

**WRITTEN TESTIMONY OF VICTOR STONE, ESQ., BEFORE THE MARYLAND SENATE JUDICIAL PROCEEDINGS COMMITTEE CONSIDERING SB 291 (2025)**

This bill, SB291, is a “fake” bill. It misleads the public into thinking it provides a needed “second look” at Maryland sentences. “Second Look” statutes were enacted in states that had abolished parole and where sentences were final upon announcement. That is not the case in Maryland. Here, this bill seeks to provide a **fifth or sixth “look”** and to completely undercut the Maryland Parole Commission and the Maryland Commission on Criminal Sentencing Policy, on which latter Commission two members of the Senate sit.

The State Sentencing Commission is charged by the General Assembly by statute (Md. Code, Criminal Procedure Article (CP) §6-202(1)) with ensuring that “sentences should be fair and proportional and that sentencing policies should **reduce unwarranted disparity, including any racial disparity, in sentences for criminals who have committed similar crimes and have similar criminal histories**”.

Without any evidence about similar crimes and similar criminal histories but just based on the racial composition of the prison population, SB291 suggests that the Parole Commission and the Sentencing Commission have failed to do their jobs and should be ignored or even disbanded. There is no evidence that either the Maryland Sentencing Commission, or the elected State’s Attorneys, or the Maryland Parole Commission members have ever brought cases or recommended or left in place inappropriate sentences based on a defendant’s race, and disrespecting those statutory officials is uncalled for and misleads the public.

In addition, convicted Maryland felons sentenced to a long incarceration term has a statutory right to a three judge review of the sentence (CP 8-102), then to a reconsideration of the sentence by the original sentencing judge (Maryland Court Rule 4-345(e)), then to review of the sentence for possible pardon, commutation or parole, and then to both medical and geriatric parole (at age 60). For these reasons, this bill, if honestly titled and not meant to mislead, should have been called the “Fifth and Subsequent Looks” bill.

Such repetitive never-ending court sentencing challenges, typically filed after successor judges are appointed who had no first hand involvement in the original conviction and who have no training in prison rehabilitation, leads to permanent anxiety and stress among crime victims and violates their Constitutional right to be treated with “dignity, sensitivity, and respect” under Article 47(a) of the Maryland Declaration of Rights. *Syed v. Lee*, 488 Md. 537, 585 (2024)(“Only with real finality can the victims of crime move forward knowing the moral judgment will be carried out. \* \* \* To unsettle these expectations is to inflict a profound injury to the powerful and legitimate interest in punishing the guilty, an interest shared by the State and the victims of crime alike.” (quoting *Calderon v. Thompson*, 523 U.S. 538, 555-56 (1998))).

How disruptive is this ongoing unresolved trauma of unsettled punishment? How would each of you legislators like to be subject to a renewed election vote challenge not based on “cause” every third year after getting elected, or a tax audit every three years, and those events are not anywhere near as emotionally upsetting as reopening the murder of a loved one? Would it intrude upon your every day peace of mind and equanimity? I daresay it would and that you wouldn’t vote for such a bill. That is how crime victims feel when you drag them back to court and reopen their

wounds every time a convicted offender files, without cause, another request to be resentenced by a successor judge. In legal arenas, that is known as “judge shopping.”

In sum, other than to please the supporters of convicted felons lobbying for this bill, there is no good reason in Maryland to pass this “Fifth and Subsequent Looks” bill which will likely create – not reduce -- disparity between similar offenders with similar criminal histories. Such an outcome is contrary to the spirit of fairness and to the rule of law, and insensitive and, frankly, cruel to the victims of serious crimes. For these reasons, I urge you to reject SB291.