



## TESTIMONY IN SUPPORT OF SB 318

**TO:** Members of the Senate Judicial Proceedings Committee

**FROM:** Center for Criminal Justice Reform, University of Baltimore School of Law

**DATE:** February 1, 2024

The University of Baltimore School of Law’s Center for Criminal Justice Reform is dedicated to supporting community driven efforts to improve public safety and address harm and inequity in the criminal legal system and we are grateful for this opportunity to submit testimony in support of Senate Bill 318.

Senate Bill 318 will establish a clear mechanism for state’s attorneys to seek a sentence reduction for a currently incarcerated person when such a sentence reduction is in the interest of justice. This is the kind of common sense criminal justice policy that improves public safety, serves the needs of crime victims, and creates a valuable opportunity to both revisit sentences that may no longer be appropriate and to reverse some of the ill effects of mass incarceration.

As the General Assembly recognized when it passed the Juvenile Restoration Act, people have the capacity to change, and rehabilitation is a very real possibility. Allowing state’s attorneys to review whether an incarcerated person has made significant rehabilitative progress and no longer poses a threat to public safety is sound criminal justice and fiscal policy. Money spent warehousing a rehabilitated person in prison could be better utilized investing in communities and supporting evidence-based strategies that reduce crime without contributing to mass incarceration.

It is also important to recognize that the legitimacy and effectiveness of the criminal legal system are undermined when sentences are perceived as being disproportionate or unequally applied. Variations in sentences can be the result of bias (whether conscious or unconscious) or just the consequence of shifting priorities and policies over time. Regardless of their source, these differences can be profoundly unjust, and providing prosecutors with the tools to correct inappropriate or disparate sentences to ensure that equally culpable parties receive equal treatment and that there is parity between sentences imposed decades ago compared to sentences requested today just makes sense.

Prosecutorial Initiated Resentencing does not simply recognize people who have successfully rehabilitated themselves; it affirmatively encourages such rehabilitation by incentivizing positive in-prison behavior. It deters people who are incarcerated from incurring rule violations and motivates people to enroll in and complete education courses, job training, substance abuse classes, and other rehabilitative programming. SB 318 represents the “smart on

crime” approaches to incarceration that are being adopted across the country. In recent years, states like California, Washington, Oregon, and Illinois have established rules allowing prosecutors to initiate a resentencing and similar laws have been proposed in several other states.

Prosecutor Initiated Resentencing also responds to the needs and interests of crime victims. It is important to note that the narrative that crime victims always want longer sentences is false. A national survey on crime victims’ views on safety and justice found that a majority of victims believed the criminal justice system should focus more on rehabilitation, rather than punishment.<sup>1</sup> In that same survey, more than half of crime victims favored a system in which sentences could be shortened for people serving non-life sentences for serious or violent offenses if they were deemed a low risk to public safety.<sup>2</sup> It is also worth noting that SB 318 maintains the protections for victims already enshrined in Maryland law and that victims retain all of the protections and rights outlined in Md. Code, Criminal Procedure §11–104 and §11–503.

Finally, SB 318 makes the criminal process more transparent and consistent. The bill provides much needed clarity on courts’ jurisdictional authority to hear Prosecutor Initiated Resentencing motions. While there are a variety of procedural and constitutional avenues that fit individual cases, this bill simplifies and clarifies the process by which a court can consider a prosecutor’s motion to resentence. When everyone involved—the prosecutor, the defense, the victim, and the court—believe a resentencing is in the interests of justice, there should be no doubt that a court has the jurisdiction to correct an inappropriate sentence.

For these reasons we urge your favorable report on SB 318/HB317.

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<sup>1</sup> See The Alliance for Safety and Justice, National Survey on Victims’ Views on Safety and Justice (2022)(“[V]ictims overwhelmingly prefer safety approaches that prioritize rehabilitation and prevention over punishment.”)

<sup>2</sup> *Id.*