



TESTIMONY IN SUPPORT OF SENATE BILL 291

TO: Members of the Senate Judicial Proceedings Committee
FROM: Center for Criminal Justice Reform, University of Baltimore School of Law
DATE: January 28, 2025

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 the harm and inequities caused by the criminal legal system. The Center strongly supports Senate Bill 291.

Senate Bill 291 allows an individual to file a petition to reduce a sentence if the individual has served at least 20 years of the term of confinement and at least 3 years have passed since the court decided any previous petition filed by the individual under the bill. After consideration of specified factors and a hearing, the court *may* reduce the petitioner's sentence if it finds that the individual is not a danger to the public and the interests of justice will be better served by a reduced sentence.

I. Unnecessarily long sentences are detrimental to public safety.

SB 291 promotes, rather than hinders, public safety. There is no evidence that unnecessarily long sentences deter people from engaging in criminal behavior.¹ Instead, certainty of apprehension—not severity of sentence—plays a far greater role in discouraging people from engaging in crime.² Incarcerated people grow and change regardless of how old they were at the time of their offense. Accordingly, recidivism rates are extremely low for people released in their mid-40s or later.³ Furthermore, by creating an opportunity for resentencing, this bill would also very likely improve morale and behavior inside prisons, benefiting incarcerated people and corrections officers alike.⁴

¹ See U.S. DEP'T OF JUSTICE, OFFICE OF JUSTICE PROGRAMS, *Five Things About Deterrence*, <https://www.ojp.gov/pdffiles1/nij/247350.pdf>.

² *Id.*

³ In one study, only 4% of people convicted of violent crimes released between ages 45 and 54, and 1% released at 55 or older, were reincarcerated for new crimes within three years. Among people previously convicted of murder, those rates fell to 1.5% and 0.4%, respectively. J.J. Prescott, et al., *Understanding Violent-Crime Recidivism*, NOTRE DAME LAW REVIEW, 95:4, 1643-1698, 1688-1690 (2018).

⁴ KEVIN SHARP & KEVIN RING, *Judges Should be Able to Take a 'Second Look' at Prison Sentencing*, USA TODAY (June 20, 2019, 5:22 PM), <https://www.usatoday.com/story/opinion/policing/2019/06/20/inmates-prison-reform-judges-sentencing-trump-policing-the-usa/1498072001/>.

II. Unnecessarily long sentences devastate families and communities across the socioeconomic spectrum, but they disproportionately impact communities of color.

Reducing unnecessarily long sentences, regardless of a person's age at the time of his offense, is a critical component of addressing mass incarceration and mitigating racial disparities in our criminal legal systems. Data demonstrate that “there are stark racial and ethnic differences in the shares of people who are sentenced to and serving 10 years or more in prison, especially when comparing Black people and White people.”⁵ For example, “46% of the total number [of] people serving life or sentences of 50 years or more were Black” across the country in 2020.⁶ Racial disparities for children sentenced to long terms of imprisonment as adults in Maryland are also instructive here: 87 percent of those who became eligible for relief under the Juvenile Restoration Act (JRA) are Black.⁷ According to the Campaign for Fair Sentencing of Youth, this racial disparity is the worst in the entire nation.⁸

III. Senate Bill 291 would promote cost-savings and allow those funds to be allocated to effective public health and safety efforts.

The state prison population and expenses may be reduced via sentence reductions for incarcerated people with lowest-risk status. Successful applicants for SB 291 sentence modifications would be very low risk in light of their age, likely deteriorating health, and demonstrated self-rehabilitation achievements. Cost savings are especially likely because costs increase dramatically for older individuals in prison.⁹ Wasteful and unnecessary policies and practices—such as the ongoing incarceration of people who pose the lowest risk of reoffending—harm public safety by siphoning massive sums of money that could otherwise support programs that actually prevent crime. The cost savings that are likely to result from the passage of SB 291 would allow the reallocation of critical funds to assist with substance use treatment, victim and trauma recovery services, reentry and other rehabilitation programs for people at higher risk of engaging in criminal behavior.

IV. The successful implementation of the Juvenile Restoration Act bolsters confidence in the impact of SB 291.

Positive outcomes from the JRA, which this committee supported three years ago, underscore the types of impact that the passage of SB 291 would have on Maryland families and communities. Marylanders who were granted relief pursuant to the JRA have contributed to their

⁵ COUNCIL ON CRIMINAL JUSTICE, *How Long is Enough? Task Force on Long Sentences Final Report* (Mar. 2023), https://assets.foleon.com/eu-central-1/de-uploads-7e3kk3/41697/task_force_on_long_sentences_final_report.ecc1d701464c.pdf.

⁶ *Id.*

⁷ CAMPAIGN FOR THE FAIR SENTENCING OF YOUTH, *Juvenile Restoration Act (HB409/SB494)*, https://cfsy.org/wp-content/uploads/HB409_SB494_JuvenileRestorationAct_FACTSHEET-1.pdf.

⁸ *Id.*

⁹ MATT MCKILLOP & ALEX BOUCHER, *Aging Prison Populations Drive Up Costs*, THE PEW CHARITABLE TRUSTS, (Feb. 20, 2018), <https://www.pewtrusts.org/en/research-and-analysis/articles/2018/02/20/aging-prison-populations-drive-up-costs>.

families and communities since returning home by caring for sick family members, paying taxes, and dedicating their lives to repairing and preventing the types of harmful behavior that they engaged in as young people. Our communities are safer and healthier because of their contributions. Existing law fails to remedy all unnecessarily long sentences—even for individuals who are not a threat to public safety and even when the interests of justice would be best served by a reduced sentence. There is an entire population of incarcerated Marylanders who are not eligible for relief under the JRA who have the same capacity for change, redemption, and positive impact. SB 291 would afford them that opportunity.

V. Senate Bill 291 centers the voices of victims in a manner that is meaningful for victims in a criminal justice proceeding.

Senate Bill 291 appropriately provides victims with notice of a hearing and directs the court to consider “any statement offered by a victim or a victim’s representative” in deciding whether to reduce an individual’s sentence. Victims may decide for themselves whether to attend a hearing or offer a statement; at no point will any victim be required to participate in proceedings pursuant to Senate Bill 291. While all crime victims deserve some form of accountability for the harm done to them, this does not mean that all victims see accountability and justice in the same way or have the same priorities. Victims are not a monolith, some indeed welcome the chance to obtain information about the personal changes made by individuals in their cases and see this proceeding as an opportunity to achieve greater healing and closure. Others may not want to be involved in a process that potentially opens old wounds. All of these victims must be supported, which should include the availability of appropriate and necessary services.

Research demonstrates the diversity of victim and survivor perspectives, including the large percentage of crime victims interested in more than simply punishment, for whom healing and accountability requires much more. Survey data from the Alliance for Safety and Justice shed more light on the views of victims; their recent report finding that victims overwhelmingly prefer justice approaches that prioritize rehabilitation over punishment and strongly prefer investments in crime prevention and treatment to more spending on prisons. Most victims who were surveyed prefer more spending on prevention and rehabilitation to prison sentences that keep people incarcerated as long as possible.¹⁰

Senate Bill 291 provides the opportunity for victims to participate in a way that is consistent with the purpose of the criminal justice system and the voice and participation they deserve. Moreover, our criminal justice system’s primary functions are to promote justice and to protect the community. Prosecutors, and our system more broadly, should represent and balance society’s myriad interests in the pursuit of justice, which means not limiting focus *exclusively* to the interests of individual victims who never wish to see the person who harmed them released. Decisions regarding second chances should likewise be balanced and made in the interest of justice, safety, and broader community needs.

For these reasons, we urge a favorable report on Senate Bill 291.

¹⁰ The Right to Heal and a New Approach to Public Safety: A National Crime Victims’ Platform”, p. 9, <https://asj.allianceforsafetyandjustice.org/wp-content/uploads/2024/09/RTH24Summary.pdf>.