

Committee Name: Judicial Proceedings Committee

Committee Chair: Senator William C. Smith

Committee Vice-Chair: Senator Jeff Waldstreicher

Hearing Date: February 17st 2021

WRITTEN Testimony for Juvenile Restoration Act (SB494)

Position: Support

From: Eddie B. Ellis Jr.

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My name is Eddie Ellis and I am resident of Montgomery County MD and I work for the Campaign for the Fair Sentencing of Youth. At the Campaign for the Fair Sentencing of Youth, we lead and support campaigns to ban life without parole and other extreme sentences for children. In partnership with those directly impacted by these policies, we build coalitions, educate key decision makers and influencers through the media and in-person meetings, negotiate with key stakeholders, and advance reforms that ensure youth receive second chances.

I joined the CFSY team as the Incarcerated Children's Advocacy Network (ICAN) Coordinator in early 2018. In this role, I work with over 140 ICAN members nationwide (former lifer sentenced children/others children sentenced to harsh senescence's) across the country, connecting them to each other and with local resources.

I also work with other directly impacted communities, including the family members of juvenile lifers, Survivor of violence etc. I am a native Washingtonian, was arrested and charged with murder at the age of 16 – I was later found guilty of manslaughter and sentenced to 22 years in prison. I served 15 years and finished the rest of his time on parole. I came home in 2006 and since that time I have worked on a variety of issues, including reentry, solitary confinement, and on behalf of people with disabilities who are in the system and coming home. I have

served on the board of directors of a national legal organization, and helped with client center training for lawyers, probation officers and social workers, I am on the ABA criminal just section.

I am an advocate for those in the system, a mentor, and a motivational speaker. My lived experience as a formerly incarcerated person provides invaluable insight and depth into the work that allows me to connect with and engage the community he serves.

I've been home for 14 years now, and all that I have done since I've been free is prove that we can change and it's so many more that's still incarcerated in MD that should be allowed to have a second chance at freedom. This bill does not open up the flood gates for people to just walk out of prison, but the bill will allow them to get a review from a Judge and that Judge will decide if they have done all that they need to do to be released.

This legislation will bring Maryland in line with recent U.S. Supreme Court rulings and twenty-four other states and jurisdictions, including Virginia, West Virginia, and the District of Columbia, that have passed similar legislation abolishing life without the possibility of parole for children.

The legislation accomplishes the following: 1) Abolishes the sentence of Juvenile Life Without Parole (JLWOP). 2) Permits a person who was convicted of a crime committed while the person was a minor to file a motion for a sentence reduction. Following a judicial hearing, the court may reduce the sentence if the person has been imprisoned for at least 20 years, is not a danger to the public, and the interests of justice are served by a sentence reduction. 3) Requires the reviewing court to consider the particular characteristics of youth in accord with *Miller v. Alabama*, 567 U.S. 460 (2012), when determining whether to grant a sentence reduction to a person who was a child at the time the crime was committed.

The Juvenile Restoration Act is based on the beliefs that no child is born bad, no child is beyond the hope of redemption, and no child should ever be told that they have no future but to die in prison. It balances the needs for age-appropriate accountability and public safety with the fundamental truth that people, especially children, are capable of profound positive transformation.

When a person is able to demonstrate rehabilitation, we must give them an opportunity for a second chance. This legislation takes an important step toward constitutional compliance for youth convicted of serious crimes by abolishing life without parole, providing meaningful opportunities for judicial review after serving a term of years, and setting forth the factors particular to youth that courts must consider at the review hearing.

Sincerely Eddie Ellis