

IN SUPPORT OF HB 853

To: House Judiciary Committee
From: Gender, Prison, and Trauma Clinic, University of Maryland Carey School of Law
Date: February 14, 2025
Re: Written Testimony in support of House Bill 853

The University of Maryland Carey School of Law Gender, Prison, and Trauma Clinic unequivocally supports House Bill 853.*

The Gender, Prison, and Trauma Clinic represents incarcerated clients convicted of crimes related to their own gender-based victimization. Our representation of incarcerated women has taught us to reject the idea that women should fall under one (and only one) of two categories in the eyes of the law: victim or offender. This false dichotomy has contributed to Maryland sentencing women who are in fact criminalized survivors of gender-based violence to excessively long sentences. The Second Look Act would allow courts to revisit this narrative and provide relief to those who deserve to rejoin their communities. Opponents of this legislation may insist that individuals who are convicted of crimes of violence and sentenced to long sentences are too dangerous to be released--“the worst of the worst” offenders. We have found that this is simply not true. In fact, we represent many women whose only criminal action is defending themselves against an abusive partner or being held responsible for the actions of an abusive partner (in cases involving failure to protect their children from their abusive partners, felony murder, and imputed liability).

Our clients use their time in prison productively to seek education, engage in programming, learn skills that make them employment ready, and address other issues that led to their incarceration. Although they have been convicted of crimes of violence, they are not violent people, and they could be productive members of society if given the opportunity. We urge you to give them this opportunity by creating a pathway for them to seek judicial review of their sentences. We urge a favorable report on House Bill 853.

*This written testimony is submitted on behalf of the Gender, Prison, and Trauma Clinic at the University of Maryland Carey School of Law and not on behalf of the School of Law or University of Maryland, Baltimore.