

IN SUPPORT OF SB 976

To: Senate Judicial Proceedings Committee
From: Gender Violence Clinic, University of Maryland Carey School of Law
Date: March 28, 2022
Re: Written Testimony in support of Senate Bill 976

The University of Maryland Carey School of Law Gender Violence Clinic unequivocally supports Senate Bill 976.

The Gender Violence Clinic represents clients who have been incarcerated for crimes related to their own gender-based victimization. Many of our clients have served or are currently serving lengthy terms for defending themselves against abusive partners, committing crimes at the behest of their abusive partners, or being present when their partners engage in illegal behavior. Although they have been convicted of violent offenses, many of our clients have not engaged in violence themselves; others have done so in self-defense or under duress. The conviction for which they are incarcerated is frequently the only conviction they have. They serve lengthy sentences and use that time to address the trauma that they experienced pre-incarceration, to educate themselves, and to work in the prison and in their communities. They pose no threat to society and their continued incarceration is unnecessary. Of the clients that we have helped to achieve release through parole and commutation, not one has returned to prison.

Eraina Pretty was one of these clients. Ms. Pretty was the longest serving woman in the Maryland prison system. After 42 years of incarceration, Ms. Pretty was finally released in 2020—not on parole (for which she was twice recommended), but because the Sentencing Review Unit of the Baltimore City State’s Attorney Office partnered with us in asking the Baltimore City Circuit Court to reconsider her sentence. Ms. Pretty was lucky—there was a legal basis for making that request, as the law currently requires, and the court was willing to consider the issue. For many of our clients, though their performance in prison makes it clear that they are deserving of such reconsideration, no legal basis for returning to court exists or the court refuses to hold a hearing, even though there is a legal basis. Senate Bill 976 would permit State’s Attorneys to file motions to modify sentences in these cases without needing an independent legal basis to return to court and require the court to hear that motion. It would give these clients, who, after enduring serious trauma, work so hard to make their incarceration meaningful, a reason to hope and give judges the ability to show mercy to those who merit it. For these reasons, we strongly support Senate Bill 976.

This written testimony is submitted on behalf of the Gender Violence Clinic at the University of Maryland Carey School of Law and not on behalf of the School of Law or the University of Maryland, Baltimore.