



**Testimony for the House Judiciary Committee
February 4, 2020**

**HB 323 – Criminal Procedure – Petition to Modify or Reduce
Sentence (Maryland Second Look Act)**

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The ACLU of Maryland supports HB 323, which would allow individuals in prison a second chance to petition the court to modify or reduce their sentence after serving at least 20 years of their term, and if at least five years have passed since the court previously decided any petition for reconsideration.

HB 323 increases accountability in the criminal justice system.

Bias in Maryland’s criminal justice system against indigent defendants and people of color has been widely documented at every stage: from the initial arrest to sentencing. For eligible individuals who may have faced this bias by law enforcement, the courts, or corrections, this bill would lead to more just outcomes by taking a second look to ensure their sentences were correctly decided. For members of the public who already distrust the justice system, it would provide additional assurance that the state is taking steps to recognize and correct past instances of bias, and is committed to ensuring that people in its custody receive fair treatment. A second look would catch these instances of bias without reducing time served for those whose sentences were determined correctly.

HB 323 will lead to safer prison environments.

The potential opportunity for individuals to reduce their sentences is a compelling incentive to comply with facility rules and maintain good behavior. Good conduct credits are a behavioral incentive and a means of reducing prison overcrowding.¹ This in turn lowers the threat of violence and other risks and challenges that inmates, correctional officers, and staff face inside correctional facilities.

The Maryland General Assembly has recognized the need to reform the justice system and allow incentives for better behavior.

By passing the Justice Reinvestment Act, “ban the box,” and expungement bills, the Maryland General Assembly has repeatedly recognized the need and expressed the desire to provide individuals in the justice system with second chances. This bill would not release anyone from their responsibility for their

¹ *Stouffer v. Staton*, 152 Md. App. 586, 592 (2003).



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crime. It would simply provide to those who meet the eligibility requirements the small gesture in this bill's title: a second look.

For the foregoing reasons, we urge a favorable report on HB 323.