



Testimony to the Senate Judiciary Proceeding Committee
Senate Bill 389 — Criminal Procedure – Incarcerated Seniors – Motion to Reduce the Duration
of a Sentence
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Founded in 1997, the Justice Policy Institute (JPI) is a nonprofit organization developing workable solutions to problems plaguing youth and criminal legal systems. For over 25 years, JPI's work has been part of reform solutions nationally, with an intentional focus on Maryland.

JPI supports Senate Bill 389 which would permit individuals over 60 years old, who have served at least 20 years incarcerated to petition the court for early release based on their rehabilitation progress.

[When There Is Harm, There Need to Be Repair](#)

JPI recently released, [Safe at Home: Improving Maryland's Parole Release Decision Making](#), a comprehensive look at Maryland's parole system, including a deep analysis of the inefficiencies. Between 2017 and 2021, the average parole grant rate was 39.69 percent. And those grant rates drop off precipitously as the time served, and subsequently the age of the petitioner, increases. After 20 years of incarceration, the grant rate is 21.9 percent, and continues to drop all the way to 5.6 percent after 50 years of time served. As a result of bureaucratic delays and perpetual recommendations for "re-hearings", long-sentenced, parole-eligible individuals are often subjected to 3- 8 parole hearings throughout their incarceration, despite rehabilitative success and program completion. *That* is a broken parole system.

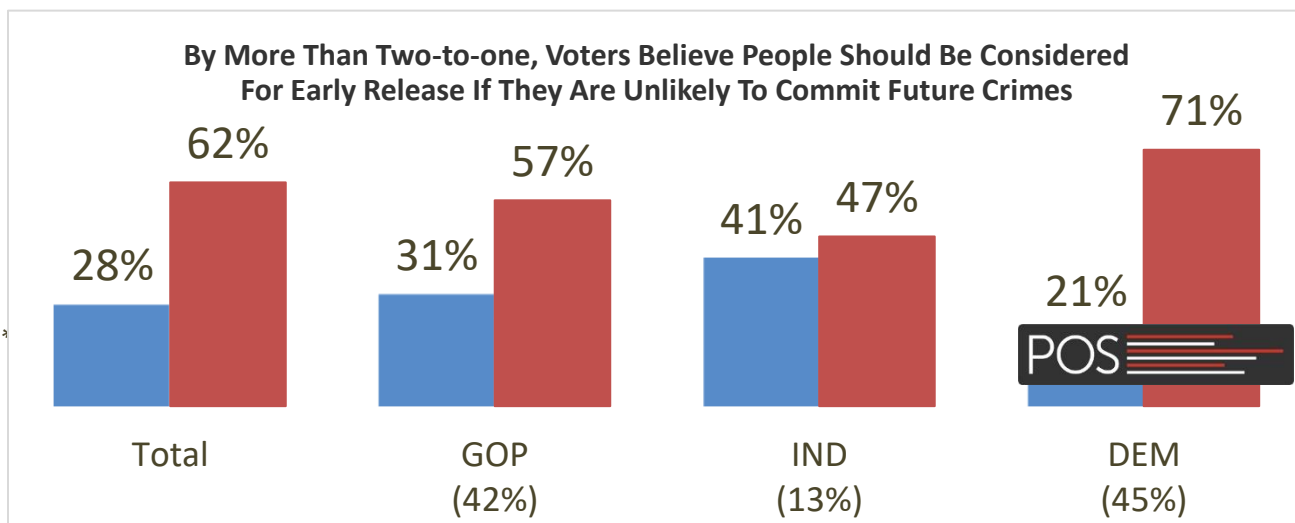
Moreover, "key-man" laws, the unconstitutional practice that lead to the [Unger ruling](#), resulted in a racially disparate system with its contribution to a prison population. According to data collected in 2020, of the men over 60 years old in Maryland's prison system that have served at least 20 years, 53.9 percent are black – SB389 can correct this wrongdoing. SB389 would allow judges to consider individuals' post-conviction conduct, including their disciplinary record and participation in rehabilitative programming before determining that their sentence reduction and/or release poses little to no risk to public safety. The SB389 does *not* guarantee anyone will get out early. Instead, it just gives incarcerated people an opportunity to show how they have changed.

[Strongest Reasons to Support Second Look](#)

The strongest reasons to support Second Look point to low risk of re-offending:

- The Unger case, a 2012 Maryland Appellate Court decision resulted in the release of over 200 long-sentenced individuals with an average age of 63, and provided a natural case study. After 10 years since the ruling, the Unger cohort continues to have less than five percent recidivism rate, and more Ungers have unfortunately passed away than reoffended.

- Nationally, people who have been released through Second Look Laws have extremely low rates of re-offending, and many are now working to improve their community’s safety by working as mentos with the highest at-risk youth. We have experienced this in Maryland with the passage of the Juvenile Restoration Act (JRA). Individuals who have been granted a re-sentencing are thriving as community members, and to date, only **one** individuals has recidivated.
- People who committed crimes when they were under age 25 have a greater capacity to change and grow over time. The vast majority of people who commit serious crimes naturally grow out of that behavior as they mature and become less likely to re-offend. Continuing to incarcerate people unnecessarily wastes taxpayer money that could otherwise be spent on things that actually prevent crime and protect public safety. JPI’s reported in, [Rethinking approaches to over incarceration of black young adults in Maryland](#), that nearly 50 percent of those serving the longest prison terms in Maryland were initially incarcerated as emerging adults.
- According to a 2022 poll conducted by political and public affairs survey research firm, *Public Opinion Strategies*, American voters supported “Second Look Laws” by a two-to-one margin, and by more than two-to-one, voters believe people should be considered for early release if they are unlikely to commit future crimes. Thus, prioritizing public safety over prolonged “punishment”



Poll Question: “Which ONE of the following statements comes closer to your own opinion?

People should stay in prison and serve their full sentences, even if they reach a point at which they are unlikely to commit future crimes...or...People in prison should be allowed to be considered for an early release from their sentence if they reach a point at which they are unlikely to commit future crimes.”

All commonly argued points are true: Our communities desperately need and deserve safety, the need for criminal legal reform is real, and harm needs to be repaired. Healing starts by creating a system that works and SB 389 is reasonable starting point. The Justice Policy Institute urges this committee to issue a favorable report.