

## TESTIMONY SUPPORTING HB0853

### Maryland Second Look Act

**TO:** Chair Clippinger, Vice Chair Bartlett, and Members of the House Judiciary Committee

**FROM:** Kyra Woodland, Student Attorney\*, Decarceration Initiative Clinic, University of Maryland Francis King Carey School of Law (\*practicing pursuant to Rule 19-220 of the Maryland Rules)

**DATE:** February 18<sup>th</sup>, 2025

I'm writing to you all today as a third-year law student, as a student attorney representing a man serving a sentence of life without the possibility of parole, as a constituent of Maryland, and, perhaps most importantly, as a human being.

As a member of the Decarceration Initiative Clinic with Maryland Carey Law, I have had the unique opportunity of witnessing firsthand the ways in which people are capable of change. Through my clinic cohort, I've become familiar with the cases, lives, and stories of nine incarcerated men within the state of Maryland. While each of their stories—and the roads that led to their incarceration—are different, a connecting thread across them all has been clear: individuals in Maryland serving long sentences have been left behind despite their very real journeys of rehabilitation. While a number of the clients in our cohort have found meaningful opportunities for second chances through the Juvenile Restoration Act of 2021, others, including my own client, are left without a legal mechanism through which they can demonstrate their progress and commitment to bettering themselves due to their age at the time of their crime.

A central component of the Juvenile Restoration Act (JRA)<sup>1</sup> and the Supreme Court cases that inspired it is the premise that, as a product of brain development and adolescent reasoning and risk-taking behaviors, young people are uniquely capable of change.<sup>2</sup> As individuals age, they gain stronger analytical skills that enable them to better anticipate the consequences of their actions, act less impulsively, and understand the gravity of their choices more meaningfully. Two pieces of contextual information that are evident in neurological and psychological research, but are ultimately left unaddressed by the JRA, are that individuals go through such a development at different paces, and as a result, the legal fiction of adulthood beginning at age 18 is not an accurate depiction of when an individual outgrows these adolescent neurocognitive features.<sup>3</sup>

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<sup>1</sup> Md. Code, Crim. Proc. § 8-110.

<sup>2</sup> See, e.g., *Thompson v. Oklahoma*, 487 U.S. 815 (1988) and *Graham v. Florida*, 560 U.S. 48 (2010).

<sup>3</sup> See, e.g., The National Academies of Sciences, Engineering, and Medicine, *The Promise of Adolescence: Realizing Opportunity for All Youth* (The National Academies Press, 2019) (<https://doi.org/10.17226/25388>); Marian Araín et al., *Maturation of the Adolescent Brain*, *Neuropsychiatric Disease Treatment* 9 (April 2013) (<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3621648>); and Office of Juvenile Justice and Delinquency Program, *Pathways to Desistance Bulletin Series*, at pp.182-83 (2015).

In essence, most individuals' brains and decision-making skills continue to fully develop into their 20s. Additional factors, such as physical or emotional trauma, substance use and dependency, and other forms of mental illness can further slow or shift this developmental track. These factors are often present in the lives of individuals who commit crimes and are subsequently incarcerated. As a result, many people who would otherwise have compelling JRA cases are left out to dry due to an age restriction that doesn't square with the science of brain development.

The Second Look legislation proposed in HB0853 offers an effective bridge to this gap and would open a legal avenue for sentence reconsideration for those who have otherwise been left behind. Individuals who have taken meaningful strides in rehabilitating, maturing, and becoming productive members of society during their incarceration would be able to bring their case before a judge to consider whether their sentences are truly within the interest of justice as they currently stand.

This legislation would not only provide meaningful opportunities to better serve justice, but would also serve as an incentive for individuals inside to pursue community programming, educational opportunities, occupational training, treatment programs, and other forms of self-improvement and rehabilitation. As it currently stands, many individuals with long sentences may not see the value in these programs if there is no opportunity to put these experiences and skills to use. With a pathway open to show the ways in which they've grown through these opportunities, however, incarcerated individuals may have greater motivation to participate and, as a result, will be better for it. Further, individuals who have successfully pursued the path of rehabilitation are invaluable assets to crime prevention and diversion. We need these folks in our communities to provide the guidance and support they weren't given to those who are heading down the same wayward paths they followed; this is an opportunity for course-correction and justice on both ends of the criminal process.

It is important to note that this legislation provides exactly what has been described above: a legal pathway, a mechanism, and an opportunity. Nothing in this bill mandates sentence modifications for all petitioners, nor does it guarantee that everyone who is granted a modification will be immediately released. As with the JRA, this legislation would allow Maryland's judges to review petitions for sentence modification, hold hearings to gain insight into the perspective of all relevant parties—including victims and their families—and ultimately determine the appropriate response based on their professional expertise. It is a very human thing to anticipate the worst-case scenarios when we take the leap toward something new; it is part of a survival instinct that is innate within us all. However, I urge you to put your trust in the judges that serve the people of Maryland and have faith that individuals who have demonstrated real, meaningful change will be given opportunities to put that change to use while others who have not and are still a threat to the public will not walk free. This legislation is not a guarantee, but rather an *opportunity*, one of which all people are deserving.

For all of the reasons stated above, I respectfully ask the House Judiciary Committee to issue a favorable report on HB0853.

This written testimony is submitted on behalf of the Decarceration Initiative Clinic at the University of Maryland Francis King Carey School of Law and not on behalf of the School of Law or the University of Maryland, Baltimore.