

MARYLAND ALLIANCE FOR JUSTICE REFORM

Working to end unnecessary incarceration and build strong, safe communities



January 18, 2021

Chairman Luke Clippinger
House Judiciary Committee
House Office Building, Room 101
Annapolis, MD 21401

**RE: House Bill HB 409 – Favorable
Written Testimony - Olinda Moyd, Esq.**

Dear Chairman Clippinger and Judiciary members:

The Maryland Alliance for Justice Reform supports the passage of HB 409.

The first thing that this bill does is to abolish the sentence of juvenile life without parole. The State of Maryland should not sentence children to a life in prison without the possibility of parole. Each time that we do so, we send the message that we believe that they are beyond redemption and should never be given a second chance. People can change and people do change.

Children are not irredeemable and societies outside of the US recognize that children have a greater capacity for change and rehabilitation. It is impossible to know when a person who is a teenager will grow into adulthood and become an outstanding citizen. Mandatory life sentences for children precludes consideration of their immaturity, impetuosity and failure to appreciate risks and consequences. It prevents taking into account the family and home environment that surrounds them – and from which they cannot usually extricate themselves – no matter how brutal, traumatizing or dysfunctional. As they grow older, young people change – invariably for the better – even when they commit the worst of crimes. Children often fall prey to peer pressure and other outside influences. But as we mature, we inevitably began to understand decision-making concepts and develop the strength and maturity it takes to choose the right path.

Relying on this fundamental, commonsense and scientifically supported truth, the Supreme Court's decision in *Miller v. Alabama* (2012) barred mandatory life-without-parole sentences for young people who committed their crimes when they were under the age of 18. *Miller* restored some hope to the more than 2,000 individuals serving mandatory life sentences for crimes committed before they were old enough to vote or serve in the military. HB 409 is in line with the meaning and spirit of the recent Supreme Court decisions which support that children are different than adults and should be given a meaningful opportunity to demonstrate rehabilitation.

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The second thing that this bill does is to provide hope for persons sentenced as children who deserve a second chance after they have served 20 years, are no danger to the community and it is in the interest of justice to release them. The act of offering these individuals the opportunity to file a motion for sentence reduction is an act of redemption. We have created a system where the door to enter the system is wide and easy to walk through, but where the opportunity to exit is narrow and extremely limited. The few who have trickled out of the system prove that they are no longer a danger and are capable of contributing to the community – given their low recidivism rate.

There are over 400 people who are serving life or life equivalent sentences for crimes committed as children and have already served in excess of 20 years and who would be immediately eligible for review under HB 409. All of them have aged in prison and many of them are now over 50 years old. Eighty-seven percent of persons who are immediately eligible are Black. When we consider the racial inequities engrained in our judicial system we must create avenues to correct the wrongs of our past simply by giving children exposed to excessive sentencing a second chance.

It is essential that Maryland enact legislation that creates fair and age-appropriate sentences for children and catch up with other states who have already taken progressive steps in the right direction.

We ask that you move Maryland forward by voting to pass HB 409.

Thank you.

Olinda Moyd, Esq.