



Written Testimony of Celeste Trusty
Deputy Director of State Policy for FAMM
In Support of SB 318
Maryland Senate Judicial Proceedings Committee
February 1, 2024

I would like to thank the Chair, Vice Chair, and members of the Senate Judicial Proceedings Committee for the opportunity to submit written testimony in support of HB 317, a bill that would establish a pathway for the State's Attorney to petition the courts to review a sentence of incarceration and determine if a reduction in sentence is in the interest of justice. **FAMM supports SB 318 and urges the Committee to pass this piece of legislation.**

FAMM is a nonpartisan, nonprofit organization that advocates sentencing and prison policies that are individualized and fair, protect public safety, and preserve families. Creating and expanding access to "second look" mechanisms - pathways to review the appropriateness and necessity of a person's continued incarceration - is one of FAMM's top priorities across the country. SB 318, and its companion bill HB 317, would create such a mechanism for the Maryland State's Attorney to initiate a post-conviction sentence review by the courts.

While reviewing the motion and determining the appropriateness of a reduction in sentence, SB 318 would allow the court to consider several important factors. These include the person's age at the time of conviction and evidence of maturation during their period of incarceration, as well as the offense, level of participation in it, and any victim input. The court may also consider a person's family and community circumstances at the time of the offense and during their incarceration, as well as their educational, vocational, rehabilitative, and disciplinary history.

Second look sentencing mechanisms such as those outlined in SB 318 provide an amazing opportunity for our communities to benefit by returning credible messengers with lived experience to our communities after incarceration. Across the country and here in Maryland, FAMM advocates alongside incredible incarcerated people who have demonstrated readiness to return to their communities. Yet, for far too many of these people, there is an absence of opportunities to do so. Second look



1100 H Street NW, Suite 1000 • Washington, D.C. 20005



(202) 822-6700



www.famm.org

Families for Justice Reform

efforts have proven highly successful across the country and in Maryland as our society moves away from its past focus on harsh sentencing, and toward embracing mercy as a necessary counterbalance to punishment.

In Maryland, it costs an average of nearly \$40,000 a year to incarcerate each person, and that number grows significantly as people age.¹ In July of 2022, the Maryland Department of Public Safety and Correctional Services reported more than 3,100 people over age 51 living in its state prisons, with more than 1,100 of this group over age 60.² As people mature into adulthood, the likelihood of engaging in criminal behavior diminishes. Therefore, it makes sense to create pathways for incarcerated people to be released back into their communities instead of demanding continued incarceration.

The provisions included in SB 318 should be considered a public safety effort, allowing limited taxpayer resources to be reallocated from our overcrowded prisons and into our communities. The release of around 200 incarcerated people through the *Unger v. Maryland* ruling has already saved Marylanders an estimated \$185 million and is expected to grow to a total taxpayer savings of more than \$1 billion over the next decade.³ SB 318 would allow Marylanders to continue to benefit from second look opportunities by creating a mechanism for post-conviction review for people sentenced to excessive terms of incarceration, thereby freeing up precious taxpayer resources to be reallocated from investing in incarceration to things Maryland's communities really need. While this mechanism will never be enough to address the harm caused by all the excessive sentences doled out during the era of mass incarceration, the provisions contained within SB 318 would create an additional avenue for people to seek relief from unnecessary incarceration.

Thank you for considering FAMM's input on SB 318, a common-sense and necessary piece of legislation for Maryland. **We ask that you vote in support of SB 318.** Please do not hesitate to reach out to me at ctrusty@famm.org or 267-559-0195 with any further questions.

¹ Vera Institute for Justice, "Price of Prisons," Maryland factsheet. January 2012.
<https://www.vera.org/downloads/publications/price-of-prisons-updated-version-021914.pdf>

² MARYLAND DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES
Incarcerated Individual Characteristics Report, July 1, 2022
<https://www.dpscs.state.md.us/publicinfo/publications/pdfs/Inmate%20Characteristics%20Report%20FY%202022%20Q4.pdf>

³ https://justicepolicy.org/wp-content/uploads/2021/06/The_Ungers_5_Years_and_Counting.pdf