



March 29, 2022

Senator William C. Smith, Jr.
Chair, Judicial Proceedings Committee
2 East, Miller Senate Office Building
Annapolis, MD 21401

SUPPORT SB976 Criminal Procedure – Postconviction Review – Motion for Reduction of Sentence

Dear Chairman Smith, Vice Chairman Waldstreicher and Committee Members:

On behalf of the State's Attorney's Office for Baltimore City, we strongly support Senate Bill SB 976. This bill would allow prosecutors, within their discretion, to request a modification of sentence for an incarcerated defendant, if a shorter sentence is in the interest of justice. Currently, there is no legal mechanism that permits this type of sentence review.

Arguably, prosecutors are the most powerful players in the criminal justice system. Over time, laws have evolved and our practices have evolved. There is a better and more evolved understanding of juvenile behavior, drug addiction and poverty.

Also, as prosecutors, we need to be mindful that we have a mass incarceration problem and a significant aging inmate population problem. We are also aware that racial disparities exist in this system.

For these reasons, we have, as an office, began evaluating our own prosecution practices for racial inequities, so we can do better. We have also begun the process of reviewing the cases of persons who have already served lengthy period of times and remain in prison, and evaluating those cases with a more modern and compassionate lens.

With this context, my office of prosecutors want to be responsible, and should be responsible, for ensuring that sentences of people who are are still serving time in prison, continue to be fair and reasonable under our most current standards. This type of review is not within the parole board's purview.

This law would permit prosecutors to request a sentencing hearing in cases where we agree that a reduced sentence is in the interest of justice, for any number of reasons.

We need this procedural vehicle to do this work. And for any prosecutor offices that do not want or need this tool, they do not need to use it. I am here on behalf of the office for Baltimore City – we incarcerate more people than any other county in Maryland. We have a greater responsibility. We urge you to pass Senate Bill 976.

STATE'S ATTORNEY
Marilyn J. Mosby



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DIRECT DIAL

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Thank you for your consideration.

Sincerely,

A handwritten signature in blue ink that reads "Marilyn J. Mosby". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

Marilyn J. Mosby
State's Attorney for Baltimore City