



AMERICAN UNIVERSITY

W A S H I N G T O N , D C

Clinical Program

**February 18, 2025**

**House – Judiciary**

**Testimony in Support of HB 853 – Criminal Procedure – Petition to Reduce Sentence  
(Maryland Second Look Act)**

**Submitted by Olinda Moyd, Esq.**

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As a social justice advocate who has dedicated my legal career to disrupting the machinery of mass incarceration, I have had the honor of representing many men and women confined in Maryland's prisons for the last few decades. The Decarceration and Re-Entry Clinic at the American University Washington College of Law represents individuals before the Maryland courts, most of whom have served decades behind bars. Many of these individuals have been detained far beyond the point of having been successfully rehabilitated, long after achieving educational and vocational goals and way past the stage of being healed and reconciled from the harm they caused. Our clinic believes that every human being deserves a second chance and that every human being has redemptive value.

HB 853 simply authorizes an individual who is serving a term of confinement to petition a court to reduce the sentences under certain circumstances after the individual has served 20 years of their term of confinement. The court must hold a hearing once it determines that the individual is eligible where evidence may be introduced in support of the petition. The factors that the court must consider mirror the factors that the courts currently are required to review under the Juvenile Restoration Act passed in October 2021 through which my students and I represent clients frequently. The court has the judicial acumen to review the evidence presented, assess witness credibility and they are trained to make such deliberate release decisions from the time a person is arrested upon entry into the criminal legal system and throughout their detention, should opportunities arise. This bill merely creates one avenue to possible release and contains the necessary safeguards to manage abuse or repeat filings.

This bill does **not** guarantee release after twenty years in prison, it merely creates an avenue through the courts for an individual to petition the court for release. It is worth noting that most western democracies have few or no people serving life sentences, and research suggests that

sentences of longer than twenty years are often not justified.<sup>1</sup> Excessive sentencing thwarts the correctional goals of rehabilitation and reintegration. Most correctional officials will confess that a population without hope is more challenging to prison operations and daily productivity. When prison doors are slammed shut, hopelessness prevails.

### **Parole Mechanisms Serve A Different Function**

While parole is merely a conditional granting of release based on mercy, this bill will allow an individual to seek relief based on demonstrated rehabilitation. The Maryland Parole Commission states that the parole hearing is an interview, however, hearings under this bill are judicial proceedings that allow an individual to be represented, call witnesses and present evidence. The Parole Commission can only determine whether the individual will serve their sentence in prison or in the community, but only the court can reduce an individual's sentence. The parole system in Maryland has been riddled with well-documented flaws and delays. It is a broken system that perpetuates hopelessness. On the other hand, passage of this bill will serve as motivation for individuals to focus on becoming the best version of themselves regardless of their sentence or circumstances.

### **Community Asset Upon Release**

A person's debt to society is not paid back simply because of the number of years a person spends in prison but are, instead, paid back through perpetual acts of human decency, love and successful community uplifting upon release. Many of the scores of individuals who I have represented and befriended through the years have proven that upon release they can live law-abiding lives and contribute greatly to the very communities that they once offended years ago. Individuals released pursuant to the *Unger* decision and those released pursuant to the Juvenile Restoration Act demonstrate that most people merely need an opportunity to live out their true purpose and the life they were intended to live before being sidetracked. Because of the overwhelming number of Black men and women captured in our carceral system and held in Maryland prisons, our communities of color have suffered in their absence. Many can serve as a valuable resource upon their return as evidenced by those who have walked out of prison doors directly to serving their community. All people need is an opportunity and HB 853 merely creates an avenue for such.

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<sup>1</sup> Marc Mauer and Ashley Nellis, *The Meaning of Life: The Case for Abolishing Life Sentences*, (2018).

### **One Story of Success**

Our clinic recently represented Mr. S before the courts. He qualified under the JRA and this avenue for release would not have been available to him but for the legislative action of the passage of the statute two years ago. He was in prison for over three decades and served most of that time programming and working but living under a cloud of hopelessness that he would ever live in the free world due to his life sentence. However, since his release he has been reunited with his family, working diligently, paying taxes and mentoring young people to deter them from making the mistakes he made which led to his incarceration. He says that his goal is to “be the mentor that was missing in his life during his own adolescence.” His contributions to his community would be void had it not been for legislative intervention and an opportunity to petition the court for release.

We strongly support this bill and urge a favorable vote to foster hope and open an avenue for release for the men and women in our prisons who meet with criteria and demonstrate they are worthy of a sentence reduction. Fairness and racial justice demands that you do so.

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