

**House Bill 853 – Criminal Procedure -- Petition to Reduce Sentence
(Maryland Second Look Act)
Judiciary Committee – February 18, 2025
FAVORABLE**

Thank you for this opportunity to submit written testimony in support of HB 853.

I am a long-time resident of Montgomery County who cares deeply about the harmful impact of mass incarceration on Maryland residents and the human, social, moral, and economic costs of allowing people who are demonstrably rehabilitated to languish in prison.

The state spends millions of dollars each year on keeping people behind bars whose incarceration serves no public safety benefit. This comes at great cost to families, communities, and the state. Mass incarceration is cruel, unproductive, and very costly.¹ **I strongly support HB 853 because the Maryland Second Look Act would improve the lives of thousands of Maryland residents, serve the interests of both justice and public safety, and save money.**

Experts and leading legal associations agree that courts should be authorized to take a second look at sentences after 10 to 15 years of imprisonment for everyone.² Decades of research tell us that people age out of crime and that formerly incarcerated older adults are the least likely to reoffend.³ We know that criminal activity is primarily a young person's game.⁴ The immature patterns of thinking found in emerging adults and that can be a factor in criminal behavior are long outgrown after 10 years. The commission of serious crimes such as homicide

¹ See, for example, M. Nelson, S. Feineh, and M. Mapolski, "A New Paradigm for Sentencing in the United States," Vera Institute of Justice (February 2023), <https://vera-institute.files.svcdcn.com/production/downloads/publications/Vera-Sentencing-Report-2023.pdf> ; National Research Council, The Growth of Incarceration in the United States: Exploring Causes and Consequences, the National Academies, <https://nap.nationalacademies.org/read/18613/chapter/2#11>

² B. Feldman, "The Second Look Movement: A Review of the Nation's Sentence Review Laws", The Sentencing Project (May 2024), p. 9-10, [Second-Look-Movement.pdf](https://www.sentencingproject.org/reports/second-look-movement/)

³E. Widra, "The aging prison population: Causes, costs, and consequences," Prison Policy Initiative (August 2, 2023), <https://www.prisonpolicy.org/blog/2023/08/02/aging/> ; "Old Behind Bars; The Aging Prison Population in the United States," Human Rights Watch, (January 26, 2012), <https://www.hrw.org/report/2012/01/28/old-behind-bars/aging-prison-population-united-states>; N. Ghandnoosh and K. Budd, "Incarceration & Crime: A Weak Relationship," The Sentencing Project (June 2024), <https://www.sentencingproject.org/reports/incarceration-and-crime-a-weak-relationship/>

⁴ Fetting, A. and Zeidman, S., People Age Out of Crime. Prison Sentences Should Reflect That (September 9, 2022), <https://time.com/6211619/long-prison-sentences-youthful-offenders/> ; Kazemian, L., "Pathways to Desistance From Crime Among Juveniles and Adults: Applications to Criminal Justice Policy and Practice," NCJ 301503, in Desistance From Crime: Implications for Research, Policy, and Practice (Washington, DC: U.S. Department of Justice, National Institute of Justice, 2021), NCJ 301497, <https://www.ojp.gov/pdffiles1/nij/301503.pdf>

and rape peak at ages 18-20.⁵ We should heed the advice of experts who say we are keeping people in prison too long.⁶

History shows that we can safely release many of the Marylanders serving long sentences.

That has been Maryland's experience with the Juvenile Restoration Act (JRA), which provides an opportunity for sentence modification to individuals who were incarcerated as minors, who have served at least 20 years, and who have demonstrated to a judge that their release does not pose any threat to public safety and serves the interests of justice. The courts have shown that they can identify individuals who have been rehabilitated and who can be safely released.⁷

This is the time to reap all the benefits – social, human, and fiscal—of giving everyone who has served more than 20 years of an excessive sentence a chance to persuade a judge that they are rehabilitated and that they can be safely returned to their communities. Currently, the prospect for judicial review of a sentence after decades of incarceration is limited to people who were convicted before the age of 18 prior to 2021 under the Juvenile Restoration Act.

Providing a chance for release would have a profound positive impact on people outside of prison walls and communities. Legislators should not underestimate the human, social, and economic benefits of enabling individuals who have been behind the walls for decades to reunite with their families and reintegrate into their communities.⁸ Families, particularly the children of incarcerated individuals, suffer incalculable harm when incarcerated family members cannot contribute economically or emotionally to the well-being of the family. Long sentences exacerbate these harms. Moreover, this cost has been borne disproportionately by Black families. Over 70 percent of Maryland's prison population is Black.⁹

HB 853 would return parents to support their children and sons and daughters to support their aging parents. Returning citizens would also have the chance to help heal their communities and contribute as tax-paying and productive members of society. I have met and heard the stories of

⁵The Marshall Project, Justice Lab. Goldstein D., Too old to commit crime? (March 20, 2015), <https://www.themarshallproject.org/2015/03/20/too-old-to-commit-crime>; Sampson, RJ, Laub, JH., Life-course desisters? Trajectories of crime among delinquent boys followed to age 70. *Criminology* 41: 301.

⁶ See, for example, Principle 6 in a resolution adopted by the American Bar Association in 2022, which recommends a second look after certain designated times. [22A604 \(americanbar.org\)](https://www.americanbar.org/resolutions/2022/22A604)

⁷For information on the first year, see The Juvenile Restoration Act: Year One – October 1, 2021 to September 30, 2022, Maryland Office of the Public Defender (October 2022), p. 13, https://8684715c-49a2-4082-abff-3d2e65a61f0b.usrfiles.com/ugd/868471_e5999fc44e87471baca9aa9ca10180fb.pdf

⁸ See discussion of the social and economic costs of incarceration in B. Gifford, "Prison Crime and the Economics of Incarceration," *Stanford Law Review*, Vol 71 (January 2019), p. 90-93, <https://review.law.stanford.edu/wp-content/uploads/sites/3/2019/01/Gifford-71-Stan.-L.-Rev.-71-2019.pdf>; M. McLaughlin, C. Pettus-Davis, et al, "The Economic Burden of Incarceration in the United States," the Institute for Justice Research and Development, Florida State University, (October 2016), https://www.prisonpolicy.org/scans/iajre/the_economic_burden_of_incarceration_in_the_us.pdf;

⁹ DOC Data Dashboard, https://www.dpscs.state.md.us/community_releases/DOC-Annual-Data-Dashboard.shtml

so many previously incarcerated individuals who are now giving back to their communities in profound ways, including serving as messengers to guide at-risk youth and working to promote public safety.

The Second Look Act would be a powerful force in changing both behavior and culture in the prison. The value of giving people hope cannot be overestimated. Giving prisoners serving excessive sentences a chance for resentencing previously unavailable would provide a powerful incentive for those individuals to remain steadfast in their efforts to improve themselves. Potential changes in the motivation, behavior, and attitude of those serving the longest sentences could also have a rippling effect throughout the system and work to transform prison culture. Having more hopeful prisoners could correspondingly improve the climate and working conditions for prison guards.

The Second Look Act should also be embraced as part of a long-term strategy to achieve cost savings and make more productive investments in public safety. By safely reducing the prison population, the bill has the potential to generate cost savings in corrections and free up funds and human resources to focus more squarely on efforts that support public safety, such as therapeutic and mental health services, education, job training, rehabilitation, and reentry programming.¹⁰

Today Maryland's prisons are increasingly populated by people who are serving long sentences, who are aging in prison, and have no meaningful opportunities for release. In 2001, only 13 percent of Maryland's prison population were serving a sentence of more than 10 years.¹¹ Two decades later 73 percent are serving sentences of 10 or more years.¹² About 23 percent of the prison population are serving life or life-equivalent sentences, 36 percent of whom are over 55

¹⁰ In the Fiscal Note for SB 291, the Office of Legislative Services estimated that the expenditures for the Office of the Public Defender would increase by a minimum of \$538,000 in the first year of the Second Look Act and more in subsequent years. However, OLS did not account for any savings in expenditures for DPSCS if people were released. According to the Note, OPD estimated it would need \$1.5 million to handle 1100 possible petitions in the first year. The release of 150 individuals would generate more than \$538,000 in savings in the first year, only accounting for variable costs such as for food and clothing. The savings that would result from the release of about 400 people would generate about \$1.5 million in avoided costs. These estimates do not account for the savings related to reduced costs for overtime or healthcare or all the costs avoided in future years for the individuals who were released.

https://mgaleg.maryland.gov/2025RS/fnotes/bil_0001/sb0291.pdf

¹¹ N. La Vigne and V. Kachnowski, "A Portrait of Prisoner Reentry in Maryland, Urban Institute (2003), p. 12, <https://www.urban.org/sites/default/files/publication/42771/410655-A-Portrait-of-Prisoner-Reentry-in-Maryland.PDF>

¹²DOC Data Dashboard https://dpdcs.maryland.gov/community_releases/DOC-Annual-Data-Dashboard.shtml

years of age and 76 percent of whom are Black.¹³ Prison accelerates aging and people in prison face more chronic and life-threatening illnesses.¹⁴

The Department of Public Safety and Correctional Services has been struggling with trying to hire enough corrections officers, is using overtime to deal with staffing shortages, which is not cost-effective and is bad for staff morale, and is contending with the fiscal and operational challenges of meeting the needs of an increasingly older population with high-cost health conditions.¹⁵ In 2024 Maryland awarded a new 5-year contract for corrections health care to Centurion for a total cost of \$1.7 billion.¹⁶ Medical care expenditures account for the largest share (19.5 percent) of the DPSCS budget in 2026 after personnel--\$365.2 million or an average of about \$20,000 per person.¹⁷

Maryland has reached the point at which it cannot control the growth in corrections spending or free up resources for more productive crime prevention activities until it recognizes that its prisons include many people serving excessive sentences, who are more and more costly to incarcerate as they age, and whose release from prison would serve the public interest in social justice and public safety.

Finally, the very real pain experienced by crime survivors should not be exploited to block the enactment of policies that can help restore individuals, families, and communities that have been harmed by excessive victimization and incarceration. The needs and desires of victims matter greatly, but, importantly, they are not a monolithic group. Some may value retribution above all, but national survey results indicate crime survivors overwhelmingly prefer approaches to justice that focus on rehabilitation over punishment.¹⁸ Giving victims notice of the resentencing proceeding and an opportunity to decide whether or not they want to provide input,

¹³ A. Nellis and C. Barry, "A Matter of Life, The Scope and Impact of Life and Long Term Imprisonment in the United States," The Sentencing Project (2025), p. 6, 14, 18, <https://www.sentencingproject.org/app/uploads/2025/01/A-Matter-of-Life-The-Scope-and-Impact-of-Life-and-Long-Term-Imprisonment-in-the-United-States.pdf>

¹⁴ M. McKillop & A. Boucher, "Aging Prison Populations Drive Up Costs," Pew Charitable Trusts State Fiscal Health Projects (February 20, 2018), <https://famm.org/wp-content/uploads/2021/11/Aging-Prison-Populations-Drive-Up-Costs--The-Pew-Charitable-Trusts.pdf>

¹⁵ "Issue Papers, 2025 Legislative Session," Maryland Department of Legislative Services (December 2024), p. 137-139, https://dls.maryland.gov/pubs/prod/RecurRpt/Issue_Papers_2025_Session.pdf

¹⁶ P. Wood, "Maryland finalizes switch of medical care for state-run prisons, jails," Baltimore Banner (June 5, 2024), <https://www.thebaltimorebanner.com/politics-power/state-government/maryland-correctional-medical-centurion-XWLRUO3C4BCALMDHFFYCHK4QZA/>

¹⁷ Department of Public Safety and Correctional Services FY 2026 Budget Overview, Department of Legislative Services (January 2025), <https://mgaleg.maryland.gov/pubs/budgetfiscal/2026fy-budget-docs-operating-Q00-DPSCSOverview.pdf>

¹⁸ "The Right to Heal; "Crime Survivors Speak, A National Survey of Victims' Views on Safety and Justice " (2022), p. 27-28, 36; 2024 National Survey, <https://asj.allianceforsafetyandjustice.org/wp-content/uploads/2024/09/CrimeSurvivorsSpeak2024.pdf>

as is the case with the Second Look Act, restores autonomy to victims who feel the system does not always recognize their needs or desires.

Rewarding an individual's personal transformation is both an act of humanity and justice. Providing a meaningful opportunity for release from prison to those serving long sentences is a cost-effective strategy in support of public safety and a meaningful way to allow people whose potential is not being fully realized behind the walls to ultimately make positive contributions to their community.

For these reasons, I urge a favorable report for HB 853.

Carol A. Cichowski