



Continuing the Missions of the Stephanie Roper Committee and Foundation, Inc.

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February 14, 2025

Re: Unfavorable to HB 853

Dear Members of the Committee,

I am writing to express my strong opposition to SB 291, a bill that proposes allowing violent offenders to petition for resentencing after serving just 20 years of their sentence, regardless of its original length. This legislation raises serious concerns about public safety, the rights of victims, and the overall impact on our justice system.

Having worked in the criminal justice system across multiple states, I can say that no other state exhibits the same level of confusion and disregard for crime victims as Maryland. I have been an attorney for over 17 years, serving as a prosecutor in Washington State, California, and Maryland. Additionally, I spent four and a half years as in-house counsel at the California Department of State Hospitals, which provides psychiatric care for individuals in the criminal justice system, including those deemed incompetent to stand trial and those identified as sexually violent predators.

For the past three years, I have served as a victim rights attorney at the Maryland Crime Victims Resource Center (MCVRC) and recently became the Deputy Director. This role has been the most rewarding of my career, allowing me to support crime victims during their most challenging times.

First and foremost, we must recognize that violent offenders have committed acts that not only infringe upon the rights of their victims but also deeply affect families and communities. Allowing these individuals to seek resentencing after just two decades risks undermining the severity of their crimes and the suffering endured by their victims. Victims should not be forced to relive their trauma every few years as they face the possibility of their attackers being released. Such a system fails to provide the necessary closure and healing that victims and their families need.

Moreover, the proposal to allow offenders to petition for resentencing every five years places an additional emotional burden on victims. These hearings can serve as painful reminders of the violence they endured and can hinder their ability to move forward with their lives. The constant uncertainty surrounding the status of the offender creates an environment of fear and anxiety for victims, who deserve assurance that their safety and well-being will be prioritized.

Furthermore, the focus of our justice system should be on protecting innocent individuals rather than catering to finding more ways for violent offenders to get out jail early. Granting such frequent opportunities for resentencing diminishes the importance of accountability for one's actions. The message sent by HB 853 is that violent crime may not result in the long-term consequences that both the victims and society expect and deserve. The caveat in the bill that ignores the twenty years served if the State's Attorney's Office files for reduction of the sentence is alarming. This is not a power that should be given to the State's Attorney's Office and the Maryland State Attorney's Association does not stand behind this concept. Please listen to the victims' families and those who are still mourning their loved one's death, and do not allow there to be an exception to the twenty years served.

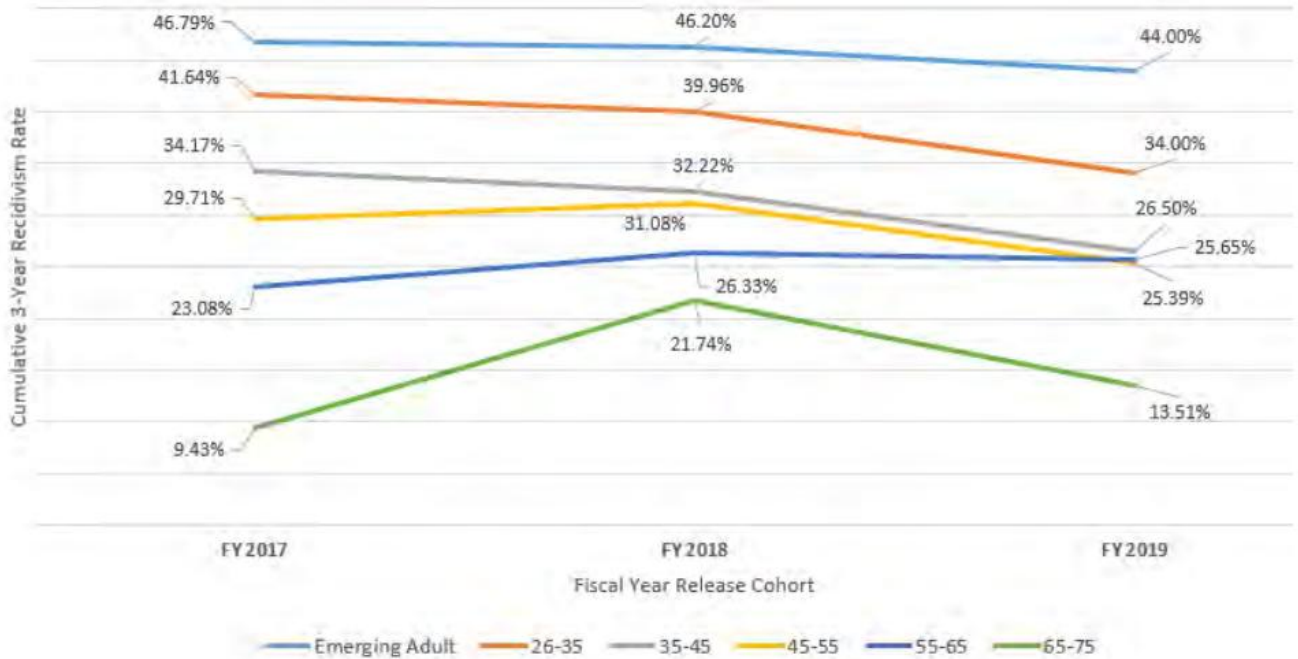
The release of convicted murderers from prison poses significant dangers to society. While it is true that older offenders often exhibit lower recidivism rates, it is misleading to assume this equates to a negligible risk. According to the Department of Public Safety and Correctional Services (DPSCS), the chance of re-offending for those released between 2017 and 2019 is alarmingly between 9-21%. This statistic represents a substantial risk, particularly when considering the severity of the crimes committed.

Society must prioritize the safety of its citizens above all else. The implications of allowing individuals who have taken lives to reintegrate into the community, even with the potential for decreased risk, are profound. And, a 9-21% chance of recidivism is a high chance of further behavior placing the public at risk.

Each release could mean the threat of future violence, trauma for victims' families, and the erosion of public trust in our justice system. Rather than embracing a potentially dangerous approach to rehabilitation that could endanger lives, we should seek to implement comprehensive rehabilitation programs while keeping those who pose a significant risk to society incarcerated. The potential for re-offense, even at the lower end of the spectrum, is simply too great to ignore. It is crucial that we continually assess and prioritize the safety of our communities over opportunities for leniency in the justice system.

Please consider the graph below prepared by DPSCS showing recidivism rates for Maryland parolees:

Figure 7: 3-Year Recidivism Rates by Age at Release



In conclusion, I urge you to reconsider the implications of HB 853. The safety and well-being of victims must take precedence over the interests of those who have committed violent offenses. Our justice system should strive to protect those who have been wronged and provide them with the peace of mind they need to heal. Rather than facilitating the early release of violent offenders, we should focus on supporting victims and ensuring that justice is served in a way that respects their experiences and needs.

I urge an unfavorable finding on HB 853.

Sincerely,

Joanna D. Mupanduki