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Finance Committee

Joint Committees

Children, Youth, and Families

Ending Homelessness

Fair Practices and State Personnel Oversight

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THE SENATE OF MARYLAND
ANNAPOLIS, MARYLAND 21401

Testimony of Senator Joanne C. Benson

SB 842: Criminal Procedure – Petition to Modify or Reduce Sentence (Maryland Second Look Act)

Good afternoon, Chair Smith, Vice-Chair Waldstreicher, and esteemed members of The Judicial Proceedings Committee. I am here to present SB842, The Maryland Second Look Act.

Currently, the United States leads the world in incarceration of its citizens with 2 million individuals currently in US correctional facilities. Additionally, prisons have seen a 500% increase throughout the last 40 years. Amendments and changes to laws and policies used for sentencing, NOT changes in crime percentages, explain the vast majority of this increase. African Americans are being incarcerated in prisons across the nation at almost five times the rate of their white counterparts, and Latinx individuals are 1.3 times as likely to be imprisoned than non-Latinx whites. This legislation ensures the fairness and justness of the imprisonment system in the State of Maryland.

Unfortunately, Maryland is one of 12 states where more than half of the prison populace is African American. Per the ACLU, the average yearly expense of imprisoning an elderly individual is \$72,000, and the population of older detainees in Maryland is substantially growing. This continues to create an increased financial burden as more of the detained population becomes elderly.

This bill's purpose is to permit an individual serving a term of imprisonment to appeal to a court to alter or decrease the sentence under specific conditions. For the petitioner to have the choice to seek appeal after their conviction, they must first have completed both of the accompanying impediments, served 20 years of the sentence without the utilization of diminution credits, or the equivalent of a 25-year sentence with the utilization of diminution credits. This bill will also allow the victim of the crime or a representative of the victim of the crime to be granted the ability to present their objection to the petitioner's appeal of an alteration or reduction of their sentence.

In conclusion, this bill will assist with lessening the current financial burden that mass incarceration creates and that so many individuals face while also guarantying that we maintain fair practices and empathetic sentences in our courts.

Thus, I respectfully urge the committee to issue a favorable report for SB842.

