



POSITION ON PROPOSED LEGISLATION

Bill: House Bill 853 Criminal Procedure – Petition to Reduce Sentence (Maryland Second Look Act)

From: Maryland Equitable Justice Collaborative

Position: FAVORABLE

Date: February 18, 2025

The Maryland Equitable Justice Collaborative (MEJC) supports House Bill 853, the "Maryland Second Look Act," and urges this Committee to issue a favorable report.

About the Maryland Equitable Justice Collaborative

The Maryland Equitable Justice Collaborative (MEJC) was established by the Office of the Attorney General (OAG) and the Office of the Public Defender (OPD) to address racial disparities in mass incarceration in Maryland. This initiative is the first of its kind. It was developed based on listening sessions held by the Attorney General and Public Defender with impacted people, advocates, and other community members. Academic partners, including the Judge Alexander Williams Center for Education, Justice & Ethics at the University of Maryland at College Park and the Bowie State University Institute for Restorative Justice, were brought in to ensure the work is evidence-based and data-driven statewide.

The MEJC comprises over 40 representatives from state agencies, community groups, subject matter experts, and people directly impacted by the system. Its initiatives are organized into workgroups focusing on various factors influencing incarceration rates. Each workgroup is led by a staff member from the Office of the Attorney General, a staff member from the Office of the Public Defender, and a community advocate with relevant expertise. Community voices and public input have shaped the recommendations developed under the direction of the OAG and OPD. In December 2024, the MEJC approved 18 recommendations for legislative and agency reforms, program development, data collection, and other measures designed to reduce the mass incarceration of Black men and women and other marginalized groups in Maryland prisons and jails. Recommendation No. 13 specifically urges the Maryland General Assembly to enact comprehensive Second Look legislation to provide pathways for individuals serving long sentences to have their cases reviewed considering rehabilitation, age, and public safety considerations.

National Movement to Rethink Long Sentences

By implementing the "Second Look" law, Maryland joins the many states recognizing that excessively long sentences, especially those handed down during emerging adulthood, are potentially misaligned with public safety and rehabilitation goals. California, New York, and Illinois have enacted similar Second Look laws to address racial disparities, reduce prison populations, and promote fairness.

From a public safety viewpoint, the prolonged incarceration of low-risk, older individuals may waste resources that could be better allocated to crime prevention and community support. Studies consistently indicate that individuals often "age out" of criminal behavior, with recidivism rates significantly declining after age 40.¹

Racial Disparities and Excessive Sentencing

Black people are disproportionately subjected to longer sentences due to structural inequities within the criminal legal system.² Disparities arise at multiple process stages, including arrest, charging, trial, and sentencing. Data indicates that Black individuals are more likely to face severe charges, which often carry harsher penalties, and implicit biases and systemic factors may influence judicial decisions. Additionally, policies such as mandatory minimums and sentencing guidelines, while intended to ensure consistency, often have consequences that disproportionately affect Black communities. Furthermore, access to diversionary programs and rehabilitative alternatives is frequently limited, reducing opportunities for equitable outcomes for Black people. These combined factors contribute to the overrepresentation of Black people among those serving lengthy sentences, including life terms.

Disparities in sentencing are particularly pronounced among those serving long sentences in Maryland, with Black defendants significantly more likely to receive sentences exceeding 25 years.³ Additionally, nearly 80% of individuals sentenced as emerging adults, aged 18 to 24, who have served over 10 years in a Maryland prison are Black.⁴ House Bill 853 provides a meaningful mechanism to address these injustices by allowing individuals to petition for sentence reconsideration based on demonstrated rehabilitation and public safety considerations.

House Bill 853 represents a significant advancement in tackling the racial disparities that impact Maryland's criminal legal system. It provides a pathway for sentence reconsideration that aligns

¹ Council on Criminal Justice. "The Current State of Recidivism: Older People Return to Prison at Much Lower Rates." Council on Criminal Justice. Accessed January 27, 2025. [https://counciloncj.org/recidivism_report/%20\(see%20Table%208\)](https://counciloncj.org/recidivism_report/%20(see%20Table%208)).

² Klein B, Ogbunugafor CB, Schafer BJ, Bhadracha Z, Kori P, Sheldon J, Kaza N, Sharma A, Wang EA, Eliassi-Rad T, Scarpino SV, Hinton E. COVID-19 amplified racial disparities in the US criminal legal system. *Nature*. 2023 May;617(7960):344-350. doi: 10.1038/s41586-023-05980-2. Epub 2023 Apr 19. PMID: 37076624; PMCID: PMC10172107.

³ Fritze, John. "As Pandemic Eases, Share of Black Inmates in Maryland Prisons Peaks." *Maryland Matters*, April 17, 2024. <https://marylandmatters.org/2024/04/17/as-pandemic-eases-share-of-black-inmates-in-maryland-prisons-peaks/>.

⁴ Justice Policy Institute, Report, Rethinking Approaches to Over Incarceration of Black Young Adults in Maryland, (Nov. 2019).

with the recommendations of the Maryland Equitable Justice Collaborative while promoting equity, rehabilitation, and fiscal responsibility. The Maryland Equitable Justice Collaborative respectfully urges this Committee to issue a favorable report on House Bill 853.

Submitted by: Maryland Equitable Justice Collaborative

**Anthony Brown, Co-Chair
Maryland Attorney General**

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