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DEPUTY MAJORITY WHIP

Judicial Proceedings Committee

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Administrative, Executive, and
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Children, Youth, and Families

Senate Chair, Legislative Ethics



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THE SENATE OF MARYLAND
ANNAPOLIS, MARYLAND 21401

**Testimony for SB 291
Criminal Procedure – Petition to Reduce Sentences –
(Maryland Second Look Act)
Before the Judicial Proceedings Committee
January 30, 2025**

Good afternoon, Chair Smith and members of the Judicial Proceedings Committee,

Senate Bill 291 (the “Maryland Second Look Act”) seeks to address Maryland’s racial disparities and advance public safety by allowing people who have served at least 20 years the opportunity to petition the court to modify or reduce their sentence based on their demonstrated rehabilitation. The bill requires the court to consider a number of factors, including “the nature of the offense” and any statement offered by a victim or victim’s representative.¹ Victims will have full agency and autonomy on whether or not they want to participate in this process. For some, it is part of their healing process. Additionally, the bill requires that the court find that the individual would not pose a danger to the public and that it is in the interest of justice to modify the sentence.²

The Maryland Second Look Act seeks to ensure that, decades later, sentences can be reviewed based on our current understanding of fairness and racial justice. It represents a commitment to redemption by offering an opportunity for individuals who have demonstrated growth and rehabilitation, responds to the critical need for judicial oversight, and presents a cost saving measure for Maryland amidst our 3-billion-dollar budget shortfall.

With regards to redemption, there is a large body of research demonstrating that the likelihood of committing violent crimes, including murder, declines significantly with age.³ Maryland-specific data supports these findings, showing that individuals convicted of violent offenses are among the least likely to reoffend. The Maryland Second Look Act embodies the principle that sentencing should not only hold individuals accountable but also provide a pathway to redemption. The Maryland Second Look Act acknowledges the inherent capacity for change and personal growth,

¹ CP 8-501(c)(2).

² CP 8-501(c)(3).

³ <https://www.sentencingproject.org/publications/still-cruel-and-unusual-extreme-sentences-for-youth-and-emerging-adults/>

emphasizing rehabilitation as a fundamental pillar of justice. Currently, Maryland offers no legal avenue for individuals serving extended sentences to petition for sentence modifications based on demonstrated rehabilitation. By introducing this opportunity, Maryland affirms its commitment to a justice system that values accountability, the potential for reform, and fairness. This is not a get out of jail free card. Incarcerated individuals still must prove to a judge that they have changed and deserve a second look.

The Maryland Second Look Act also addresses the critical need for judicial oversight. The 2004 change to Md. Rule 4-345 (that restricted courts' revisory power over sentences to a five-year window) has left Maryland without a viable mechanism to address decades long sentences.⁴ This limitation disproportionately affects individuals serving decades-long terms, as judges are often reluctant to reconsider sentences early in their duration. In the immediate aftermath of a serious offense, emotions run high, making it challenging for sentencing judges to accurately gauge an individual's potential for change. However, with the passage of time, a judge can better evaluate a person's growth, progress, and rehabilitation based on their demonstrated track record while incarcerated.

Finally, Maryland spends over \$59,640 annually per incarcerated individual, with costs rising significantly for aging prisoners due to increased healthcare needs.⁵ By creating a pathway for sentence reconsideration for those who pose little to no public safety risk, the Maryland Second Look Act allows the state to reallocate funds toward initiatives that enhance public safety, such as reentry programs and mental health services. For example, for the over 200 individuals released under the Unger decision, the state had a projected savings of \$185 million. This included the costs for reentry support services provided to them (this measure can ease prison overcrowding and reduce the burden on taxpayers).⁶ In the 12 years since the Maryland Supreme Court ruled in *Unger v. Maryland* that improper jury instructions invalidated the life-with-parole sentences of 235 individuals, an overwhelming 96% have successfully remained in the community without incident.⁷

The Maryland Second Look Act is grounded in evidence, compassion, and fiscal responsibility. It provides individuals with the opportunity to prove their rehabilitation and contribute positively to their families and communities, all while maintaining a strong commitment to public safety. It will make our judicial system fairer and save the state of Maryland money in the process, at a critical economic moment. For these reasons, I urge a favorable report.

⁴ <https://ccresourcecenter.org/state-restoration-profiles/maryland-restoration-of-rights-pardon-expungement-sealing/#:~:text=Rule%204%2D345%2C%20upon%20motion,eligible%20for%20expungement%20under%20Md.>

⁵ <https://msa.maryland.gov/msa/mdmanual/01glance/html/criminal.html#:~:text=According%20to%20the%20Divisi on%20of,care%20per%20inmate%20was%20%244%2C970.>

⁶ <https://www.osibaltimore.org/wp-content/uploads/2019/01/Unger-Cost-Benefit3.pdf>

⁷ <https://justicepolicy.org/research/reports-2018-the-ungers-5-years-and-counting-a-case-study-in-safely-reducing-long-prison-terms-and-saving-taxpayer-dollars/>