as enacted, applies to those who committed certain crimes between the ages of 18-24. The Juvenile Restoration Act (JRA), as enacted, abolishes life without the possibility of parole for those under the age of 18 and allows people that have served at least 20 years of their sentence and who committed crimes before the age of 18 and were sentenced prior to October 1, 2021 the opportunity to petition the court for a sentence modification. These transformative laws have provided new opportunities and new hope for many incarcerated people. However, the retrospective nature of the Juvenile Restoration Act means that there are currently no meaningful resentencing paths for those who commit crimes before the age of 18 after October 1 2021. SB 162 would provide a common sense, technical fix to ensure those most in need of sentencing review would have that opportunity, creating parity across resentencing opportunities in Maryland.

Brain development continues throughout adolescence and into adulthood. The section of the brain responsible for mature thought, emotional regulation, judgment, and reasoning develop last in the frontal lobes. Adolescents are more likely to act on impulse without considering consequences and use their brains in a way that differs from adults.¹ These trends are reflected in data around criminal behavior which overwhelmingly shows that people age out of crime. Criminal behavior generally peaks during the late teens and early 20s and falls sharply in the years after.² Current law allows for the consideration of various factors in resentencing decisions for whom they currently apply. Among these are persons family and community circumstances at the time of the offense, including any history of trauma, abuse, or involvement in the child welfare system. For the cohort of individuals in question in SB 162, these factors are of particular relevance.

¹ Grisso, T. "The Competence of Adolescents as Trial Defendants." *Psychology, Public Policy and Law*, 3:1, 1997.

² "The Older You Get: Why Incarcerating the Elderly Makes Us Less Safe." FAMM, Families for Justice Reform, famm.org/wp-content/uploads/2021/10/Aging-out-of-crime-FINAL.pdf.

Bias in Maryland’s criminal justice system against indigent defendants and Black people occurs at every stage: from the initial arrest to sentencing. This bill is necessary to provide a path for those who committed crimes as children to challenge extreme, biased, or inappropriate sentences.

There is also opportunity for safer prison environments with the potential opportunity to reduce sentences, as a compelling incentive to comply with facility rules while serving their time. In other words—the possibility of earning a sentence reduction may incentivize good behavior and thereby improve safety in the facilities.³

This bill builds on existing resentencing reforms that Maryland has rightly adopted in recent years - reforms grounded in the recognition that people mature, take accountability, and transform their lives. This understanding is particularly relevant when thinking about young people. The Maryland Second Look Act and the JRA allow people the opportunity to demonstrate their rehabilitation in front of a judge. This opportunity should be afforded to all people, particularly those who committed crimes during their adolescence.

For the foregoing reasons, ACLU of Maryland urges a favorable report for SB 162.

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³ *Stouffer v. Staton*, 152 Md. App. 586, 592 (2003).