

TESTIMONY ON SB389

Senate Judicial Proceedings Committee
February 1, 2024

OPPOSE

Submitted by: **Magdalena Tsiongas**

Chair Smith, Vice Chair Waldstreicher and members of the Judicial Proceedings Committee:

I, Magdalena Tsiongas, am testifying in opposition of SB 389. I am submitting this testimony as the family member of an incarcerated person serving a life sentence.

Second chances are vitally important, and currently, sentence modifications are severely limited as incarcerated people in MD can only petition the Court for modification within 90 days of sentencing¹. Unfortunately, this bill does not go far enough to address this limitation, as it would only allow for individuals who are 60 years and older to petition the Court for sentence modification, after serving 20 years. This bill would create an illogical and unjust reality when it comes to who can ask for sentence modification. Under the Juvenile Restoration Act, individuals who were incarcerated at 17 years and younger now have the ability to petition the court after serving 20 years for sentence modification. If SB 389 were to pass, someone who was convicted at 40 years old would also have the ability to petition the court for sentence modification after serving 20 years, once they reach aged 60. However, for someone like my loved one John, who was incarcerated at 19 years old, he would have to serve 41 years in prison before being eligible to file for sentence modification under this bill. Those incarcerated at 18 and 19 years old would have the longest wait for sentence modification out of any incarcerated people.

Importantly, Maryland judges used to have the ability to review sentences, an important safety valve for extreme sentences, but this opportunity was eliminated with a rule change in 2004². There continues to be great need for legislation that creates the opportunity for sentence modification for those who have demonstrated rehabilitation. Second Look for all legislation, such as SB 123, would do just that. Second chances should be based on the individual merit of those individuals who have contributed decades to their growth and rehabilitation, and not limited merely by their age.

For these reasons, I encourage you to **oppose SB 389 unless amended to allow for all people, regardless of age, to file a motion to reduce duration of sentence after serving 20 years.**

Thank you.

¹ Maryland Rule 4-345

² [Court of Appeals of Maryland Rules Order](#)