

Student Justice Alliance, Alvin Lee - Favorable Te

Uploaded by: Alvin Lee

Position: FAV

February 2, 2025

Alvin Lee
Clarksville, Maryland 21029

**TESTIMONY ON HB853
MARYLAND SECOND LOOK ACT**

**House Judiciary Committee
February 18, 2025**

SUPPORT

Submitted by: **Alvin Lee**

Chair Clippinger, Vice Chair Bartlett and members of the Judiciary Committee:

I, Alvin Lee, am testifying in support of HB853, the Maryland Second Look Act. I am submitting this testimony as a community member of District 9A, as someone who has worked with families affected by incarceration, and as the founder of the Student Justice Alliance.

My favorite thing about our democracy in our country is that everyone's voice matters. No matter who you are or where you come from, your beliefs and ideas matter to the fabric of American democracy. So while I am too young to have a vote, I hope you'll take the time to listen to my voice.

It is also my belief in the power of our voices that compels me to write. I am writing to express my strong support for the Second Look Act. This legislation would grant incarcerated individuals a chance for a review of their sentence after 20 years of incarceration. It allows them to petition for themselves and their efforts to achieve growth and rehabilitation. In the end, passing this legislation gives some of Maryland's most marginalized population a voice and a second chance.

But it also provides long-needed reform to one of the most discriminatory facets of our justice system: parole. For more than 25 years, Maryland's parole system was not available to people serving life with parole sentences because Governors routinely denied parole with little to no explanation. While we have since revoked the Governor's power to deny parole, we haven't revoked the persistent inequalities in the system. Parole is not a judicial hearing, meaning

individuals lack due process rights and legal representation. This legislation, the Second Look Act, guarantees the right for a review of one's sentence *with* a full and complete due process and a right to legal representation: a way to ensure the justice system treats everybody's voice equally. The voices of *everyone* matter, and I ask this committee to uphold this promise.

The Act would require that victims receive notice that a resentencing hearing would be held, and require the judge to consider the victim's input, should the victim or the victim's representative choose to offer a statement. In fact, victims, too, prefer, by 2 to 1, a criminal legal system that focuses more on rehabilitating people who commit crimes than punishing them. Under the Second Look Act, everybody's voice matters.

I've worked with families and children whose parents are incarcerated. Through these experiences, I've learned that the greatest consequences of the justice system are often felt by those outside of it. Their children, their churches, and their communities would all benefit from the release of individuals who are able to demonstrate their growth and rehabilitation. The people in Maryland's carceral system are fathers, mothers, brothers, and sisters. They work hard to grow and learn from their mistakes. They deserve an equal voice. They deserve your promise to uphold Maryland's values of fairness and justice. They deserve a second look.

I urge you to vote **favorably** on the **Maryland Second Look Act HB853** and give Maryland's incarcerated individuals a fair chance at justice.

Thank you.

AnnDuncanTestimonyHB853.pdf

Uploaded by: Ann Duncan

Position: FAV

**TESTIMONY ON HB853
MARYLAND SECOND LOOK ACT**

**House Judiciary Committee
February 18, 2025**

SUPPORT

Submitted by: **Ann Duncan**
Executive Director, Goucher Prison Education Partnership

Chair Clippinger, Vice Chair Bartlett and members of the Judiciary Committee:

I, Ann Duncan, am testifying in support of HB853, the Maryland Second Look Act. I am submitting this testimony as the Executive Director of the Goucher Prison Education Partnership (GPEP) which enrolls approximately 130 incarcerated individuals at two Maryland state prisons, many of whom would be directly impacted by this act.

Passage of the Maryland Second Look Act would create a meaningful opportunity for sentence modification for incarcerated people after having served 20 years of their sentence. I firmly believe that those individuals who are able to demonstrate their growth and rehabilitation, such that they are no longer a threat to public safety, should have the opportunity for release.

As Director of GPEP and as a professor in the partnership, I see first hand every day that rehabilitation is possible and that many of the individuals who are currently incarcerated and still face long sentences are ready to return home, ready to make a positive impact on their community and have no way to do so. As a US historian, I know that our parole system and our judicial system have extreme racial disparities and historical injustices that continue in the sentences of current incarcerated people and that our criminal justice system does not often reward or recognize progress, restitution and restoration. The second chance act provides that possibility.

For these reasons, I encourage you to vote **favorably** on the **Maryland Second Look Act HB853**.

Thank you.

Final HB853 Legislative Testimony.pdf

Uploaded by: Anna OShea

Position: FAV

Testimony *in Support of House Bill 853*
Criminal Procedure - Petition to Reduce Sentence (Maryland Second Look Act)

To: House Judiciary Committee

From: Anna O'Shea, Student Attorney, Decarceration Initiative Clinic, University of Maryland Francis King Carey School of Law (admitted to practice pursuant to Rule 19-220 of the Maryland Rules Governing Admission to the Bar)

Date: February 18, 2024

I am a student attorney in the Decarceration Initiative Clinic at University of Maryland Francis King Carey School of Law. The Decarceration Initiative Clinic represents individuals serving long sentences in post-conviction matters. In this clinic, I have come across the most extraordinary adult offenders serving life without parole sentences. I learn from these clients, I relish in their wisdom, and I am continually amazed by their benevolence. Because of this, I support House Bill 853, which would allow any incarcerated individual to file a petition to reduce their sentence if the individual has served at least 20 years of their sentence and at least 5 years have passed since the court decided any previous petition filed by the individual.

In August 2024, I began working with a client who grew up in West Baltimore with his siblings, mother, and abusive father. The client took most of his father's psychological and physical torture because he tried to protect his mother from enduring the same. When my client was only in elementary school, his father poured an entire fifth of liquor down his throat as a punishment and left him unconscious, soiled in his own urine on the floor. As my client grew up, so did his father's rage, and when he was in high school, his father fired off a shotgun in the home, and the pellets ricocheted and struck my client's face.

When my client finally moved out of his family home and into the streets of Baltimore, he sought an escape. He found that escape in crack cocaine, becoming severely addicted at first use. As a young man who went from his abusive household into the streets of West Baltimore during the height of the crack cocaine epidemic, my client was the prime candidate to become a pawn in crack cocaine's game. Crack controlled his every move for the next ten years as he underwent stints of homelessness and became unable to hold down a job. He was directionless, only following paths that took him fastest to crack.

Over the next few years, his addiction spiraled out of control. During the peak of his addiction, he was high and committed a senseless murder to obtain more crack. The act was horrific, which is a truth that he recognizes the most. However, the crime was undoubtedly crack induced. Even his sentencing judge and prosecuting attorney vocalized that but-for crack cocaine, he would not have committed the crime. He had never engaged in violence before this night and has never engaged in violence during his long incarceration afterward.

His addiction was a disease, enhanced by many influences including his abusive childhood, that destroyed many lives, including his victim's and his own. However, he beat that addiction. He has not used any drugs since the night of the crime and maintains a near-perfect

prison record. He has spent his entire incarceration period—almost 10,000 days—remorseful and dedicated to rehabilitation. He is proof that one violent act does not make someone violent. He is proof that one violent act does not make a person irredeemable.

House Bill 853, the Second Look Act, means believing in second chances and believing in second chances credits everyone with the possibility of redemption. My client is deserving of a second chance and as capable of redemption as those serving lesser sentences. He has proved that reality, and other individuals serving life without parole sentences have proved it too. The clients we represent in clinic are proof that they are more than the worst things they've done and that their sentence reflect the arbitrariness and cruelty of our legal system, not that they are beyond redemption. Second chances cannot be selective. A second chance is meaningless if one person is told they get a second chance while another is told they only had one chance. For those reasons, I respectfully urge your support for House Bill 853 for all incarcerated individuals and its passage without any exceptions for those serving life without parole sentences.

Written Testimony HB 853 (2025).pdf

Uploaded by: Anthony Muhammad

Position: FAV

February 14, 2025

Honorable Delegate Luke H. Clippinger, Chairman
House Judiciary Committee
House Office Building 6 Bladen Street
Annapolis, MD. 21401

Written Testimony in SUPPORT of HOUSE BILL – 853
(The Maryland Second Look Act)
CRIMINAL PROCEDURE - PETITION TO REDUCE SENTENCE
Sponsored by Delegate Cheryl E. Pasteur

Dear Chairman Clippinger,
and Members of the House Judiciary Committee:

My name is Anthony Wazir Muhammad.¹ Almost 32-years ago, on January 26, 1993, at the age of 15, I was arrested on two murder charges in Baltimore City. Ultimately, I was convicted and sentenced to life plus 20-years in prison.

The judge who sentenced me mistakenly believed that I was unredeemable, unreformable, and that the crimes I committed were unreconcilable. She stated that I had *“little prospect of ever being able to come out and function,”* and that I showed very *“little hope of rehabilitation.”* Even though I had no prior adult criminal record, and only one minor juvenile offense, my sentencing judge was unconvinced that *“job training, education, and such would make [me] a safe citizen,”* and in her most condemning remarks stated her belief that if I was ever given the opportunity to commit these crimes again, *“it would happen.”*

¹ My birth name is *Anthony Sylvester Fair*. In 2021, I legally changed my name.

Thankfully, the judge who sentenced me was all wrong about me.

On September 20, 2022, I was released under the Maryland *Juvenile Restoration Act* (JRA), a recent law passed by the Maryland General Assembly in 2021, and allows juvenile offenders who were convicted as adults and have served a minimum of 20-years of incarceration to petition the court to modify a sentence, if the individual can prove that he is not a danger to the public, and that the interest of justice will be better served by a reduced sentence.

After serving 29-years, 7-months, and 29-days, I was released under the JRA – with the full support of then Baltimore City State’s Attorney Marilyn Mosby and her former Sentencing Review Unit Division Chief, Becky Feldman.²

Interestingly, the judge who released me under the JRA, the Honorable Judge Yvette Bryant of the Circuit Court for Baltimore City, said the exact opposite about me than the judge who sentenced me. In fact, Judge Bryant stated that what I was able accomplished during my incarceration was so remarkable, that in all her years on the bench, I was the very first violent offender that she had absolutely no reservations about releasing back into the community.

There are no words adequate to express the depths of my remorse for the crimes that I committed. I made a horrible decision. It was the worst decision I ever made in my life, and I will always deeply regret my actions. However, egregious as my crimes were, they were not the result of “*permanent incorrigibility*,” “*irreparable corruption*,” or “*exhibit such irretrievable depravity that rehabilitation is impossible*.” As the distinguished civil rights attorney, author of the book *Just Mercy*, and founder of the *Equal Justice Initiative*, Brian Stevenson, once said - “*Each of us is more than the worst thing we’ve ever done*.”

² BALTIMORE BANNER NEWS ARTICLE:
<https://www.thebaltimorebanner.com/community/criminal-justice/it-means-everything-how-the-juvenile-restoration-act-has-provided-a-second-chance-for-people-sentenced-as-children-to-prison-in-maryland-HDCZ6OY2TFAR3G4IUK6VKUTJUM>

Thankfully, among all that I have been able to accomplish since my release, most notable, through the Baltimore Community Mediation Center, I was blessed to participate in a very successful victim/offender mediation with one of the families of the victims in my case – who gave me their forgiveness.

Now, I am employed as an advisor to *The Maryland Parole Partnership* (MPP), under Sonia Kumar, Senior Staff Attorney for the ACLU of Maryland. Together, we recruit, train, and assign attorneys, law firms, and legal clinics to represent *pro bono* inmates with life sentences during their parole hearings who have served a minimum of 25-years of incarceration.³ Unfortunately, Mr. Pratt would not be eligible for MPP services because his sentence is *without* parole.

In addition, I have now become part of the solution to crime and violence in Baltimore City, the very same community where I was once part of the problem.⁴ I am a Community Engagement Specialist with the *We Our Us* organization, a non-profit organization that serves the community. We are the new front line in the fight to make our communities a safe and descent place to live. We are the “*Credible Messengers*,” the “*Violence Interrupters*,” that go door-to-door, block-by-block, street-by-street. We put boots on the ground in the community as “*Connectors*,” “*Protectors*,” “*Mediators*,” and *Messengers*.”

Thanks in part to the incredible work of the *We Our Us* organization, which includes our *Stop The Beef* program facilitated mostly by returning citizens, in the last two years Baltimore City has experienced *historic* reductions in homicides & non-fatal shootings. While no single individual or organization can claim all the credit for these historic reductions in violent crime, Baltimore City Mayor Brandon M. Scott has highlighted the work of the *We Our Us* organization.

³ <https://www.aclu-md.org/en/maryland-parole-partnership>

⁴ MARYLAND MATTERS NEWS ARTICLE:
<https://www.marylandmatters.org/2024/03/06/commentary-once-part-of-the-problem-we-are-now-part-of-the-solution/>

The absolute joy of my community service work is being a youth mentor with *Baltimore Brothers, Inc.*, a program that provides mentorship, manhood training, and life coaching to Baltimore City youth. I am currently the facilitator of the *Baltimore Brothers's* program inside Booker T. Wahington Middle School.

In addition, I am a member of several groups that work directly with returning citizens. Particularly, the *1st Monday Empowerment Support Group*, which consist of over 300 returning citizens who served life and long-term prison sentences in Maryland and are now productive members of society. The leadership of this phenomenal support group is employed by *Living Classrooms*, which provide a host of re-entry services and resources to returning citizens.

Also, I'm a proud member of *The Maryland Juvenile Lifer's Support Group*, which is facilitated by the *Campaign For the Fair Sentencing of Youth (CFSY)*, an international organization with renowned interest in youth offenders.

In conclusion, long-term returning citizens are now working in collaboration with all community stakeholders. There is literally NOTHING that we are not doing as productive members of society. For example, in both Baltimore City and Prince George's County, we are employed by multiple agencies in city government. We are consultants to the Baltimore City Police Department on best practices for community engagement. We are partners with Maryland's Department of Public Safety & Correctional Servies at resource fairs to provide re-entry services to fellow returning citizens, and some are currently under contract with Maryland's Department of Juvenile Services through the *Thrive Academy* to provide life coaching and mentorship to young offenders.

Long-term returning citizens are contributing throughout the public school system, in multiple capacities. We are in all the local recreation centers. We are on college campuses and universities in Maryland. We are in law school programs and legal clinics. We have both joined and established organizations doing phenomenal work in the community. We are business owners, entrepreneurs, homeowners, hard-working, tax paying citizens.

In conclusion, I strongly believe that the vast majority of those who qualify for release under SENATE BILL 291 will join us in doing the same if given the opportunity – being productive members of society. All of the data, volumes of research, all prove that people age out of crime, and that the rate of recidivism for those who qualify for relief under this legislation is much lower than the main. We have hundreds of success stories in Maryland all around the country.

For all of these reasons, I urge a FAVORABLE vote on HOUSE BILL 853.

Thank You,

Anthony W. Muhammad

Gibson-Banks Center Testimony - HB 853.pdf

Uploaded by: Brandon Miller

Position: FAV

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

To: Delegate Luke Clippinger, Chair
Delegate J. Sandy Bartlett, Vice Chair
Members of the Judiciary Committee

From: Brandon Miller, Ereik L. Barron Fellow, Monique L. Dixon, Executive Director,
and Michael Pinard, Faculty Director, Gibson-Banks Center for Race and the Law

Date: February 14, 2025

On behalf of the Gibson-Banks Center for Race and the Law (“Gibson-Banks Center” or “Center”) at the University of Maryland Francis King Carey School of Law,¹ we appreciate the opportunity to submit testimony in support of House Bill 853 (“HB 853”), which would, among other things, allow an individual who is incarcerated and has served at least 20 years of their sentence to petition a court for a reduction of sentence. We urge the committee to issue a favorable report because the bill would: (1) help to address mass incarceration in Maryland, which disproportionately burdens Black people with long prison sentences, and open pathways for individuals’ release from prisons; and (2) contribute to building safe communities.

The Gibson-Banks Center works collaboratively to re-imagine and transform institutions and systems of racial inequality, marginalization, and oppression. Through education and engagement, advocacy, and research, the Center examines and addresses racial inequality, including the intersection of race with sex or disability, and advances racial justice in a variety of issue areas, including the criminal legal system. The Gibson-Banks Center has served as a member of the Maryland Equitable Justice Collaborative (MEJC). Led by Maryland Attorney General Anthony Brown and Maryland Public Defender Natasha Dartigue, the MEJC aims to research, develop, and recommend reforms that reduce the racial disparities in Maryland’s incarcerated population. In December 2024, the MEJC recommended the expansion of second

¹ This written testimony is submitted on behalf of the Gibson-Banks Center and not on behalf of the University of Maryland Francis King Carey School of Law or the University of Maryland, Baltimore.

look laws in Maryland, in addition to 17 other measures, as an important step toward ending mass incarceration.²

HB 853 Both Helps to Address Mass Incarceration in Maryland, Which Disproportionately Burdens Black People with Long Prison Sentences, and Open Pathways for Individuals' Release from Prisons

1. Addressing Racially Disproportionate Long Prison Sentences

Long prison sentences are a cornerstone of the system of racialized mass incarceration in Maryland. Over 70% of people in Maryland prisons and almost 8 out of 10 people who have served 10 years or more, are Black, even though they comprise only 31% of the state's population.³ Maryland has the highest racial disparity among Black persons who are in prison and among those serving long sentences than any state in the country.⁴ Of those individuals serving the longest sentences, 41% are Black men who were young adults (under age 25) when they were sentenced.⁵ Accordingly, Black people in Maryland receive the harshest sentences and languish in prison for the longest periods of time. For example, Black people overwhelmingly comprise the population of people serving life sentences and sentences reaching 50 years or longer.⁶

In Maryland, and throughout the United States, the impulses and intuitions which drive the current reliance on long prison sentences are rooted in a racially repressive paradigm of criminal justice. The tough-on-crime policy agenda which took hold decades ago has conditioned the public and decision-makers to view long prison terms as indispensable for protecting society from violent individuals. Since its origin as a strategy for combatting the civil rights era's advances in racial equality, the tough-on-crime paradigm has relied on racially charged notions that Black people were violent and lawless, particularly those who engaged in civil disobedience to combat racial injustices.⁷ This policy agenda advanced further with a school of criminological research invested in the representation of Black people and other people of color as prone to crime due to biological inferiority.⁸

² MEJC, *History Made: Maryland Equitable Justice Collaborative (MEJC) Passes Recommendations to Address Mass Incarceration of Black Marylanders in State Prisons and Jails*, Dec. 12, 2024, <https://www.marylandattorneygeneral.gov/press/2024/121224.pdf>.

³ JUSTICE POLICY INSTITUTE, *RETHINKING APPROACHES TO OVER INCARCERATION OF BLACK YOUNG ADULTS IN MARYLAND* 3, 7-8 (2019), https://justicepolicy.org/wp-content/uploads/justicepolicy/documents/Rethinking_Approaches_to_Over_Incarceration_MD.pdf.

⁴ *Id.* at 3, 7.

⁵ *Id.* at 7.

⁶ THE SENTENCING PROJECT, *A MATTER OF LIFE: THE SCOPE AND IMPACT OF LIFE AND LONG TERM IMPRISONMENT IN THE UNITED STATES* 14 (2025), <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>.

⁷ See Vesla Mae Weaver, *Frontlash: Race and the Development of Punitive Crime Policy*, 21 *STUDIES IN AMERICAN POLITICAL DEVELOPMENT* 230, 247-253 (2007), <https://www.cambridge.org/core/services/aop-cambridge-core/content/view/9744286F944F1A250B94CD3AFB1A6021/S0898588X07000211a.pdf/frontlash-race-and-the-development-of-punitive-crime-policy.pdf>.

⁸ See JEROME G. MILLER, *SEARCH AND DESTROY: AFRICAN AMERICAN MALES IN THE CRIMINAL JUSTICE SYSTEM* 178-216 (1996) (discussing research that provided genetic explanations for crime that insinuate Black people are innately crime-prone, such as the 1985 book *Crime and Human Nature* by James Q. Wilson and Richard Herrnstein).

Also, the influential “superpredator” theory put forth by John Dilulio Jr. in the mid-1990s (when he was a professor at Princeton University), and later abandoned by him, is a prominent example of how racialized concepts shape criminal justice outcomes and become internalized by decision-makers such as prosecutors and judges.⁹ These racialized discourses also led to the passage of tough-on-crime laws, such as the federal Violent Crime Control and Law Enforcement Act of 1994, which included mandatory sentences for certain crimes.¹⁰

Fortunately, efforts are underway at the federal and state levels to end mass incarceration and racial disparities resulting from long prison sentences.¹¹ HB 853 would add Maryland to these efforts. Because racial disparities in prison populations increase with sentence length,¹² HB 853, which would allow a person who has served at least 20 years to petition a court for a reduction of sentence, would thereby help reduce racial disparities in Maryland prisons.¹³

Additionally, HB 853 is part of a burgeoning movement in the United States to implement second look laws to address the ravages of mass incarceration and to provide a meaningful mechanism of release for individuals who have aged, accomplished, and rehabilitated over decades. The American Law Institute, a nonpartisan organization of legal experts dedicated to clarifying and modernizing the law, endorses second look legislation, such as HB 853, reasoning that punishments which may appear justified in one era, may later be revealed as unjust.¹⁴ HB 853 could help ensure that sentences whose severity reflects the influence of a previous era’s racialized discourses are subject to the scrutiny of a reviewing court tasked with considering a holistic assessment of the individual’s progress over the course of at least 20 years. Maryland judges who review sentences, confronted with evidence of petitioning individuals’ growth, change, and accomplishment, would be better positioned to reassess many extreme sentences imposed disproportionately on Black people and other people of color, and reconsider these sentences in light of the petitioning individuals’ progress as well as the interests of justice and public safety.

⁹ See, e.g., THE SENTENCING PROJECT, A SECOND LOOK AT INJUSTICE 13 (2021) (quoting a Chicago attorney who explained that the “superpredator” term “had a profound effect on the way in which judges and prosecutors viewed my clients.”), <https://www.sentencingproject.org/app/uploads/2022/10/A-Second-Look-at-Injustice.pdf>; Carroll Bogert & Lynnell Hancock, *The Media Myth That Demonized a Generation of Black Youth*, THE MARSHALL PROJECT (Nov. 20, 2020), <https://www.themarshallproject.org/2020/11/20/superpredator-the-media-myth-that-demonized-a-generation-of-black-youth>.

¹⁰ Violent Crime Control and Enforcement Act of 1994, Pub. L. No. 103-322, 108 Stat. 1796 (Sept. 13, 1994).

¹¹ See, e.g., Jessie Brenner & Stephanie Wylie, *Analyzing the First Step Act’s Impact on Criminal Justice*, BRENNAN CENTER FOR JUSTICE (Aug. 20, 2024), <https://www.brennancenter.org/our-work/analysis-opinion/analyzing-first-step-acts-impact-criminal-justice> (discussing the First Step Act of 2018, which reduced mandatory minimums for certain drug offenses and allowed federal prisoners to file compassionate release petitions on their own behalf, among other things).

¹² THE SENTENCING PROJECT, THE SECOND LOOK MOVEMENT: A REVIEW OF THE NATION’S SENTENCE REVIEW LAWS 10 (2024), <https://www.sentencingproject.org/app/uploads/2024/05/Second-Look-Movement.pdf>.

¹³ NATIONAL ACADEMIES OF SCIENCES, ENGINEERING, AND MEDICINE, REDUCING RACIAL INEQUALITY IN CRIME AND JUSTICE: SCIENCE, PRACTICE, AND POLICY 308 (2023), <https://nap.nationalacademies.org/read/26705/chapter/10#308> (stating that second look provisions for long sentences could reduce racial disparities in long prison sentences).

¹⁴ MODEL PENAL CODE: SENTENCING § 305.6(b) and 564-70 (Proposed Final Draft Apr. 10, 2017), https://robinainstitute.umn.edu/sites/robinainstitute.umn.edu/files/2022-02/mpcs_proposed_final_draft.pdf.

2. Opening Pathways to Individuals' Release from Prisons

HB 853 offers a new pathway for people in Maryland's prisons to petition the sentencing court for a reduction of the sentence. Under current court rules, a person who has been sentenced to a term of years may file a motion requesting a sentence modification no longer than 90 days after the sentence was imposed.¹⁵ The Court then has "revisory power" over the sentence for five years—after five years, the sentence cannot be modified.¹⁶ Maryland courts' limited ability to revise sentences has deprived individuals in state prisons of the opportunity to return to court decades later and request a sentence modification based on demonstrated rehabilitation. Instead, persons who are incarcerated rely on the Maryland parole system, which has a track record of not granting parole, particularly for older individuals serving long sentences.

The problem of widespread and racially disproportionate long prison sentences in Maryland reproduces itself partly through the decline of back-end release mechanisms such as parole. Maryland's parole system is particularly restrictive as applied to older individuals and individuals serving the longest sentences. While between 2017 and 2021 the average parole grant rate was 39.6 percent, grant rates decreased sharply as time served and the petitioner's age increased.¹⁷ For example, the grant rate for individuals over age 60 was just 28 percent and the grant rate for individuals who served over 50 years was a dismal 5.6 percent.¹⁸

Withholding parole from eligible individuals who are aging and people with longer prison terms leads to unnecessarily long sentences that waste taxpayer dollars on warehousing individuals who have aged out of crime and are no longer a risk to public safety.¹⁹ HB 853 would in effect expand the court's role as a forum for individuals to make their case for their rehabilitation and transformation.

HB 853 Will Contribute to Building Safe Communities

HB 853 is also needed as a step toward repairing the harm that mass incarceration wreaks in Black and other impacted communities. Each year, Maryland taxpayers pay around \$60,000 per incarcerated individual.²⁰ HB 853 holds the promise of releasing people from Maryland prisons, thereby saving costs that could be devoted to areas such as housing, education, employment, and public health. HB 853 would contribute to restoring Maryland communities that currently suffer the effects of a bloated and self-perpetuating carceral system.

¹⁵ MD R. CRIM. CAUSES, RULE 4-345(e)(1) (2023).

¹⁶ *Id.*

¹⁷ JUSTICE POLICY INSTITUTE, SAFE AT HOME: IMPROVING MARYLAND'S PAROLE RELEASE DECISION MAKING 16 (2023), <https://justicepolicy.org/wp-content/uploads/2023/05/Safe-At-Home.pdf>.

¹⁸ *Id.* at 17.

¹⁹ THE SENTENCING PROJECT, A SECOND LOOK AT INJUSTICE 10 (2021) (discussing the concept of the "age-crime curve" and explaining that "[a]ging out of crime is a key reason why people who have been imprisoned for violent crimes—who generally serve longer sentences—are the least likely to recidivate when released from prison."), <https://www.sentencingproject.org/app/uploads/2022/10/A-Second-Look-at-Injustice.pdf>.

²⁰ Fiscal and Policy Note for HB 118, at 5, 2024 Leg., 446th Sess. (Md. 2024), https://mgaleg.maryland.gov/2024RS/fnotes/bil_0008/hb0118.pdf ("[C]urrently, the average total cost to house a State incarcerated individual in a Division of Correction facility, including overhead, is estimated at \$5,110 per month.").

Moreover, judges' decisions to release individuals would have more immediate, on the ground effects that would promote public safety. HB 853 would help reunite families and the networks of friends and other loved ones divided by incarceration. It would reintegrate thoughtful, skilled, and talented individuals who would be able to contribute to their communities. We need look no further than the Maryland Juvenile Restoration Act²¹ and the *Unger v. State of Maryland*²² decision for proof that citizens returning from long prison sentences are invaluable assets to their communities. The remarkably low recidivism rates of decarceration efforts in Maryland is further evidence that reducing the prison population is consistent with public safety and community welfare,²³ and counsels support for HB 853 as a matter of wise, and racially equitable, public policy.

A serious commitment to ending mass incarceration requires tackling the problem of long prison sentences. In recent years, Maryland has made major progress toward shifting away from punitive and counterproductive criminal justice policy with legislation such as the Justice Reinvestment Act²⁴ and the Juvenile Restoration Act. However, the system of mass incarceration will remain intact unless second chances are extended beyond persons serving sentences for nonviolent drug crimes and for crimes they committed when they were children or youth. In expanding opportunities for individuals to access second chances, HB 853 represents a critical mechanism for reducing mass incarceration, advancing racial justice, and building safer communities. For these reasons, we ask for a favorable report on HB 853.

²¹ Md. Code Ann., Crim. Proc. § 8-110 (permitting people who have been imprisoned at least 20 years for crimes committed when they were minors to file a motion to reduce their sentence).

²² In *Unger v. State*, 48 A.3d 242 (Md. 2012), Maryland's highest court made retroactive a 1980 decision that had invalidated improper jury instructions, leading to new trials and the release of 200 older individuals from Maryland prisons, the vast majority of whom were serving life with parole sentences. See Michael A. Millemann, Jennifer Elisa Chapman, & Samuel Feder, *Releasing Older Prisoners Convicted of Violent Crimes: The Unger Story*, 21 U. MD. L. J. OF RACE, RELIGION, GENDER & CLASS 185 (2021), U of Maryland Legal Studies Research Paper No. 2022-03, <https://ssrn.com/abstract=4069563>.

²³ See, e.g., THE SENTENCING PROJECT, *Second Look Laws Are an Effective Solution to Reconsider Extreme Sentences Amidst Failing Parole Systems*, 2 (Mar. 21, 2024) ("Maryland's real-life experiment of releasing people from medium and maximum-security prisons, who had been incarcerated for decades for the most serious crimes, demonstrates that people age out of crime and can be safely released back into our communities. As of March 2024, the recidivism rate for new convictions is 3.5% for all 200 individuals released under *Unger v. State*."), <https://www.sentencingproject.org/fact-sheet/second-look-laws-are-an-effective-solution-to-reconsider-extreme-sentences-amidst-failing-parole-systems/>.

²⁴ The Justice Reinvestment Act, S.B. 1005, 2016 Leg., 436th Sess. (Md. 2016), https://mgaleg.maryland.gov/2016RS/chapters_noln/Ch_515_sb1005E.pdf. The Act is a package of criminal justice reforms aimed at addressing the incarceration rate of people convicted of nonviolent offenses and the disproportionate punishments for technical violations, among other things. Specific measures include restricting mandatory minimum sentencing for certain drug crimes and establishing a process for administrative release for certain individuals convicted of nonviolent offenses.

OPD written testimony in support of HB 853.pdf

Uploaded by: Brian Saccenti

Position: FAV



NATASHA DARTIGUE
PUBLIC DEFENDER

KEITH LOTRIDGE
DEPUTY PUBLIC DEFENDER

MELISSA ROTHSTEIN
CHIEF OF EXTERNAL AFFAIRS

ELIZABETH HILLIARD
DIRECTOR OF GOVERNMENT RELATIONS

POSITION ON PROPOSED LEGISLATION

BILL: House Bill 853 – Maryland Second Look Act

FROM: Maryland Office of the Public Defender

POSITION: Favorable

DATE: February 14, 2025

The Maryland Office of the Public Defender respectfully requests that the Committee issue a favorable report on House Bill 853.

Known as the Maryland Second Look Act, House Bill 853 builds on Maryland’s success in safely reducing the prison population by giving judges opportunities to release non-dangerous individuals. It permits people who have been incarcerated for at least 20 years to file a petition for reduction of sentence. It also permits State’s Attorneys to file such a request at any time. Victims or their representatives have a right to notice of the hearing, to attend, and to provide a written and/or oral statement, but they are never required to do so. After a hearing, the court may reduce the sentence or sentences *only if* it determines “that the individual is not a danger to the public and the interests of justice will be better served by a reduced sentence or sentences.”

Permitting judicial review and modification of sentence is an effective way of safely reducing the prison population by releasing non-dangerous offenders. It has a long and successful history in Maryland. Prior to July 1, 2004, defendants who filed a motion for sentence modification under Rule 4-345 within 90 days of sentencing could ask the court to defer ruling on it indefinitely so that they could come back years later and demonstrate that they had matured, evolved, and used their time productively. Defendants had time to develop an institutional record that could reflect growth and rehabilitation. They might take courses and earn a degree or complete programming intended to impart vocational skills or pro-social behavior.

After 2004, a change in the rule meant that courts could only reconsider the sentence within five years from the date of sentence. For a defendant who is serving a long sentence, five years is typically not enough time to demonstrate rehabilitation to a court. Though any one of us may change for the better in five years, most of us can agree that we are certainly not the same person as we were 20 or 30 years ago. In 2021, the General Assembly gave individuals who were incarcerated for crimes they were convicted of as children an opportunity to demonstrate this when it passed the Juvenile Restoration Act (JUVRA). JUVRA adopted the same legal standard proposed by House Bill 853. The court is permitted to modify a sentence only if it finds the individual is not a threat to public safety and the interest of justice will be served by a reduced sentence. Extremely low

recidivism among individuals released under both JUVRA and the *Unger* decision have demonstrated that releasing long sentence servers can be done without compromising public safety.

Opponents to this legislation generally raise three points:

- First, they argue that this bill is unnecessary because there are a number of other procedural vehicles to challenge a conviction or sentence in court. This is incorrect. The procedural vehicles they cite require a showing of legal error, illegality, or newly discovered evidence, or they are time-limited so that they are no longer available when a person has served long enough to demonstrate significant rehabilitation, or they only apply to people convicted as adults for crimes occurring when they were children. None of them authorize a court to reduce a legal sentence of a person convicted of a crime that occurred when they were 18 or older after enough time has passed for the person to show that they have been rehabilitated.
- Second, they argue that the Parole Commission, not the courts, should decide whether a person should be released. There are several significant problems with this argument. There are years-long delays in the parole process for lifers. At parole hearings, incarcerated individuals cannot call witnesses, present expert testimony, or be assisted by counsel. Additionally, the appallingly high and disproportionate rates at which Black people are incarcerated in Maryland is an urgent crisis that cries out for expansion of ways to get rehabilitated people out of prison.
- Third, opponents note that participating in these hearings can be hard on victims and victims' family members. That is unfortunately true. But it is important to remember a few things. First, the State's Attorney is only required to notify the victim or victim's representative if they have requested notification. A victim or victim's representative is never required to request notification. If notified, they are never required to appear for the hearing. If they appear, they cannot be required to speak. If they decide to submit an impact statement, they may do so in writing or in person. Second, the reality is that for as long as a person is imprisoned, they will seek opportunities to be released. It is human nature to try to get out of a cage. Only two things will stop a caged person from trying to regain their freedom: release from incarceration, or death. When a rehabilitated, non-dangerous person is released, the hearings normally end.

Given the severe racial disparities present in Maryland's prisons, this is also a racial justice bill. House Bill 853 provides a critical opportunity to move towards ending mass incarceration and remedying racial disparities without compromising public safety. In fact, such releases would make Maryland safer. It would reduce the demands on prison staff, who (as has been recently reported) are stretched dangerously thin, by reducing the sheer number of incarcerated persons they need to supervise. It would also permit the State to take money and resources it now wastes on imprisoning non-dangerous individuals and reallocate it to programs and initiatives that actually make us safer. Additionally, many of the people who have been released under JUVRA and *Unger* have become forces for good in their community, as volunteers, violence interrupters, youth mentors, reentry specialists, and more.

House Bill 853 provides an opportunity for the court to take a second look at individuals. It is not a “get-out-of-jail-free card.” It is an opportunity for a defendant to demonstrate their worthiness of a second chance.

For these reasons, the Maryland Office of the Public Defender urges this Committee to issue a favorable report on House Bill 853.

Submitted by: Maryland Office of the Public Defender, Government Relations Division.

**Authored by: Lila Meadows & Brian Saccenti
Decarceration Initiative
Maryland Office of the Public Defender
lila.meadows@maryland.gov
brian.saccenti@maryland.gov**

Testimony on HB 853 FAV Cichowski.pdf

Uploaded by: Carol Cichowski

Position: FAV

**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/principle-6)

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

HB0853_Maryland_Second_Look_Act_MLC_FAV.pdf

Uploaded by: Cecilia Plante

Position: FAV



**TESTIMONY FOR HB0853
CRIMINAL PROCEDURE – PETITION TO REDUCE SENTENCE (MARYLAND SECOND
LOOK ACT)**

Bill Sponsor: Delegate Pasteur

Committee: Environment and Transportation

Organization Submitting: Maryland Legislative Coalition

Person Submitting: Cecilia Plante, co-chair

Position: FAVORABLE

I am submitting this testimony in favor of HB0853 on behalf of the Maryland Legislative Coalition. The Maryland Legislative Coalition is an association of activists - individuals and grassroots groups in every district in the state. We are unpaid citizen lobbyists, and our Coalition supports well over 30,000 members.

The United States has the highest incarceration rate in the world. We have historically put many people in jail for possessing small amounts of marijuana (which is now legalized) and for other small crimes. In Maryland the incarceration rate of Black men ranks among the highest in the country. Black men make up 14 percent of Maryland's general population but consist of 73 percent of the male prison population in the state, according to the Attorney General's Office. Black women make up 16 percent of the state's population but a disproportionate 53 percent of the female prison population (Washington Post, 10/26/23). And Maryland has the fourth highest rate of prisoners convicted as children, with the school to prison pipeline still a risk for disadvantaged students.

More needs to be done to address our systemic injustice in policing and inequity in the criminal justice system. This bill allows an inmate who has served at least 20 years to petition the court for a reduced sentence and at least 5 years have passed since the court decided any previously filed petition. The decision to grant the petition would be based on factors typically used in parole hearings.

This bill reduces the impact of discrimination in our criminal justice system that results in harsher sentences that appear to be race related. It not only benefits a prisoner unjustly sentenced but also stems the ancillary damage to their families. Moreover, reduced sentences save Maryland taxpayers over \$38,000 per inmate annually. Money that could be better spent on schools.

We support this bill and recommend a **FAVORABLE** report in committee

secondlookletter.pdf

Uploaded by: Charles Adams

Position: FAV

**TESTIMONY ON HB853
MARYLAND SECOND LOOK ACT**

**House Judiciary Committee
February 18, 2025**

SUPPORT

Submitted by: **Charles B. Adams**

Chair Clippinger, Vice Chair Bartlett, and members of the Judiciary Committee:

I, Charles B. Adams, Ph.D., testify in support of HB853, the Maryland Second Look Act. I submit this testimony as the Executive Director of Bowie State University's Prison Education Program.

The passage of the Maryland Second Look Act would create a meaningful opportunity for sentence modification for incarcerated individuals after serving 20 years of their sentence. I firmly believe that those who can demonstrate their growth and rehabilitation, showing that they are no longer a threat to public safety, should have the chance for release.

As the Executive Director of Bowie State University's Prison Education Program, I strongly support the Maryland Second Look Act (HB853), as it directly addresses the challenges faced by our currently incarcerated students. Many of our students have demonstrated remarkable personal growth, earning degrees, developing essential skills, and actively engaging in rehabilitative efforts. However, the inability to have their sentences reviewed by a judge after serving long sentences limits their potential for full reintegration into society. The Second Look Act provides a necessary opportunity for those who have shown genuine rehabilitation to have their sentences reevaluated, offering a second chance for a better future. This bill fosters hope and encourages ongoing personal development, reflecting the core values of our educational programs, which aim to empower individuals for successful reintegration into society. By passing HB853, we can create a more just system that recognizes the capacity for change in those who have demonstrated a commitment to growth and rehabilitation.

This bill also has significant racial justice implications, given that among the 2,212 individuals serving life sentences in Maryland, 80% are Black, a stark disparity compared to the 31% of Black Marylanders in the general population. Shamefully, Maryland also leads the nation in sentencing young Black men to the longest prison terms, at a rate 25% higher than the next closest state, Mississippi.

Given that individuals tend to age out of crime and that those released after serving decades-long sentences have an exceptionally low recidivism rate, this decision is unlikely to pose a risk to public safety. This is evident in the case of the Ungers—200 Marylanders serving life sentences who were released following the landmark *Maryland v. Unger* decision—who have maintained a recidivism rate of less than 4%. Their release also resulted in an estimated \$185 million in savings for the state, which would have otherwise been spent on continued incarceration. Similarly, many other men and women who have served decades in prison have demonstrated their commitment to rehabilitation. They are eager for the opportunity to reintegrate and contribute positively to their communities.

The Act would require that victims receive notice that a resentencing hearing will be held and obligate the judge to consider the victim's input if the victim or their representative chooses to provide a statement. Victims would not be required to return to court or participate if they

choose not to. By a margin of 2 to 1, victims also prefer a criminal legal system that focuses more on rehabilitating those who commit crimes than on punishing them.

For these reasons, I urge you to vote favorably on the Maryland Second Look Act HB853.

Sponsor testimony

Uploaded by: Cheryl pASTEUR

Position: FAV

Greetings, Chair Clippinger, Vice Chair Bartlett, and Committee. For the record, I am Delegate Cheryl Pasteur, District 11A, regarding HB853 Petition to Reduce Sentence, not an easy bill, for to be human or of God compels us to care about our fellows and understand that to be human is to be imperfect, yet we hope to grow and change for the better.

The Second Look movement is a result of the U.S Supreme Court's decisions in *Graham v. Florida* in 2010 and *Miller v. Alabama* in 2012. In 2010, the Supreme Court in *Graham*, stated, "states must give youth a meaningful opportunity to obtain release based on demonstrated maturity and rehabilitation", speaking about the unconstitutionality of life without parole and excessive sentences for juveniles and emerging adults, later taking into consideration mitigating and transient factors of youth, called the "Miller factors". It's a means for legislators and the courts to look to judicial review, not an automatic judgement for freedom, but a "sentence review." Second Look is not a Maryland thing, albeit the state has used the law in the most biased and uneven racial context; the data supports that assertion. Second Look is the law in 21 red, blue, purple states based on each State's interpretation of the Supreme Court's findings and rulings from their state's Supreme Courts. (Connecticut, Delaware, Oregon, Florida, Washington, North Dakota, Colorado, California, Illinois, Minnesota, Iowa, Louisiana, Ohio, Michigan, Missouri, New Jersey, New York, North Carolina, Tennessee, Wyoming, the District of Columbia, and now, Oklahoma.**) In 2024, Senator Cory Booker and Rep. Dove introduced the Second Look Act of 2024 in Congress.**

Why the Second Look when we have a parole system, you ask? Existing parole systems around the country, including Maryland, are often ineffective at curtailing excessive sentences for several objective reasons. Around the country, legislators and the courts are looking to judicial review as a more effective means to reconsider an incarcerated person's fitness to reenter society. It is an opportunity to evaluate whether sentences imposed decades ago remain JUST under current sentencing policies and public sentiment. The incarcerated individual

may petition the court to reduce the sentence after twenty years if the petitioner has met several significant criteria. As a survivor, I appreciate concern for victims and loved ones. I know we each manage our pain, which never ends, differently, and that is why our voices are key factors in the review process. Second Look is not is a “get out of jail free card”. It is an assessment of the merit of the petition! If we trust the courts to sentence, trust them to review these cases.

For Maryland, it will begin to break a vicious cycle among our youth and of violence in our prisons. The LBC embraces this bill as imperative to human rights for all Marylanders and justice for African Americans.

I ask, first, to put away old thoughts, fears, and biases and get a vote for this bill, and second that it receives a vote of support.

SEIU Local 500 Testimony in Support of HB 853.pdf

Uploaded by: Christopher Cano

Position: FAV



Testimony - HB 853, Criminal Procedure - Petition to Reduce Sentence
(Maryland Second Look Act)
Favorable
House Judiciary Committee
February 18, 2025
Christopher C. Cano, MPA
Director of Political & Legislative Affairs on Behalf of SEIU Local 500

Honorable Chairman Clippinger & Members of the House Judiciary Committee:

SEIU Local 500, as one of Maryland's largest public sector unions representing over 23,000 workers, expresses our support for House Bill 853, the **Maryland Second Look Act**. This landmark legislation represents a significant step toward meaningful criminal justice reform. Its passage will go a long way in correcting institutional bias and harsh sentencing indicative of the past century by providing individuals who have served a significant portion of their sentence with the opportunity for a second review of their case.

HB 853 offers a fair and meaningful opportunity for individuals who have demonstrated rehabilitation and personal transformation to have their sentences reconsidered. The idea of providing a "second look" is rooted in the belief that the criminal justice system should be just, equitable, and responsive to the individual's rehabilitation efforts. By allowing individuals to petition for sentence reductions after serving a substantial amount of time, this bill recognizes that time served, coupled with evidence of positive changes, should be considered in the decision-making process.

Many individuals in Maryland prisons are serving sentences imposed under laws that are now considered overly harsh or disproportionate. The Maryland Second Look Act provides an avenue for these individuals to present their case to the court, demonstrating how they have changed and their readiness to reintegrate into society as productive, law-abiding citizens.

Moreover, the bill establishes a thoughtful process that balances public safety with the opportunity for redemption. Courts will carefully review each petition, taking into consideration the individual's growth, behavior, and potential for reoffending. This ensures that only those who have shown genuine progress are given the chance for a reduced sentence.

Support for second chance legislation is not just rooted in fairness—it is also rooted in the principle of rehabilitation. The criminal justice system must be about more than just punishment; it should also be about helping individuals rebuild their lives and find ways to contribute to the community. HB 853 aligns with this vision, offering an opportunity for reform without compromising public safety.

The Second Look Act also aligns with the broader movement towards sentencing reform across the United States. Several states have adopted similar measures, and research has shown that individuals who are given the chance for sentence reconsideration, particularly after demonstrating rehabilitation, are less likely to reoffend and more likely to successfully reintegrate into society.

This bill represents a commitment to fairness, justice, and the belief that people can change. It is a necessary and compassionate step towards reforming our criminal justice system, providing those who have turned their lives around with an opportunity to rejoin society and make a positive impact.

We urge all members of the House to support HB 853, and we thank Delegate Pasteur for her leadership on this issue. We ask you to pass this bill out of committee with a favorable report.

Thank you for your time and consideration.

Christopher C. Cano, MPA
Director of Political & Legislative Affairs
SEIU Local 500

HB853_FAV.pdf

Uploaded by: Craig Muhammad

Position: FAV

TESTIMONY ON HB 853
MARYLAND SECOND LOOK ACT
House Judiciary Committee
February 18th, 2025
SUPPORT

Submitted by: **Craig Muhammad**

Chair Clippinger, Vice Chair Bartlett, and members of the House Judiciary Committee,

I, Craig Muhammad, am testifying in support of HB 853, the Maryland Second Look Act. I am submitting this testimony as a previously incarcerated person, as Director of Project Emancipation Now (PEN) and as a member of The Second Look Coalition.

Passage of the Maryland Second Look Act would create a meaningful opportunity for sentence modification for incarcerated people after having served 20 years of their sentence. I firmly believe that those individuals who are able to demonstrate their growth and rehabilitation, such that they are no longer a threat to public safety, should have the opportunity for release.

On September 24, 2024, I was released from incarceration after serving 42 years and 32 days. During my incarceration I took advantage of every opportunity to become the best version of myself and to be equipped to make amends for the acts I committed in ignorance. I earned a B.S. degree in psychology, became a special education and GED tutor in correctional education, became a writing tutor with the University of Baltimore Second Chance College Program, received certification as a Peer Recovery Specialist and became cofounder of Project Emancipation Now (PEN). I am also a three time published author. PEN is a gang emancipation, violence interruption, mentoring and victim-community impact services organization. PEN had emancipated more men from gangs than any other entity in Maryland. During my incarceration, I have mentored hundreds of youth. After my release, I brought my skill set to the community, where I have provided Certified Peer Recovery Specialist (CPRS) support services to hundreds of men and women in less than the approximately 4 months that I have been released. And I am in the process of bringing PEN to the community. The things I have detailed today are only a fraction of the things I accomplished during my incarceration, to equip myself with the skill-set to make amends where amends are possible, and to build healthy communities. PEN defines healthy communities as communities where children are safe to play in; communities where people are safe to live in; and communities that promote the full potential of every resident. There are many more men and women in prison that have more impressive portfolios than I that deserve a second chance. That is why I humbly and respectfully ask this Honorable body to support the Maryland Second Look Act (HB 853)

Thank you.

Testimony for HB 853.pdf

Uploaded by: Curtis Alston

Position: FAV

Ladies and gentlemen,

My name is Curtis Alston, and I stand before you today to testify on behalf of House Bill 853, the Maryland Second Look Act. This bill represents hope for individuals who have transformed their lives and seek the opportunity to contribute positively to society.

I understand the gravity of the crimes committed and the pain endured by victims and their families. Acknowledging this, I also know firsthand the capacity for change. I was once sentenced to two life sentences, one without parole, plus 70 years. Through God, personal rehabilitation, and self-discovery, I found who I am and redefined my path. Today, I serve on the Governor's Reentry Task Force, the Lived Experience Council for the Department of Public Safety and Correctional Services and run my own businesses. My journey is a testament to the potential for redemption.

House Bill 853 offers individuals who have served at least 20 years the chance to petition for a sentence reduction, provided they are not a danger to the public. This process includes thorough court evaluations to ensure public safety remains paramount.

Consider the human aspect: envision someone you love deeply who made a grave mistake, resulting in devastating consequences for another family and their own. Imagine that person striving for decades to make amends, to change, and to prevent others from making similar mistakes. Wouldn't you want them to have a second chance?

This bill is not about minimizing the suffering of victims but about recognizing the profound transformations individuals can undergo. It's about allowing those who have demonstrated genuine change to contribute positively to our communities.

I urge you to support HB 853. Let's believe in the possibility of change and offer a second chance to those who have earned it.

Thank you.

LWVMD_2-18-25 HB 853 Criminal Procedure - Petition

Uploaded by: Cynthia Boddie-Willis

Position: FAV



TESTIMONY TO THE JUDICIARY COMMITTEE

HB 853 Criminal Procedure - Petition to Reduce Sentence (Maryland Second Look Act)

POSITION: Support

BY: Linda Kohn, President

DATE: February 18, 2025

The League of Women Voters supports a criminal justice system that is just, effective, equitable, transparent, and that fosters public trust at all stages, including sentencing that considers the individual circumstances of the person charged and the nature of the crime. We, in addition, support the elimination of systemic bias, including the disproportionate incarceration of persons from marginalized communities.

HB 853 proposes reduced sentences for those who have been confined for at least two decades and have adhered to institutional rules, engaged in enrichment programs, and demonstrated remediation sufficient to merit re-entry into society. Mitigating family and community circumstances present at the time of initial sentencing also may be considered. Some of those circumstances may well have been due to systemic bias and contributed to the fact that Black residents in Maryland are [disproportionately incarcerated](#), comprising 30% of the state's residents but 71% of its prison population.

According to the [State Attorney General's Office](#), Maryland has the nation's highest percentage of Black people in its prisons when compared to the general population. To address this disparity, the [Maryland Equitable Justice Collaborative](#) issued several recommendations that include authorizing judges to [reconsider and reduce sentences](#) for rehabilitated persons.

We urge a favorable report on HB 835.

WDCTestimonyHB853.pdf

Uploaded by: Cynthia Rubenstein

Position: FAV



MONTGOMERY COUNTY, MARYLAND
WOMEN'S DEMOCRATIC CLUB

P.O. Box 34047, Bethesda, MD 20827

www.womensdemocraticclub.org

House Bill 853-Petition to Reduce Sentence: The Maryland Second Look Act
Judiciary Committee – February 18, 2025
SUPPORT

Thank you for this opportunity to submit written testimony concerning an important priority of the **Montgomery County Women's Democratic Club (WDC)** for the 2025 legislative session. WDC is one of Maryland's largest and most active Democratic clubs with hundreds of politically active members, including many elected officials.

WDC urges the passage of **HB 853, Petition to Reduce Sentence: the Maryland Second Look Act**. This Act will allow a judicial review of a long sentence after the inmate has served at least 20 years.

This bill will help Maryland families and children. Each of the nearly [15,000 Marylanders](#) in our state prisons is also a parent, brother or sister, aunt or uncle, or grandparent. Thousands of Maryland families have endured long separations, and many thousands of Maryland children are growing up without their family elders. The Second Look Act will offer a chance for older family members who have been adequately rehabilitated while incarcerated to return to their families and communities.

Maryland's current parole system does *not* ameliorate long sentences. The parole board does not hold structured judicial hearings, as this Bill requires. The Parole Board simply has two of its members interview the prisoner alone with no other participants allowed, including no witness or attorney for the inmate. If an inmate with a life sentence is approved for parole, there is an additional waiting period of 2+ years for a thorough psychological study.

The Second Look Act will help to correct some of the significant racial disparity in Maryland's criminal justice system. After a minimum of 20 years served, and with a judicial finding of sufficient remorse and rehabilitation, some extremely long sentences can be reduced, sentences that have been imposed disproportionately on Black Marylanders.

Maryland ranks first in the nation in this measure of racial disparity. Our state leads the nation in its incarceration rate for Black inmates serving extremely long sentences. Of our state prison population serving extremely long sentences, [76% are Black Marylanders](#), from a [state population that is 32% Black](#). *Maryland's racial disparity in long sentencing exceeds that of Louisiana, Mississippi, and Georgia, states with a higher proportion of Black population.*

We ask for your support for HB 853 and strongly urge a favorable Committee report.

Tazeen Ahmad
WDC President

Jane L. Harman
WDC Criminal Justice
Reform Subcommittee

Cynthia Rubenstein
WDC Advocacy Chair

fAVORABLE HB853.pdf

Uploaded by: DaMarqus Moore

Position: FAV

HELPING OURSELVES TO TRANSFORM

EDUCATING AND PROMOTING
MASS LIBERATION

2-14-2025

Dear Chair Clippinger, Vice Chair Bartlett and members of the Judiciary Committee:

Re: Vote Favorable to HB853 The Maryland Second Look Act

I, Dr. Carmen Johnson, submit this testimony in support of HB853, the Maryland Second Look Act, on behalf of Helping Ourselves to Transform, which I founded.

This bill provides a crucial opportunity for sentence modification for incarcerated individuals who have served 20 years, allowing those who demonstrate growth and rehabilitation to seek release. Currently, Maryland limits sentence modifications to within 90 days of sentencing, eliminating meaningful review opportunities.

HB853 also addresses racial justice concerns, as 80% of Maryland's 2,212 individuals serving life sentences are Black, despite making up only 31% of the state's population. Additionally, Maryland leads the nation in sentencing young Black men to the longest prison terms.

Given the low recidivism rates among individuals released after long sentences, passing this bill is both just and practical. For these reasons, I urge a favorable vote on HB853.

Sincerely,

Dr. Carmen Johnson

Founder, Helping Ourselves to Transform

202-674-6300

HB853 support-DAG.pdf

Uploaded by: Daniel Golombek

Position: FAV

**TESTIMONY ON HB853
MARYLAND SECOND LOOK ACT**

**House Judicial Committee
February 14, 2025**

SUPPORT

Submitted by: Daniel Golombek

Chair Clippinger, Vice Chair Barlett and members of the Judicial Committee:

I, Daniel Golombek am testifying in support of HB853, the Maryland Second Look Act. I am submitting this testimony as a community member in District 11.

The Maryland Second Look Act would address the state's great race disparities and advance public safety by allowing people with extreme sentences who have served at least two decades the opportunity to petition the court to modify or reduce their sentence based on their demonstrated rehabilitation.

It is a pragmatic strategy that offers people an incentive to maintain good behavior. It would contribute to the reduction of prison overcrowding and diminish threats of violence. It would also ensure that people who have transformed over the years can positively contribute to their communities.

For these reasons, I encourage you to vote **favorably** on the **Maryland Second Look Act HB853**.

Thank you.

Second look Act.pdf

Uploaded by: Danielle Williams

Position: FAV

**TESTIMONY ON HB853
MARYLAND SECOND LOOK ACT**

**House Judiciary Committee
February 18, 2025**

SUPPORT

Submitted by: Danielle Williams

Chair Clippinger, Vice Chair Bartlett and members of the Judiciary Committee:

I, Danielle Williams, am testifying in support of HB853, the Maryland Second Look Act. I am submitting this testimony as a community member in District 4 as well as an impacted family member.

Passage of the Maryland Second Look Act would create a meaningful opportunity for sentence modification for incarcerated people after having served 20 years of their sentence. I firmly believe that those individuals who are able to demonstrate their growth and rehabilitation, such that they are no longer a threat to public safety, should have the opportunity for release.

As a licensed clinical social worker, I have had the pleasure of working with individuals within the correctional institution and observed first hand that incarcerated individuals have the capacity to rehabilitate themselves. In fact, I have seen incarcerated individuals return to society after long periods of incarceration and demonstrate not only change for themselves, but work towards change in the community. For this reason, I am in support of the Second Look Act.

This bill is an important tool in making meaningful opportunities for release happen, as currently, incarcerated people in MD can only petition the Court for modification within 90 days of sentencing, severely limiting any potential sentence modifications¹. Maryland judges used to have the ability to review sentences, an important safety valve for extreme sentences, but this opportunity was eliminated with a rule change in 2004² Furthermore for more than 25 years, Maryland's parole system was not available to people serving life with parole sentences. Now, the Governor has finally been removed from the parole process, but this is not enough to remedy decades of wrongful denials which contributed to the bloated prison system and its extreme racial disparities.

A Second look should be a redemptive pathway to allow incarcerated individuals the opportunity to demonstrate reform. They should be able to use their past as a faucet of purpose and

¹ Maryland Rule 4-345

² [Court of Appeals of Maryland Rules Order](#)

empowerment rather than sit away confined and in despair. In fact, the mere idea of a second chance could and probably will empower those who would otherwise have no hope, to work towards change and help others find their light. For these reasons, I encourage you to vote favorably on the Maryland Second Look Act HB853.

Thank you,

Danielle Williams, LCSW-C, LICSW

Second Chance HB853.pdf

Uploaded by: Deborah Haskins

Position: FAV

HB 853 Testimony

Hi. My name is Dr. Deborah G. Haskins, and I am a victim & surviving 2 homicides—our son Joseph in Balto City in 2013 (a new dad) and our nephew Reuben in Baltimore County in 2014. Two innocent victims. Their murders led to my husband's health crisis/death in 2016. I also have family/friends who experienced incarceration and had 2nd chances. But I am here today to share why it is important for me as a **victim** to **support** the Second Chance Bill.

First, ***not all victims are the same***. We are not monoliths. Everyone's victim experience is their experience, their journey, and each person, each family, will choose a path for healing. What we are left with is how am I going to make sense out of something that does not make sense? How will I survive this horrendous experience? And what I know personally which is also influenced by my faith in God, by my profession as a therapist, and as a human being is this: I decided that for me not to pass on generational trauma, I have to heal!! Part of my healing includes forgiveness, and forgiveness is not an overnight process. I am forgiving each day for the rest of my life.

But what I also know is this: *Many offendersjustice-involved individuals were born into conditions, families, and communities that did not provide them with the best due to disparities like poverty & racism. Many are trauma survivors like me. And they had no resources early enough to intervene from developing chronic conditions.* When Joseph was murdered, I said, “I blame the adults because this person did not feel loved.” Well, I know it is not that simple, but I also know that God desires **each of us** to experience wholeness. And while prison is not the place one should go to for healing, it can happen even in that horrible space. I want everyone in the community to have an opportunity to be their best self. And that includes **redemption**. My failures didn’t land me in prison. I had 2nd chances and 3^{rds} and 4^{ths}. Passing this bill provides offendersjustice-involved humans opportunities to demonstrate in 20 years if they work on themselves, if they can restore self to become a better human being, then Maryland can give them a 2nd chance. Please vote yes to HB853 and think of your 2nd chances. Thank you.

Dr. Deborah G. Haskins

Victim and Homicide Survivor, Baltimore City

Second Chance HB853.pdf

Uploaded by: Deborah Haskins

Position: FAV

HB 853 Testimony

Hi. My name is Dr. Deborah G. Haskins, and I am a victim & surviving 2 homicides—our son Joseph in Balto City in 2013 (a new dad) and our nephew Reuben in Baltimore County in 2014. Two innocent victims. Their murders led to my husband's health crisis/death in 2016. I also have family/friends who experienced incarceration and had 2nd chances. But I am here today to share why it is important for me as a **victim** to **support** the Second Chance Bill.

First, ***not all victims are the same***. We are not monoliths. Everyone's victim experience is their experience, their journey, and each person, each family, will choose a path for healing. What we are left with is how am I going to make sense out of something that does not make sense? How will I survive this horrendous experience? And what I know personally which is also influenced by my faith in God, by my profession as a therapist, and as a human being is this: I decided that for me not to pass on generational trauma, I have to heal!! Part of my healing includes forgiveness, and forgiveness is not an overnight process. I am forgiving each day for the rest of my life.

But what I also know is this: *Many offendersjustice-involved individuals were born into conditions, families, and communities that did not provide them with the best due to disparities like poverty & racism. Many are trauma survivors like me. And they had no resources early enough to intervene from developing chronic conditions.* When Joseph was murdered, I said, “I blame the adults because this person did not feel loved.” Well, I know it is not that simple, but I also know that God desires **each of us** to experience wholeness. And while prison is not the place one should go to for healing, it can happen even in that horrible space. I want everyone in the community to have an opportunity to be their best self. And that includes **redemption**. My failures didn’t land me in prison. I had 2nd chances and 3^{rds} and 4^{ths}. Passing this bill provides offendersjustice-involved humans opportunities to demonstrate in 20 years if they work on themselves, if they can restore self to become a better human being, then Maryland can give them a 2nd chance. Please vote yes to HB853 and think of your 2nd chances. Thank you.

Dr. Deborah G. Haskins

Victim and Homicide Survivor, Baltimore City

Maryland Judicial Proceedings Committee (1).pdf

Uploaded by: Desmond Perry

Position: FAV

Desmond Perry

Regarding the House Judicial Proceedings Committee

02/14/25

My name is Desmond Haneef Perry. I am a forensic peer specialist for the Maryland Office of the Public Defender, an advocate for criminal justice reform, and a living testament to the power of second chances. I am testifying in support of the Second Look Act and urging its passage into law. This act provides individuals who have served 20 years or more an opportunity to petition the courts for a second look at their cases and to demonstrate how they have changed.

At the age of 18, I was convicted of homicide and sentenced to life plus 15 years in prison. I entered the Maryland prison system as a seventh-grade dropout who was functionally illiterate, and barely able to read or write. However, during my incarceration, I experienced a profound awakening—a deep sense of remorse for my actions and a commitment to transform my life into one of service. My first step was education. I worked hard to become literate and eventually pursued further education, which became the foundation of my personal growth.

Through this process, I came to understand that the cultural and social influences that shaped my actions as a teenager were rooted in trauma, systemic neglect, and misguided peer influences. I also realized that many of the young men I encountered in prison were on similar journeys of reckoning and redemption. These men, like myself, were healing from trauma, addressing addiction, and striving to change their lives for the better.

I took part in rehabilitative programming, including the Alternative to Violence Project, which taught me mediation and de-escalation skills—essential tools in a maximum-security environment. I became involved in mentoring, gang intervention, and cognitive behavioral programs, helping others address the issues that contributed to their incarceration. I also helped organize the largest peer specialist training cohort in the history of the Maryland Division of Corrections, a program now replicated in eight other facilities.

I felt compelled to testify today because I am living proof of the transformative power of second chances. Though I cannot undo the harm caused by my actions, I have dedicated my life to ensuring no other mother loses her child to the streets. I share my story in the hope that you will see how

people—especially those sentenced as teenagers—can grow, heal, and become assets to their communities.

There are countless men and women in Maryland's prison system who, like me, went in as teenagers or young adults with undeveloped decision-making skills, shaped by trauma and unstable environments. Many of them have undergone profound transformations and have become role models within the prison system. These individuals deserve the opportunity to have their cases reviewed, not simply because they have served 20 years, but because they have demonstrated their rehabilitation and capacity for positive contribution.

I urge this committee to pass the Second Look Act and provide a mechanism for reviewing cases of individuals who have served a generation—20 years—in prison. This legislation would allow judges to assess whether someone has genuinely changed and is deserving of a second chance.

The process must be thorough and fair, ensuring that petitions are only granted to those who have shown true rehabilitation. The act should focus on the individual's education, programming, remorse, and commitment to living a life of service. Maryland has an opportunity to lead the way in criminal justice reform by demonstrating that redemption and public safety can coexist.

Thank you, Chair Luke H. Clippinger, and the members of this committee, for hearing my testimony and considering the Second Look Act. I hope my story and the stories of others like me will inspire you to take action. Your consideration of this legislation is not only appreciated but essential in advancing justice and compassion in Maryland's legal system.

Sincerely,

Desmond Perry

FAVORABLE Eric Thornton.docx.pdf

Uploaded by: Eric Thornton

Position: FAV

**TESTIMONY ON HB853
MARYLAND SECOND LOOK ACT**

**House Judiciary Committee
February 18, 2025**

SUPPORT

Submitted by: Eric Thornton

Chair Clippinger, Vice Chair Bartlett and members of the Judiciary Committee:

I, Eric Thornton am testifying in support of HB853, the Maryland Second Look Act. I am submitting this testimony as a community member in District 25 and previously incarcerated person.

Passage of the Maryland Second Look Act would create a meaningful opportunity for sentence modification for incarcerated people after having served 20 years of their sentence. I firmly believe that those individuals who are able to demonstrate their growth and rehabilitation, such that they are no longer a threat to public safety, should have the opportunity for release.

After serving 26 years in Jessup, MD, surrounded primarily by lifers, I have witnessed the worst of the incarcerated when hope was extinguished by a Governor who claimed that "life means life." But I've also seen the best of incarcerated men when that hope was restored. The lack of hope can destroy the mentality of any community, while the restoration of it has the power to revive and heal. Hope is a vital human commodity, and to possess the ability to restore it to a community starving for it, yet choose not to, questions our very humanity. Over the course of my 26 years, I watched hopelessness transform human beings into monsters. Then, as lifers began being paroled, I witnessed these same men return to their humanity, fueled by the hope of potential release. As a former lifer myself, I held tightly to the hope I found in my Lord and Savior, Jesus Christ, throughout my time behind bars. Without that hope, I too may have succumbed to the crushing weight of hopelessness, possibly even dying in prison. For me, hope was not just a lifeline; it was a lifesaver.

This bill is an important tool in making meaningful opportunities for release happen, as currently, incarcerated people in MD can only petition the Court for modification within 90 days of sentencing, severely limiting any potential sentence modifications¹. Maryland judges used to have the ability to review sentences, an important safety valve for extreme sentences, but this opportunity was eliminated with a rule change in 2004² Furthermore for more than 25 years, Maryland's parole system was not available to people serving life with parole sentences. Now, the Governor has finally been removed from the parole process, but this is not enough to

¹ Maryland Rule 4-345

² [Court of Appeals of Maryland Rules Order](#)

remedy decades of wrongful denials which contributed to the bloated prison system and its extreme racial disparities.

This bill also has serious racial justice implications, given that of the 2,212 people serving life sentences in MD, 80% are Black³, a huge disparity when compared to the only 31% of Black Marylanders in the general population⁴. Shamefully, Maryland also leads the nation in sentencing young Black men to the longest prison terms, at a rate 25% higher than the next nearest state, Mississippi⁵

The power of hope cannot be overstated. It is the very force that can turn despair into determination, darkness into light. As someone who has lived through both the depths of hopelessness and the heights of redemption, I know firsthand how crucial it is to never let go of that hope. It is the driving force that not only transforms individuals but also has the potential to change entire communities. If we truly value humanity, we must ensure that hope and second chances are never out of reach. For these reasons, I encourage you to vote **favorably** on the **Maryland Second Look Act HB853**.

Thank you.

³ [MD DPSCS FY 2022 Q4 Inmate Characteristics Statistics](#) (2022)

⁴ [United States Census Data](#) (2021).

⁵ Justice Policy Institute [Rethinking Approaches to Over Incarceration of Black Young Adults in Maryland](#) (2019).

Progressive MD. HB853. FAV. SecondLookTestimony.pdf

Uploaded by: Erica Puentes

Position: FAV



Bill Title: Criminal Procedure - Petition to Reduce Sentence (Maryland Second Look Act)

Position: SUPPORT (FAV)

To: House Judiciary Committee

From: Erica Puentes, Progressive Maryland Legislative Coordinator on behalf of Progressive Maryland

Dear Chair Clippinger, Vice Chair Bartlett and members of the Judiciary Committee:

Progressive Maryland supports HB853, the Maryland Second Look Act. Progressive Maryland is a member based organization led by and focused on working class, Black, and brown communities. Our grassroots advocacy focuses include racial justice and economic justice with the aim of building a more just and equitable Maryland. We have over 125,000 members and supporters across the state, with significant bases in Baltimore City, Prince George's, Montgomery, Frederick, Harford counties, and the Eastern Shore.

Passage of the Maryland Second Look Act would create a meaningful opportunity for sentence modification for incarcerated people after having served 20 years of their sentence. Those individuals who are able to demonstrate their growth and rehabilitation, such that they are no longer a threat to public safety, should have the opportunity for release.

As an organization with core anti-racist values, we stand against all forms of exploitation. We recognize that the carceral system is deeply intertwined with racial oppression as mass incarceration has historically and continues to target Black and brown communities across the nation. In Maryland 80% of people serving life sentences are Black, a huge disparity when compared to the only 31% of Black Marylanders in the general population. Shamefully, Maryland also leads the nation in sentencing young Black men to the longest prison terms, at a rate 25% higher than the next nearest state, Mississippi. In order to reduce racial disparities, Maryland must create meaningful avenues for release for Marylanders who have demonstrated their rehabilitation.

This should be one of the many steps we take toward reducing our reliance on the cruel and punitive carceral system and instead focus on investments in jobs, education, housing, and healthcare. As Angela Davis writes: "Prisons do not disappear social problems, they disappear human beings." We must stop *disappearing* human beings with cages and give them the opportunity to rehabilitate and reintegrate into society.

For these reasons, Progressive Maryland encourages you to vote **favorably** on the **Maryland Second Look Act HB853**.

HB853_EvanSerpick_FAV.pdf

Uploaded by: Evan Serpick

Position: FAV

February 18, 2025

Evan Serpick
Baltimore, Maryland 21209



TESTIMONY ON HB 853 - POSITION: FAVORABLE

Criminal Procedure - Petition to Reduce Sentence (Maryland Second Look Act)

TO: Chair Clippinger, Vice Chair Bartlett, and members of the Judiciary Committee

FROM: Evan Serpick, on behalf of Jews United for Justice (JUFJ)

My name is Evan Serpick. I am a resident of District 41 in Baltimore City. **I am submitting this testimony on behalf of Jews United for Justice in support of HB 853, the Maryland Second Look Act.** JUFJ organizes 6,000 Jews and allies from across Maryland in support of state and local social, racial, and economic justice campaigns.

Few ideas are more deeply ingrained in Jewish tradition and text than the idea of *teshuvah*, which translates as repentance or return. The Hebrew Bible is filled with stories of people making terrible mistakes. Each time, we are taught, there is an opportunity for repentance and return to the path of righteousness. Every year on Yom Kippur, Jews around the world atone for our sins and commit to *teshuvah*.

I hope that the General Assembly heeds this wisdom from the Jewish tradition and enshrines the right to a second chance in Maryland state law by finally passing the Second Look Act. The Second Look Act would allow people who have served at least 20 years in prison the opportunity to demonstrate their rehabilitation and receive a modified or reduced sentence. This rehabilitation-focused approach is preferred by crime victims by a 2-to-1 margin, according to the 2022 National Survey of Victims' Views.¹

This human-focused approach is not only a moral imperative, but a pragmatic one. It offers incarcerated people an incentive to maintain good behavior, helps reduce prison overcrowding, diminishes threats of violence, and ensures that people who have transformed over the years can positively contribute to their communities.

¹

<https://allianceforsafetyandjustice.org/wp-content/uploads/2022/09/Alliance-for-Safety-and-Justice-Crime-Survivors-Speak-September-2022.pdf>

In addition, incarcerated individuals in their 40s and beyond and those convicted of the most serious crimes have the lowest recidivism rates. This was demonstrated as a result of the 2012 *Unger v. Maryland* decision: about improper jury instructions, 192 people with life sentences, who had served an average of 40 years in prison, were released with community support. Since their release, less than 4 percent have returned to prison.² It's estimated that the release of these Marylanders saved taxpayers \$185 million. Maryland could save more than a billion dollars over the next decade by building on this positive experience and passing the Second Look Act.

Perhaps most importantly, the Second Look Act would help undo the damage of decades of racist and false narratives about Black criminality. Maryland incarcerates the highest percentage of Black people in the country – 71 percent of our prison population, more than twice the national average. Maryland also leads the nation in sentencing young Black men to the longest prison terms, at a rate 25 percent higher than the next nearest state, Mississippi.³ This legislation would ensure that sentences can be reviewed based on our current understanding of fairness and racial justice.

I respectfully urge this committee to return a favorable report on HB 853.

² <https://www.sentencingproject.org/app/uploads/2024/03/Maryland-Second-Look.pdf>

³

https://justicepolicy.org/wp-content/uploads/justicepolicy/documents/Rethinking_Approaches_to_Over_Incarcerati_on_MD_press_release.pdf

HB 853 Second Look CCJR FAV.pdf

Uploaded by: Heather Warnken

Position: FAV



TESTIMONY IN SUPPORT OF HOUSE BILL 853

Maryland Second Look Act

TO: Members of the House Judiciary Committee

FROM: Center for Criminal Justice Reform, University of Baltimore School of Law

DATE: February 14, 2025

The University of Baltimore School of Law’s Center for Criminal Justice Reform is dedicated to supporting community driven efforts to improve public safety and address the harm and inequities caused by the criminal legal system. The Center strongly supports House Bill 853.

House Bill 853 allows an individual to file a petition to reduce a sentence if the individual has served at least 20 years of the term of confinement and at least 3 years have passed since the court decided any previous petition filed by the individual under the bill. After consideration of specified factors and a hearing, the court *may* reduce the petitioner’s sentence if it finds that the individual is not a danger to the public and the interests of justice will be better served by a reduced sentence.

I. Unnecessarily long sentences are detrimental to public safety.

House Bill 853 promotes, rather than hinders, public safety. There is no evidence that unnecessarily long sentences deter people from engaging in criminal behavior.¹ Instead, certainty of apprehension—not severity of sentence— plays a far greater role in discouraging people from engaging in crime.² Incarcerated people grow and change regardless of how old they were at the time of their offense. Accordingly, recidivism rates are extremely low for people released in their mid-40s or later.³ Furthermore, by creating an opportunity for resentencing, this bill would also very likely improve morale and behavior inside prisons, benefiting incarcerated people and corrections officers alike.⁴

¹ See U.S. DEP’T OF JUSTICE, OFFICE OF JUSTICE PROGRAMS, *Five Things About Deterrence*, <https://www.ojp.gov/pdffiles1/nij/247350.pdf>.

² *Id.*

³ In one study, only 4% of people convicted of violent crimes released between ages 45 and 54, and 1% released at 55 or older, were reincarcerated for new crimes within three years. Among people previously convicted of murder, those rates fell to 1.5% and 0.4%, respectively. J.J Prescott, et al., *Understanding Violent-Crime Recidivism*, NOTRE DAME LAW REVIEW, 95:4, 1643-1698, 1688-1690 (2018).

⁴ KEVIN SHARP & KEVIN RING, *Judges Should be Able to Take a ‘Second Look’ at Prison Sentencing*, USA TODAY (June 20, 2019, 5:22 PM), <https://www.usatoday.com/story/opinion/policing/2019/06/20/inmates-prison-reform-judges-sentencing-trump-policing-the-usa/1498072001/>.

II. Unnecessarily long sentences devastate families and communities across the socioeconomic spectrum, but they disproportionately impact communities of color.

Reducing unnecessarily long sentences, regardless of a person’s age at the time of their offense, is a critical component of addressing mass incarceration and mitigating racial disparities in our criminal legal systems. Data demonstrate that “there are stark racial and ethnic differences in the shares of people who are sentenced to and serving 10 years or more in prison, especially when comparing Black people and White people.”⁵ For example, “46% of the total number [of] people serving life or sentences of 50 years or more were Black” across the country in 2020.⁶ Racial disparities for children sentenced to long terms of imprisonment as adults in Maryland are also instructive here: 87 percent of those who became eligible for relief under the Juvenile Restoration Act (JRA) are Black.⁷ According to the Campaign for Fair Sentencing of Youth, this racial disparity is the worst in the entire nation.⁸

III. House Bill 853 would promote cost-savings and allow those funds to be allocated to effective public health and safety efforts.

The state prison population and expenses may be reduced via sentence reductions for incarcerated people with lowest-risk status. Successful applicants for House Bill 853 sentence modifications would be very low risk in light of their age, likely deteriorating health, and demonstrated self-rehabilitation achievements. Cost savings are especially likely because costs increase dramatically for older individuals in prison.⁹ Wasteful and unnecessary policies and practices—such as the ongoing incarceration of people who pose the lowest risk of reoffending—harm public safety by siphoning massive sums of money that could otherwise support programs that actually prevent crime. The cost savings that are likely to result from the passage of House Bill 853 would allow the reallocation of critical funds to assist with substance use treatment, victim and trauma recovery services, reentry and other rehabilitation programs for people at higher risk of engaging in criminal behavior.

IV. The successful implementation of the Juvenile Restoration Act bolsters confidence in the impact of House Bill 853.

Positive outcomes from the JRA, which this committee supported four years ago, underscore the types of impact that the passage of House Bill 853 would have on Maryland families and communities. Marylanders who were granted relief pursuant to the JRA have contributed to their families and communities since returning home by caring for sick family members, paying taxes, and dedicating their lives to repairing and preventing the types of harmful behavior that they engaged in as young people. Our communities are safer and healthier because of their contributions. Existing

⁵ COUNCIL ON CRIMINAL JUSTICE, *How Long is Enough? Task Force on Long Sentences Final Report* (Mar. 2023), https://assets.foleon.com/eu-central-1/de-uploads-7e3kk3/41697/task_force_on_long_sentences_final_report.ecc1d701464c.pdf.

⁶ *Id.*

⁷ CAMPAIGN FOR THE FAIR SENTENCING OF YOUTH, *Juvenile Restoration Act (HB409/SB494)*, https://cfsy.org/wp-content/uploads/HB409_SB494_JuvenileRestorationAct_FACTSHEET-1.pdf.

⁸ *Id.*

⁹ MATT MCKILLOP & ALEX BOUCHER, *Aging Prison Populations Drive Up Costs*, THE PEW CHARITABLE TRUSTS, (Feb. 20, 2018), <https://www.pewtrusts.org/en/research-and-analysis/articles/2018/02/20/aging-prison-populations-drive-up-costs>.

law fails to remedy all unnecessarily long sentences—even for individuals who are not a threat to public safety and even when the interests of justice would be best served by a reduced sentence. There is an entire population of incarcerated Marylanders who are not eligible for relief under the JRA who have the same capacity for change, redemption, and positive impact. House Bill 853 would afford them that opportunity.

V. House Bill 853 centers the voices of victims in a manner that is meaningful for victims in a criminal justice proceeding.

House Bill 853 appropriately provides victims with notice of a hearing and directs the court to consider “any statement offered by a victim or a victim’s representative” in deciding whether to reduce an individual’s sentence. Victims may decide for themselves whether to attend a hearing or offer a statement; at no point will any victim be required to participate in proceedings pursuant to House Bill 853. While all crime victims deserve some form of accountability for the harm done to them, this does not mean that all victims see accountability and justice in the same way or have the same priorities. Victims are not a monolith; some welcome the chance to obtain information about the personal changes made by defendants in their cases and see this proceeding as an opportunity to achieve greater healing and closure. Others may not want to be involved in a process that potentially opens old wounds. All of these victims must be supported, including through the availability of appropriate and necessary services.

Research demonstrates the diversity of victim and survivor perspectives, including the large percentage of crime victims interested in more than simply punishment, for whom healing and accountability require much more. Survey data from the Alliance for Safety and Justice shed more light on the views of victims; their recent report finding that victims overwhelmingly prefer justice approaches that prioritize rehabilitation over punishment and strongly prefer investments in crime prevention and treatment to more spending on prisons. Most victims who were surveyed prefer more spending on prevention and rehabilitation to prison sentences that keep people incarcerated as long as possible.¹⁰

House Bill 853 provides the opportunity for victims to participate in a way that is consistent with the purpose of the criminal justice system and the voice and participation they deserve. Moreover, our criminal justice system’s primary functions are to promote justice and to protect the community. Prosecutors, and our system more broadly, should represent and balance society’s myriad interests in the pursuit of justice, which means not limiting focus *exclusively* to the interests of the portion of individual victims who never wish to see the person who harmed them released. Decisions regarding second chances should likewise be balanced and made in the interest of justice, safety, and broader community needs.

For these reasons, we urge a favorable report on House Bill 853.

¹⁰ The Right to Heal and a New Approach to Public Safety: A National Crime Victims’ Platform”, p. 9, <https://asj.allianceforsafetyandjustice.org/wp-content/uploads/2024/09/RTH24Summary.pdf>.

Testimony in Support of the Second Look Act.pdf

Uploaded by: James Randles III

Position: FAV

Testimony in Support of the Second Look Act

Honorable Members of the Committee,

My name is James Randles from the Goucher Prison Education Program. I stand before you today to speak favorably on the Second Look Act HB873, which seeks to allow for resentencing by a judge with legal representation and consideration for rehabilitation. I have served eight and a half years in prison, and during this time, I have dedicated myself to personal growth and rehabilitation.

Throughout my incarceration, I have earned 92 credits from Goucher College, demonstrating my commitment to higher education and intellectual development. Additionally, I have obtained nine ASE certifications, which have equipped me with valuable skills in automotive service excellence. My pursuit of Graphic Arts certificates has allowed me to explore my creativity and develop a new passion. Furthermore, I have completed numerous self-development courses, all of which have contributed to my transformation and readiness to reintegrate into society.

The Second Look Act recognizes the potential for change and rehabilitation in individuals who have served significant time in prison. It provides an opportunity for a judge to reassess sentences, taking into account the progress and efforts made by individuals like myself. This Act is not just about second chances; it is about acknowledging the human capacity for growth and the importance of rehabilitation in our justice system.

I stand before you as a testament to the power of education, skill development, and personal growth. I urge you to support the Second Look Act, as it offers a fair and just opportunity for individuals who have demonstrated their commitment to change. Thank you for your time and consideration.

Sincerely,

James Randles III

Testimony 2025 HB 853 Harman FAV.pdf

Uploaded by: Jane Harman

Position: FAV

HB 853: Petition to Reduce Sentence (Maryland Second Look Act) – FAV

This is not a radical bill. This is a bill that defines and refines a right that was available to Maryland defendants prior to 2004.

In 1984, Maryland Rule of Procedure 4-345 was adopted by the Maryland Judiciary (Appendix 1). Prior to 2004, a motion for a hearing for Reconsideration of Sentence must have been filed within 90 days of sentencing, but the hearing could occur at any time during a defendant's incarceration.

From 1984 to the early 2000s, Maryland's prison population nearly doubled. In 2004, the Maryland Conference of Circuit Judges, dealing now with a greatly expanded pool of defendants, asked the Judicial Rules Committee—an umbrella group also comprised mostly of Maryland judges—to limit a defendant's right to a hearing for Reconsideration of Sentence.

The Circuit Judges asked that any defendant's hearing for Reconsideration of Sentence be limited to the first five years of their serving such sentence. *However, considering that the personal growth and evolution of a defendant is considered paramount for a reduction of their sentence, this personal growth was unlikely to occur satisfactorily during the first five years of a long sentence.* This five-year limit proposed by the Circuit Judges was NOT approved by the 2004 Judicial Rules Committee. The proposal was then referred to the Maryland Court of Appeals (Attachment 2). That court approved the proposed five-year limitation and ordered that this limitation be applied to all persons sentenced after July, 2004 (Attachments 3,4).

The five-year limit placed on hearings to Reconsider a Sentence in 2004 was not the consequence of new legislation, instead the result of action taken solely by the judicial branch.

The Second Look Act, HB 853, can be viewed as a restoration by legislators of the right of a defendant to request a hearing before a judge for a Reconsideration of Sentence long after incarceration has begun. The 20-year incarceration requirement will, in fact, render the process somewhat more restrictive than the original Rule 4-345.

The new bill also proposes that Reconsideration hearing can occur at any time during incarceration upon agreement by the prosecuting State's Attorney. This is also not a new idea; the Conference of Circuit Judges suggested this arrangement in 2004. (Appendix 2, page 5)

HB 853 is one of the few proposed bills of 2025 that would save taxpayers money. It is exorbitantly expensive to continue the punitive incarceration of mature, remorseful older inmates for decade upon decade, when these older inmates no longer pose any risk to society.

Please vote to pass this common-sense piece of legislation.

Jane L. Harman, Ph.D., Takoma Park, MD jane.harman@protonmail.com

Attachment 1 - Rule 4-345 prior to the 2004 Rules Order

[excerpt, Maryland v Brown 2018]

(a) **Illegal Sentence.** — The court may correct an illegal sentence at any time.

b) **Modification or Reduction — Time for.** — The court has revisory power and control over a sentence upon a motion filed within 90 days after its imposition (1) in the District Court, if an appeal has not been perfected, and (2) in a circuit court, whether or not an appeal has been filed. Thereafter, the court has revisory power and control over the sentence in case of fraud, mistake, or irregularity, or as provided in section (d) of this Rule. The court may not increase a sentence after the sentence has been imposed, except that it may correct an evident mistake in the announcement of a sentence if the correction is made on the record before the defendant leaves the courtroom following the sentencing proceeding.

(c) **Open Court Hearing.** — The court may modify, reduce, correct, or vacate a sentence only on the record in open court after notice to the parties and an opportunity to be heard.

(d) **Desertion and Non-support Cases.** — At any time before expiration of the sentence in a case involving desertion and non-support of spouse, children or destitute parents, the court may modify, reduce, or vacate the sentence or place the defendant on probation under the terms and conditions the court imposes.

**Attachment 2 - Conference of Circuit Judges proposed
change to Rule 4-345, 2004**

[https://www.mdcourts.gov/sites/default/files/import/rules/reports/
courtletter_revisorypower.pdf](https://www.mdcourts.gov/sites/default/files/import/rules/reports/courtletter_revisorypower.pdf)

~~STANDING COMMITTEE ON RULES OF PRACTICE AND PROCEDURE~~

NOTICE OF PROPOSED RULE CHANGE

The Rules Committee has submitted a Letter Report to the Court of Appeals, transmitting thereby proposed amendments to Rule 4-345, Sentencing -- Revisory Power of Court, of the Maryland Rules of Procedure.

The Committee's Letter Report and the proposed rule change are set forth below.

Interested persons are asked to consider the Committee's Letter Report and proposed rule change and to forward on or before April 5, 2004 any written comments they may wish to make to:

Sandra F. Haines, Esq.

Reporter, Rules Committee

Room 1.517

100 Community Place

Crownsville, Maryland 21032-2030

ALEXANDER L. CUMMINGS

Clerk

Court of Appeals of Maryland

Attachment 2, cont'd - Conf Circuit Judges proposed change to Rule 4-345, 2004

February 17, 2004

The Honorable Robert M. Bell,
 Chief Judge

The Honorable Irma S. Raker
The Honorable Alan M. Wilner
The Honorable Dale R. Cathell
The Honorable Glenn T. Harrell, Jr.
The Honorable Lynne A. Battaglia
The Honorable Clayton Greene, Jr.,

Judges
The Court of Appeals of Maryland
Robert C. Murphy Courts of
 Appeal Building
Annapolis, Maryland 21401

Your Honors:

The Rules Committee submits this Letter Report to the Court, transmitting hereby a recommendation of the Conference of Circuit Judges ("the Conference") that Rule 4-345 be amended to establish a certain five-year limit on a court's exercise of its revisory power over a sentence involving a crime of violence.

The proposed amendment has received the unanimous endorsement of the Conference. The Rules Committee, by a vote of 11-10, has declined to approve the recommendation. The relevant portion of the Minutes of the January 9, 2004 meeting of the Rules Committee at which this vote was taken are enclosed for the Court's reference. Also enclosed are the relevant portions of the Minutes of the March 9, 2001 meeting of the Rules Committee, at which this issue previously was discussed, and the Minutes of the September 15, 2003 meeting of the Conference, at which the vote was taken to recommend the amendment.

The Conference also recommended that the time for filing a

Attachment 2, cont'd - Conf Circuit Judges proposed change to Rule 4-345, 2004

motion for modification under Rule 4-345 in a circuit court be reduced from 90 to 30 days. This recommendation received a strong negative vote from the Rules Committee, with only two members in favor, and therefore has not been included in the draft Rule.

Because of the importance of the issue of the revisory power of the court in criminal matters, the unanimous recommendation of the Conference, and the close vote by the Rules Committee, the proposed amendments to Rule 4-345 are submitted to the Court for its determination of this policy issue.

For the guidance of the Court and the public, following the proposed rule change is a Reporter's Note describing the reasons for the proposal and any changes that would be effected in current law or practice. We caution that the Reporter's Note was prepared initially for the benefit of the Rules Committee; it is not part of the Rule and has not been debated or approved by the Committee; and it is not to be regarded as any kind of official comment or interpretation. It is included solely to assist the Court in understanding some of the reasons for the proposed changes.

Respectfully submitted,

Joseph F. Murphy, Jr.
Chair

Linda M. Schuett
Vice Chair

JFM/LMS:cdc
Enclosures
cc: Alexander L. Cummings, Clerk

Attachment 2, cont'd - Conf Circuit Judges proposed change to Rule 4-345, 2004

MARYLAND RULES OF PROCEDURE

TITLE 4 - CRIMINAL CAUSES

CHAPTER 300 - TRIAL AND SENTENCING

AMEND Rule 4-345 to reorganize it, to add the phrase "or has been dismissed" to relettered subsection (e)(1), to add a certain cross reference after subsection (e)(1), to add a new subsection (e)(2) that sets a five-year limit on the court's exercise of its revisory power over a sentence involving a crime of violence except where the State's Attorney and defendant agree that the court may exercise its revisory power, and to make certain stylistic changes, as follows:

Rule 4-345. SENTENCING -- REVISORY POWER OF COURT

(a) Illegal Sentence

The court may correct an illegal sentence at any time.

(b) Fraud, Mistake, or Irregularity

The court has revisory power over a sentence in case of fraud, mistake, or irregularity.

(c) Correction of Mistake in Announcement

The court may correct an evident mistake in the announcement of a sentence if the correction is made on the record before the defendant leaves the courtroom following the sentencing proceeding.

~~(e)~~ (d) Desertion and Non-support Cases

Attachment 2, cont'd - Conf Circuit Judges proposed change to Rule 4-345, 2004

At any time before expiration of the sentence in a case involving desertion and non-support of spouse, children, or destitute parents, the court may modify, reduce, or vacate the sentence or place the defendant on probation under the terms and conditions the court imposes.

~~(b) (e) Modification or Reduction - Time For~~ Upon Motion

(1) Generally

~~The court has revisory power and control over a sentence upon~~ Upon a motion filed within 90 days after ~~its~~ imposition of a sentence (1) in the District Court, if an appeal has not been perfected or has been dismissed, and (2) in a circuit court, whether or not an appeal has been filed, the court has revisory power over the sentence except that it may not increase the sentence. ~~Thereafter, the court has revisory power and control over the sentence in case of fraud, mistake, or irregularity, or as provided in section (e) of this Rule. The court may not increase a sentence after the sentence has been imposed, except that it may correct an evident mistake in the announcement of a sentence if the correction is made on the record before the defendant leaves the courtroom following the sentencing proceeding.~~

Cross reference: Rule 7-112 (b).

(2) Defendant Convicted of a Crime of Violence

Unless the State's Attorney and the defendant agree that the court may exercise its revisory power, the court may not

revise a sentence after the expiration of five years from the date the sentence originally was imposed on a defendant convicted of a crime of violence, as defined in Code, Criminal Law Article, §14-101.

~~(c)~~ (3) Notice to Victims

The State's Attorney shall give notice to each victim and victim's representative who has filed a Crime Victim Notification Request form pursuant to Code, Criminal Procedure Article, §11-104 or who has submitted a written request to the State's Attorney to be notified of subsequent proceedings as provided under Code, Criminal Procedure Article, §11-503 that states (1) that a motion to modify or reduce a sentence has been filed; (2) that the motion has been denied without a hearing or the date, time, and location of the hearing; and (3) if a hearing is to be held, that each victim or victim's representative may attend and testify.

~~(d)~~ (f) Open Court Hearing

The court may modify, reduce, correct, or vacate a sentence only on the record in open court, after hearing from the defendant, the State, and from each victim or victim's representative who requests an opportunity to be heard. No hearing shall be held on a motion to modify or reduce the sentence until the court determines that the notice requirements in ~~section (c)~~ subsection (e)(3) of this Rule have been satisfied. If the court grants the motion, the court ordinarily

Attachment 2, cont'd - Conf Circuit Judges proposed change to Rule 4-345, 2004

shall prepare and file or dictate into the record a statement setting forth the reasons on which the ruling is based.

Source: This Rule is derived in part from former Rule 774 and M.D.R. 774, and is in part new.

REPORTER'S NOTE

The Conference of Circuit Judges *Ad Hoc* Committee to Consider Amending Rule 4-345 has recommended several changes to Rule 4-345, including reducing the 90-day period for filing a motion for modification or reduction of a sentence to 30 days in the circuit court and imposing a five-year limit on the courts' revisory power when the defendant has been convicted of a crime of violence.

With two members opposed, the Rules Committee voted to recommend retaining the 90-day period for filing the motion, rather than reducing it to a 30-day period. The Committee was concerned that a reduction in this long-standing time period would lead to an increase in late-filed motions, which would result in an increase in post conviction proceedings.

By an 11 to 10 vote, the Committee also declined to approve the proposed five-year limit on the court's exercise of its revisory power over sentences involving a crime of violence, except where the State's Attorney and defendant agree that the court may exercise that power. However, in light of the close vote and the strong support of the Conference of Circuit Judges in favor of the rule change, the Committee is transmitting the proposal to the Court of Appeals for a policy determination by the Court.

The proposed addition of the phrase "or had been dismissed" to subsection (e)(1) appears to be noncontroversial. The addition of the phrase and a cross reference to Rule 7-112 (b) clarify the revisory power of the District Court over a sentence imposed by that Court.

Other changes, including replacing the phrase "revisory power and control" with the phrase "revisory power," are stylistic only.

COURT OF APPEALS STANDING COMMITTEE
ON RULES OF PRACTICE AND PROCEDURE

Minutes of a meeting of the Rules Committee held in Room 1100A of the People's Resource Center, 100 Community Place, Crownsville, Maryland on May 21, 2004.

Members present:

Hon. Joseph F. Murphy, Jr., Chair
Linda M. Schuett, Esq., Vice Chair

F. Vernon Boozer, Esq.
Lowell R. Bowen, Esq.
Albert D. Brault, Esq.
Robert L. Dean, Esq.
Hon. Joseph H. H. Kaplan
Hon. John F. McAuliffe
Robert R. Michael, Esq.
Hon. William D. Missouri

Hon. John L. Norton, III
Anne C. Ogletree, Esq.
Debbie L. Potter, Esq.
Larry W. Shipley, Clerk
Twilah S. Shipley, Esq.
Sen. Norman R. Stone, Jr.
Melvin J. Sykes, Esq.
Del. Joseph F. Vallario, Jr.

In attendance:

Sandra F. Haines, Esq., Reporter
Sherie B. Libber, Esq., Assistant Reporter
George W. Liebmann, Esq.

The Chair convened the meeting. He asked if there were any corrections to the second half of the minutes of the January 9, 2004 meeting. There being none, the Vice Chair moved to approve the minutes, the motion was seconded, and it passed unanimously.

Judge Missouri told the Committee that the Court of Appeals held a hearing on May 10, 2004 on Rule 4-345, Revisory Power. Since the Rules Committee had voted on a change to the Rule with a close vote of 11 to 10 in favor of the change, the Committee,

at the wise suggestion of the Vice Chair, had decided to let the Court of Appeals make the decision as to whether or not to change the Rule. Judge Missouri said that along with the Chair, the Vice Chair, the Reporter, and himself, the Honorable Daniel Long, Chair of the Conference of Circuit Judges, Glenn Ivey, Esq., who is the State's Attorney for Prince George's County, and Richard Finci, Esq., representing the Maryland Defense Lawyers' Association were present at the hearing.

The Honorable Dale R. Cathell, Judge of the Court of Appeals, read into the record a three-page statement that expressed his opposition to changing the Rule. The Honorable Alan M. Wilner, Judge of the Court of Appeals, proposed two amendments to Rule 4-345 -- that the proposed five-year limitation apply not only to crimes of violence but to all crimes and that the Rule should not contain the language providing that the prosecutor and defense attorney could agree to eliminate the five-year limitation. By a vote of five to one, the Court of Appeals approved the Rule with Judge Wilner's amendments. The Honorable Robert M. Bell, Chief Judge of the Court of Appeals, did not vote on the Rule. The Rule will take effect prospectively, applying to sentences imposed on or after July 1, 2004.

The Chair said that the Criminal Subcommittee will be asked to look into why there is a 90-day period for filing a motion under Rule 4-345, when other comparable provisions in the Rules have a 30-day period for filing. Judge Missouri noted that the

Attachment 3, cont'd - Rules Committee, post-ruling by Court on Rule 4-345, 2004

Honorable Lynne A. Battaglia, Judge of the Court of Appeals, had asked this question. The Vice Chair added that Judge Battaglia was interested in the historical reasons for the time period. The Vice Chair hypothesized that one of the reasons may have been that the time period was tied into the former "terms of court." Judge Kaplan added that these began in September and March of every year. The Chair said that their times varied. The Reporter observed that some terms of court had been on a quarterly basis. The Chair questioned whether the original time period came from the former Rules of the Supreme Bench, which was what the circuit court in Baltimore City was previously named.

Judge Kaplan noted that the longer time period allows *pro se* prisoners sufficient time to file the motions from prison, and it prevents attorneys from being accused of malpractice by not limiting them to filing these motions within only 30 days. The Chair said that many citizens testified in support of the amended Rule limiting the revisory period. Judge Missouri remarked that Delegate Vallario had indicated that further legislation on this issue may be filed.

The Reporter stated that she had asked the Assistant Reporter to research this issue, and the law school intern who will be working at the Rules Committee Office this summer can help with the research.

Agenda Item 1. Consideration of a policy issue concerning peremptory challenges (See Appendix 1)

Attachment 4 - Rules Order

IN THE COURT OF APPEALS OF MARYLAND

R U L E S O R D E R

This Court's Standing Committee on Rules of Practice and Procedure having submitted a Letter Report to the Court, transmitting thereby proposed amendments to Rule 4-345 of the Maryland Rules of Procedure, as set forth in that Letter Report published in the *Maryland Register*, Vol. 31, Issue 5, pages 443 - 444 (March 5, 2004); and

This Court having considered at an open meeting, notice of which was posted as prescribed by law, the proposed rule changes, together with the comments received, and making certain amendments to the proposed rule changes on its own motion, it is this 11th day of May, 2004,

ORDERED, by the Court of Appeals of Maryland, that the amendments to Rule 4-345 be, and they are hereby, adopted in the form attached to this Order; and it is further

ORDERED that the rule changes hereby adopted by this Court shall govern the courts of this State and all parties and their attorneys in all actions and proceedings, and shall take effect and apply to all sentences imposed on or after July 1, 2004; and it is further

Attachment 4 - Rules Order, cont'd

ORDERED that a copy of this Order be published in the next issue of the *Maryland Register*.

/s/ Robert M. Bell

Robert M. Bell

/s/ Irma S. Raker

Irma S. Raker

/s/ Alan M. Wilner

Alan M. Wilner

*

Dale R. Cathell

/s/ Glenn T. Harrell, Jr.

Glenn T. Harrell, Jr.

/s/ Lynne A. Battaglia

Lynne A. Battaglia

/s/ Clayton Greene, Jr.

Clayton Greene, Jr.

* Judge Cathell declined to sign the Rules Order.

Filed: May 11, 2004

/s/ Alexander L. Cummings

Clerk
Court of Appeals of Maryland

Attachment 4 - Rules Order, cont'd

MARYLAND RULES OF PROCEDURE

TITLE 4 - CRIMINAL CAUSES

CHAPTER 300 - TRIAL AND SENTENCING

AMEND Rule 4-345 to reorganize it, to add the phrase "or has been dismissed" to relettered subsection (e)(1), to add a certain cross reference after subsection (e)(1), to set a certain five-year limit on the court's exercise of its revisory power over a sentence, and to make certain stylistic changes, as follows:

Rule 4-345. SENTENCING -- REVISORY POWER OF COURT

(a) Illegal Sentence

The court may correct an illegal sentence at any time.

(b) Fraud, Mistake, or Irregularity

The court has revisory power over a sentence in case of fraud, mistake, or irregularity.

(c) Correction of Mistake in Announcement

The court may correct an evident mistake in the announcement of a sentence if the correction is made on the record before the defendant leaves the courtroom following the sentencing proceeding.

~~(e)~~ (d) Desertion and Non-support Cases

At any time before expiration of the sentence in a case involving desertion and non-support of spouse, children, or destitute parents, the court may modify, reduce, or vacate the

Attachment 4 - Rules Order, cont'd

sentence or place the defendant on probation under the terms and conditions the court imposes.

~~(b)~~ (e) Modification or Reduction — Time For Upon Motion

(1) Generally

~~The court has revisory power and control over a sentence upon~~ Upon a motion filed within 90 days after ~~its~~ imposition of a sentence ~~(1)~~ (A) in the District Court, if an appeal has not been perfected or has been dismissed, and ~~(2)~~ (B) in a circuit court, whether or not an appeal has been filed, the court has revisory power over the sentence except that it may not revise the sentence after the expiration of five years from the date the sentence originally was imposed on the defendant and it may not increase the sentence. ~~Thereafter, the court has revisory power and control over the sentence in case of fraud, mistake, or irregularity, or as provided in section (e) of this Rule. The court may not increase a sentence after the sentence has been imposed, except that it may correct an evident mistake in the announcement of a sentence if the correction is made on the record before the defendant leaves the courtroom following the sentencing proceeding.~~

Cross reference: Rule 7-112 (b).

~~(e)~~ (2) Notice to Victims

The State's Attorney shall give notice to each victim and victim's representative who has filed a Crime Victim Notification Request form pursuant to Code, Criminal Procedure

Attachment 4 - Rules Order, cont'd

Article, §11-104 or who has submitted a written request to the State's Attorney to be notified of subsequent proceedings as provided under Code, Criminal Procedure Article, §11-503 that states ~~(1)~~ (A) that a motion to modify or reduce a sentence has been filed; ~~(2)~~ (B) that the motion has been denied without a hearing or the date, time, and location of the hearing; and ~~(3)~~ (C) if a hearing is to be held, that each victim or victim's representative may attend and testify.

~~(d)~~ (f) Open Court Hearing

The court may modify, reduce, correct, or vacate a sentence only on the record in open court, after hearing from the defendant, the State, and from each victim or victim's representative who requests an opportunity to be heard. No hearing shall be held on a motion to modify or reduce the sentence until the court determines that the notice requirements in ~~section (c)~~ subsection (e) (2) of this Rule have been satisfied. If the court grants the motion, the court ordinarily shall prepare and file or dictate into the record a statement setting forth the reasons on which the ruling is based.

Source: This Rule is derived in part from former Rule 774 and M.D.R. 774, and is in part new.

MCDAA - House Bill 853 - FAV.pdf

Uploaded by: Jason Weintraub

Position: FAV



Maryland Criminal Defense Attorneys' Association

February 14, 2025

**House Bill 853 (Del. Pasteur) – Maryland Second Look Act
House Judiciary Committee
FAVORABLE**

Chair Clippinger, Vice-Chair Bartlett, and members of the House Judiciary Committee,

The Maryland Criminal Defense Attorneys' Association ("MCDAA") has approximately 500 members that include both attorneys and associated professionals throughout Maryland. MCDAA was formed to promote study and research in the field of criminal defense law and the related areas; to disseminate by lecture, seminars and publications the advance of the knowledge of the law as it relates to the field of criminal defense practice; to promote the proper administration of justice; to foster, maintain and encourage the integrity, independence and expertise of the defense lawyer in criminal cases; and to foster periodic meetings of the defense lawyers and to provide a forum for the material exchange of information regarding the administration of criminal justice and thereby concern itself with the protection of individual rights and the improvement of criminal law, its practice and procedures.

We support HB 853.

HB 853 Is Good Policy

House Bill 853, the aptly named Second Look Act, constructs a balanced procedure enabling a person imprisoned for 20 years or more to have a court assess whether to "modify" or reduce their sentence. It is a balanced and fair bill. It is good legislation for the people of Maryland and is consistent with fairness and sound public safety policy.

We support legislation that requires courts to consider certain factors in their sentencing/re-sentencing decisions as that will hopefully bring uniformity to these hearings and allow the offender to know what he/she has to work towards to try to get a reduction – it also allows for more meaningful appellate review should there be a challenge to the lower court's decision.

So many offenses occur when offenders are young, are under the influence of drugs, or some other life circumstance causes them to get into the system. We believe in reform and providing people with second chances after serving a reasonable amount of time

Judges may feel that for serious cases they would like to see more than 5 years before

MCDAA | 6030 Marshalee Dr. #208 | Elkridge, MD 21075 | info@mcdaa.com |

www.mcdaa.org



Maryland Criminal Defense Attorneys' Association

they modify a sentence, but because of current legislation, their hands are tied from considering reductions more than 5 years out.

Statistics have consistently demonstrated that these older inmates have a very low recidivism rate. Those statistics have been borne out by the recent releases from incarceration under the Justice Reinvestment Act. Long-term incarcerated persons released pursuant to the Unger decision have also had an extraordinarily low recidivism rate.

Incarcerated persons serving long sentences would have even more incentive to be model prisoners, if there was a way to seek a reduced sentence after serving 20 years. Wardens could expect better behavior in the prison population. Taxpayers would see lower taxes due to a reduction in costs of incarcerating older persons, and releases under this bill would result in an increase in the tax base. Formerly incarcerated persons could contribute to the community by working and paying taxes, and being mentors to young people to stay away from crime.

Maryland has the dubious distinction of being the worst state in the nation for over-incarceration of black men, and of racial disparities throughout the justice system. Passage of this Bill would be a beginning to rectify these wrongs.

HB 853 is a small step towards improving our state and our society as a whole. It is in keeping with trends around the country to reduce the incarceration rates of older individuals, whose prolonged incarceration does not increase public safety and is an undue burden on taxpayers.

HB 853 Fills A Gap in Available Remedies

Prior to 2004, there was no time limit for an incarcerated person to argue a motion to reduce their sentence. That changed in 2004, when a five-year limit was imposed. Under current law, if the court did not reduce the sentence within five years, the incarcerated person could never have an opportunity to have his or her sentence reduced, no matter how exemplary their prison record, or how complete their rehabilitation.

HB 853 provides a mechanism through a careful court review process to review lengthy sentences and provide an opportunity for consideration of sentence modification for inmates who served 20 years or more and who are no longer a threat to the public.

Additionally, there are many reentry programs providing job training and wrap-around support for inmates reentering society. These organizations have been highly successful in preparing inmates to transition to a productive life in society.



Maryland Criminal Defense Attorneys' Association

Additional Points to Consider

None of the post-verdict vehicles, such as a motion for new trial or postconviction petitions, target the narrow focus of this bill, which is modification after years of incarceration.

- Maryland's 10-day new trial motion is heard prior to sentencing.
- Maryland's 30-day 3-judge panel is heard shortly following trial.
- Direct appeals review trial court error only.
- Fraud/mistake/irregularity motions are very limited and rarely used; they are not applicable to reconsideration of sentence matters.
- Postconvictions/Motion to Reopen/Habeas Corpus relate to constitutional violations and currently require proof of error on the part of a lawyer or prosecutor to get relief. To the extent a belated modification is granted it is because either (1) a lawyer missed a filing or hearing date or (2) the state wants to resolve the case because of some other error or reason.
- Writs of actual innocence and DNA post convictions are narrowly focused to ensure no one is wrongly convicted; they are inapplicable to the conversation at hand.
- Parole considerations are much different than a modification before a judge, where someone is able to be advised, guided and represented by counsel. During the parole process, there is no right to counsel. If an incarcerated person has counsel, that attorney's role is limited to a 30-minute meeting with a commissioner and submission of written documentation. Attorneys are entitled to appear only at open parole hearings, however they are not permitted to sit with, talk to or participate in the hearing. The incarcerated individual must represent himself.

There are currently no other remedies for inmates who have been incarcerated for decades and who are fully rehabilitated and pose no risk to society. The MCDAA fully supports HB 853.

Maryland Criminal Defense Attorneys' Association
Christine DuFour, President
Michelle M. Martz, Member
Lisa J. Sansone, Member

MCDAA | 6030 Marshalee Dr. #208 | Elkridge, MD 21075 | info@mcdaa.com |

www.mcdaa.org

Late testimony

Uploaded by: Jheanelle Wilkins

Position: FAV



LEGISLATIVE BLACK CAUCUS OF MARYLAND, INC.

The Maryland House of Delegates, 6 Bladen Street, Room 300, Annapolis, Maryland 21401
410-841-3185 • 800-492-7122 Ext. 3185 • Black.Caucus@house.state.md.us

February 18, 2025

EXECUTIVE OFFICERS

Chair

Delegate Jheanelle Wilkins, District 20

1st Vice Chair

Delegate Melissa Wells, District 40

2nd Vice Chair

Delegate Karen R. Toles, District 25

Treasurer

Delegate Marlon Amprey, District 40

Secretary

Delegate Jamila J. Woods, District 26

Financial Secretary

Senator Arthur Ellis, District 28

Chaplain

Delegate Jeffrie E. Long, Jr., District 27B

Parliamentarian

Delegate Stephanie Smith, District 45

Historian

Delegate Cheryl E. Pasteur, District 11A

Executive Director

Ufuoma O. Agarin, J.D.

MEMBERS

Senator Malcolm Augustine, District 47
Senator Benjamin Brooks, District 10
Senator Nick Charles, District 25
Senator Antonio L. Hayes, District 40
Senator Shaneka Henson, District 30
Senator Carl Jackson, District 8
Senator Michael A. Jackson, District 27
Senator Cory V. McCray, District 45
Senator C. Anthony Muse, District 26
Senator William C. Smith, Jr., District 20
Senator Charles E. Sydnor III, Esq., District 44
Senator Alonzo T. Washington, District 22
Senator Mary L. Washington, District 43
Senator Ron Watson, District 23
Delegate Gabriel Acevero, District 39
Delegate Jacqueline T. Addison, District 45
Delegate Tiffany Alston, District 24
Delegate Vanessa E. Atterbeary, District 13
Delegate J. Sandy Bartlett, District 32
Delegate Adrian Boato, District 23
Delegate Regina T. Boyce, District 43A
Delegate Frank M. Conway, Jr., District 40
Delegate Charlotte Crutchfield, District 19
Delegate Debra Davis, District 28
Delegate Diana M. Fennell, District 47A
Delegate Kevin M. Harris, District 27A
Delegate Andrea Fletcher Harrison, District 24
Delegate Terri L. Hill, District 12
Delegate Marvin E. Holmes, Jr., District 23
Delegate Julian Ivey, District 47A
Delegate Andre V. Johnson, Jr., District 34A
Delegate Adrienne A. Jones, District 10
Delegate Jazz Lewis, District 24
Delegate Robbyn Lewis, District 46
Delegate Ashanti Martinez, District 22
Delegate Aletha McCaskill, District 44B
Delegate Bernice Mireku-North, District 14
Delegate LaToya Nkongolo, District 31
Delegate Edith J. Patterson, District 28
Delegate Joseline Peña-Melnik, District 21
Delegate N. Scott Phillips, District 10
Delegate Pamela Queen, District 14
Delegate Kent Roberson, District 25
Delegate Denise G. Roberts, District 25
Delegate Mike Rogers, District 32
Delegate Malcolm P. Ruff, District 41
Delegate Gary Simmons, District 12B
Delegate Deni Tavaras, District 47B
Delegate Kym Taylor, District 23
Delegate Veronica Turner, District 26
Delegate Jennifer White Holland, District 10
Delegate Nicole A. Williams, District 22
Delegate C.T. Wilson, District 28
Delegate Greg Wims, District 39
Delegate Caylin Young, District 45

Chair Luke Clippinger
Judiciary Committee
100 Taylor House Office Building
Annapolis, Maryland 21401

Dear Chair Clippinger and Members of the Committee,

The Legislative Black Caucus of Maryland offers its strong and favorable support for House Bill 853 (HB0853) Petition to Reduce Sentence - Maryland Second Look Act. This bill allows individuals serving a term of confinement to petition the court for a sentence reduction after serving at least **20 years** of their sentence, with an emphasis on rehabilitation and reintegration into society. HB0853 is a critical step forward in advancing justice, particularly for African Americans who are disproportionately impacted by long sentences in Maryland's criminal justice system. **This bill is a 2025 legislative priority for the Black Caucus.**

The Legislative Black Caucus of Maryland strongly believes that our criminal justice system must prioritize fairness, rehabilitation, and second chances. African Americans in Maryland and across the nation have long been subject to the harmful effects of mass incarceration, which has resulted in overrepresentation in prison populations, particularly for non-violent offenses and sentences that fail to account for the possibility of rehabilitation. According to a 2023 report from the **Sentencing Project**, Black Americans are incarcerated at more than five times the rate of white Americans, making it essential that policies like HB0853 seek to address these systemic inequities by offering opportunities for sentence reconsideration and reducing the long-term impact of incarceration on Black families and communities.

HB0853 addresses these inequities by providing an avenue for individuals who have demonstrated maturity, rehabilitation, and fitness to reenter society, to petition for a reduced sentence after a significant period of time served. The **Second Look Act** aligns with the principles of restorative justice by encouraging courts to consider the individual's growth and transformation over time, including their age at the time of the offense, institutional behavior, participation in rehabilitative programs, and overall readiness to rejoin their communities. In Maryland, a 2020 study by the **Maryland Justice Project** found that African American individuals were more likely to receive longer

sentences for similar offenses compared to their white counterparts, exacerbating racial disparities in the state's prison system. HB0853 provides a needed path for reform, particularly for Black Marylanders who have been disproportionately impacted by these racial disparities.

HB0853's provisions for sentence reconsideration offer a fairer, more equitable process for those who have served decades behind bars. The bill ensures that courts take into account factors like **rehabilitation, age, and personal growth**, which are especially important for African Americans who have often been subjected to harsh sentencing policies. Additionally, the bill's retroactive application ensures that **those already incarcerated**, including many Black individuals, can benefit from this opportunity for justice and redemption.

For Black communities in Maryland, the impact of this bill cannot be overstated. By providing an opportunity for individuals who have served a significant portion of their sentence to petition for release, HB0853 allows the possibility for **a more just and humane criminal justice system**. The passage of this bill would represent a tangible step toward reversing the damaging effects of mass incarceration and providing Black Marylanders who have shown rehabilitation and remorse with the chance to rebuild their lives outside of prison.

The Legislative Black Caucus of Maryland strongly supports HB0853 and its efforts to reform Maryland's sentencing practices. This bill reflects our commitment to a criminal justice system that promotes fairness, accountability, and rehabilitation, while also recognizing the systemic racial disparities that continue to affect Black Marylanders. We urge your support for HB0853, as it offers a thoughtful and proactive approach to addressing the harms caused by overly punitive sentencing practices and the ongoing challenges faced by Black individuals in the criminal justice system.

For these reasons, the Legislative Black Caucus of Maryland **strongly supports House Bill 853**.

Legislative Black Caucus of Maryland

HB853JDorseyTestimony.pdf

Uploaded by: JOAN DORSEY

Position: FAV

**TESTIMONY ON HB853
MARYLAND SECOND LOOK ACT**

**House Judiciary Committee
February 18, 2025**

SUPPORT

Submitted by: Joan Dorsey

Chair Clippinger, Vice Chair Bartlett and members of the Judiciary Committee:

I, Joan Dorsey, am submitting this testimony in support of, the Maryland Second Look Act, with an amendment to ensure everyone who has served 20 years will be eligible to petition. I am submitting this testimony as an impacted family member and member of the Maryland Second Look Coalition, Family Support Network, and MAJR.

I support this initiative, SECOND LOOK ACT HB 853, where the Second-look laws would legally allow courts to re-examine the sentences of incarcerated individuals with a minimum of 20 years to apply for sentence modification. The opportunity should be given to people regardless of their offense, as the Judge will consider a wide range of things, to include the nature of their offense, their rehabilitation and any mitigating factors to support a *potential* change in sentence.

I believe that the literature inclusive of numerous studies targeting 20-year sentences justifies, substantiates and validates why 20 years sentencing will significantly reduce mass incarceration. Countless evidenced based studies have definitively reported in many official, authenticated documents that credible, scholarly and reliable research in many states and countries support this argument.

The premise is that if the incarcerated persons have demonstrated their growth and progress by rehabilitation and show that they are no longer a threat to the safety of others, then the opportunity should be available for them to apply for modification at 20 years and ultimately be released.

My son would be eligible and meets the criteria for this law if passed. He is currently 37 years old and was incarcerated at age 19 years old. My husband and I adopted him at 2 1/2 months old, where subtle but noticeable developmental behaviors began. At age 7, he was diagnosed with Tourette Syndrome, (multiple motor tics and vocal tics) as well as and other health impairments. The lack of technology, research, knowledge, skills and training in the late 80's from renowned physicians regarding Tourette Syndrome only produced very little help, just

speculation and many medications that failed! The teasing, bullying and being ostracized led to unruly and reckless behavior. He was a truly a classic book case example of Tourette Syndrome whereby this body jumped and moved all over and all the time. Echolalia, coprolalia, palialia overwhelmed in conversations and consumed him. He was relentlessly punished by teacher, church leaders, sport leaders coaches, by writing repeatedly, recess removed, trips, and events not allowed to attend, time out in corners and more. Our son and us literally prayed and cried out to anyone we thought that could help him. His mind and body traveled down a daily life of uncertainly, confusion and isolation with powerful medications that only exacerbated and worsen his condition as he developed and progressed into middle school. As a result, proper treatment, he began reckless and unruly behaviors that manifested in school, peer groups and in the general public. These misbehaviors, and my son not having the ability to manage, led him to incarceration.

I believe my son received an unfair and unjust sentence as the judge doubled his sentence, going outside of the guidelines, never taking in consideration the clinically diagnosed disabilities of Tourette Syndrome and other health impairments. Additionally, I believe that racial disparity can clearly be seen in his case. He has thus far served nearly twenty years in prison with limited support, however with my husband's and my consistent communication with strong advocacy, allow the storms slowly diminish with meds and counseling, even though barely adequate. Currently, my son has grown to be a loving, caring, compassionate, and responsible man, through rehabilitation, and a continuous very strong support of family. We love him very much and are fighting for his purposeful life.

My husband and I are aging, 73 and 75 and experiencing a number of health challenges where our son's absence has created a profound impact on our lives, however, his release from incarceration after 20 years will significantly help, assist and support us! I know my son is ready to contribute to the community and would meet the criteria set forth and truly make a positive difference and change in this society.

I believe that "The Second Look Act" that includes the option for a 20 year sentence review, incorporates an absolute confirmation of corroborative data with proper measures and will execute the following factors:

- Reduce and eliminate factual racial disparities among Black and Brown persons who have been sentenced to long sentences, which is well documented

- Eliminate mandatory minimum sentences and allow the discretion of the judge to be the executive rather than sentence guidelines
- Examine the incarcerated individuals who have aged out and show no threat to public safety
- Provide huge monetary savings to empower communities, states and countries to invest
- Reviewing sentences after 20 years critically measuring the fairness and justice of the sentence rendered
- Carefully look at the unfairness and societal impact on the poor, low income, disadvantaged, and disabled
- Eliminate enhancements, parole, continuous parole denials, and consecutive sentences
- Provide provisions for re-entry to society which can increase jobs, employment, family unification and lessen family support and dependence on government
- Review and examine the lengthy sentences of persons for misdemeanors and the innocence convicted of a crime
- Review and scrutinize the criteria of the 20 year sentence review, which can provide data that demonstrates that the reduction of lengthy sentences prove that it is not a deterrent to crime and does not limit public safety.
- Allow a Judge to assess the qualifications of applicants based upon a strict criterion for prison release, for example: good time served, accomplishments, character references from correctional officers and staff, outside contacts, rehabilitation, any outreach/support given to community, family, and while in jail
- Review statistics in research that demonstrate how contributions to society and the world reduced the prison population of mass incarceration and the over-crowdedness of jails causing violence and deaths
- Seriously analyze and understand data that shows incarcerated persons who age out of crime and showing no threat to public safety
- Examine facts that show the recidivism rates decline for persons released after lengthy sentences.
- Identify persons with misdemeanors sentences to long sentences due to racial disparity, which is well documented, and provide opportunities for release.

- Identify and address mental and physical disabilities and consequently find the proper and effective treatments and resources, then pursue implementation.

The criminal justice system in the state of Maryland houses the highest number of blacks incarcerated in the United States at 71 % which doubles the national average. Additionally, Maryland heads the country with distributing the longest sentences to young black men, with a 25% higher than MISSISSIPPI... I PONDER and ask WHY WHEN I READ AND HEAR ABOUT THE OTHER STATES MAKING MODIFICATIONS, CONSIDERATIONS AND PASSING SECOND LOOK LEGISLATION.... My belief is that IT IS NOW,,,,,,NOT TO WAIT CONTINUE TO RESEARCH, TAKE OVER STUDIES, continue to attend hearings, meetings that generally conclude using proven data that stated Second Look sentencing can be highly effective! We know that one of the major issues in THE STATE OF MARYLAND criminal justice system is MASS INCARCERATION. I believe that review of a sentence at 20 years can bring a meaningful resolve to support this issue. WE MUST PRIORITIZE FAIR AND JUST SENTENCES FOR ALL AND PASS THE BILL NOW.

My hope is that mercy, grace and a strong hard look are considered by you in the passage of the Second Look Act whereby, clearly seeing and understanding that the evidenced based studies of other states, countries who have modified and reduced sentences in alignment with the 20 year sentence have demonstrated positive outcomes. Please, please look at the strict criteria to be followed for the acceptance of being granted release and pass this bill. I believe that individuals deserving OF A SECOND CHANCE AND fully have met the criteria for the 20 year sentence review should be considered for release. As a result, their character will demonstrate positive attributes of a productive citizen eagerly, actively, seriously committed to serving the community and this world.

JAS TESTIMONY FAVOR HB0853.pdf

Uploaded by: John Spillane

Position: FAV

TESTIMONY ON HB0853
MARYLAND SECOND LOOK ACT

House Judiciary Committee
February 18, 2025

FAVORABLE

Submitted by: John Spillane

Chair Clippinger, Vice Chair Barlett and members of the
Judiciary Committee:

My name is John Spillane and I am testifying in support of
HB0853, the Maryland Second Look Act. I'm submitting
this testimony as a community member in District 22, in
Prince George's County.

Passage of the Maryland Second Look Act will create
meaningful opportunities for sentence modification for
those incarcerated people who, after having served 20
years of their sentence, are able to demonstrate their
growth and rehabilitation. If they show that they are no
longer a threat to public safety, I believe they should have
the opportunity for release.

Given the tendency for people to age out of crime and the
very low recidivism rate for other individuals released from
decades-long sentences, this decision is unlikely to

negatively impact public safety. We know many men and women serving decades-long sentences who have worked hard, hoping for their chance to reenter and succeed in their communities.

Currently, incarcerated people in Maryland can only petition the Court for modification within 90 days of sentencing; that severely limits any potential sentence modifications. Maryland judges used to have the ability to review sentences, an important safety valve for extreme sentences, but this opportunity was eliminated with a rule change in 2004. Furthermore for more than 25 years, Maryland's parole system was not available to people serving life with parole sentences.

We need to remedy decades of wrongful denials which contributed to the bloated prison system and its extreme racial disparities: 2,212 people serving life sentences in this state, 80% are Black, compared to only 31% of Black Marylanders in the general population. Shamefully, Maryland also leads the nation in sentencing young Black men to the longest prison terms, at a rate 25% higher than the next nearest state, Mississippi.

For these reasons, I encourage you to vote favorably on the Maryland Second Look Act HB0853.

Thank you for your consideration.

John Spillane
Hyattsville, MD 20781

second look testimony HB853.house judiciary 2025.p

Uploaded by: Judith Lichtenberg

Position: FAV



MARYLAND ALLIANCE FOR JUSTICE REFORM
Citizens working to reform criminal justice in Maryland



www.MA4JR.org

February 14, 2025

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

We are testifying on behalf of the Maryland Alliance for Justice Reform (MAJR), where we serve on its executive committee and co-chair its Behind the Walls Workgroup.

The Second Look Act would create an opportunity for incarcerated people to have their sentence reduced after decades of imprisonment. HB 853 reflects an emerging consensus among contemporary experts on criminal justice about the low recidivism rates of those who have served long sentences, the likelihood that they have transformed themselves, and the high cost of incarcerating aging prisoners. The bill would allow an individual who has served at least 20 years to apply to a judge for a reduction of sentence.

Those who can demonstrate their growth and rehabilitation and show that they are no longer a threat to public safety should have the opportunity for release. Currently, incarcerated people can only petition the court for modification within 5 years. Maryland judges used to have the ability to review sentences without this time limit, but this opportunity was eliminated in 2004.

This bill has serious racial justice implications. Of the more than 2,000 people serving life sentences in Maryland, 80 percent are Black—a huge disparity when compared to the 31 percent of Black Marylanders in the general population. Maryland also leads the nation in sentencing young Black men to the longest prison terms, at a rate 25 percent higher than the next most racially disparate state, Mississippi.

We know that people age out of crime and that those released from decades-long sentences have very low recidivism rates. Since the Maryland Supreme Court held 13 years ago that improper jury instructions invalidated the life with parole sentences of 235 people (in what is known as the [Unger cases](#)), 96 percent returned to the community without incident. These individuals, 90 percent of whom are Black, spent an average of 40 years behind bars; none had been paroled; their average age was 64.

We know many more men and women serving decades-long sentences who have worked hard, transformed their lives, and deserve the chance to reenter and succeed in their communities. It is unconscionable that they will live out their days in prison no matter

who they are today or how they have changed. These people do not present a threat to society; they are remorseful for their crimes; and they can and want to make valuable contributions to their communities.

A right to petition for sentence reduction does not, of course, guarantee that a reduction will be granted. But for many reasons—justice, mercy, racial inequities, wastefulness, and cost—sentence modification should be at least a possible outcome for prisoners who have served 20 years in prison.

On behalf of MAJR, we urge you to give a favorable report to HB 853.

Respectfully,

Judith Lichtenberg
Hyattsville, MD 20782
District 22
301.814.7120
jalichtenberg@gmail.com

Donna Rojas Thompson
Germantown, MD 20874
District 6
202.251.9202
dmrojas129@gmail.com

The Maryland Alliance for Justice Reform (MAJR) is a nonpartisan, all-volunteer organization of nearly 2,000 Marylanders who advocate for evidence-based legislative and policy changes to Maryland's correctional practices. MAJR thanks you for the opportunity to provide input on this legislation and urges the committee to give SB 181 a favorable report.

HB 853- Second Chance Act- UULM-MD-Support-CandyCI

Uploaded by: Karen Clark

Position: FAV



Unitarian Universalist Legislative Ministry of Maryland

Testimony in Support of HB 853- Second Chance Act

TO: Delegate Luke Clippinger, Chair and Members of the Judiciary Committee
FROM: Karen “Candy” Clark,
Unitarian Universalist Legislative Ministry of Maryland Criminal Justice Lead
DATE: February 18, 2025

I am Candy Clark, the lead advocate with the Unitarian Universalist Legislative Ministry of Maryland, requesting your support for **HB 853- Second Chance Act**. We believe in everyone’s inherent worth and dignity and that “One size doesn’t fit all.”

Bill **HB 853** aligns with this slogan and our beliefs.

This bill offers an opportunity for a reduced sentence to those behind the prison walls who have demonstrated that they have diligently worked hard to transform their previous lifestyle. They must prove that they have developed respect for themselves, others, and the value of community. Some of these requirements include that the individual has substantially complied with the rules of the correctional institution and participated in educational, vocational or other self expansive learnings

If they have served at least 20 years of confinement, they may apply to the court for a shorter sentence. However—if rejected—they must wait three years before they will get a second chance, and they only get three chances in total.

They will meet stiff requirements and not everyone is able to meet this challenge.

However, when the requirements of the application have been accepted. the court may proceed.

A reevaluation of the age of the offender and nature of the offence along with study of the person’s characteristics in terms of maturity, rehabilitation, fitness to reenter society are reviewed

Consideration to the victim’s comments, results of a physical, behavioral and mental check ups are included The individual and the victim both receive notice of the coming hearing date; with the state able to support or oppose its decision.

UULM-MD c/o UU Church of Annapolis 333 Dubois Road Annapolis, MD 21401 410-266-8044,

www.uulmmd.org info@uulmmd.org www.facebook.com/uulmmd www.Twitter.com/uulmmd

This program was first used at the Federal level in 2009 to organizations in 49 states. It is estimated that 164,000 people were served. 95% of state prisoners will eventually be returned to their communities but with this **HB 853** people will have a path to shorten their time, which gives them incentive and HOPE.

Please support **HB 853**.

Respectfully submitted,

Karen Clark

UULM-MD Criminal Justice Lead Advocate

UULM-MD c/o UU Church of Annapolis 333 Dubois Road Annapolis, MD 21401 410-266-8044,

www.uulmmd.org info@uulmmd.org www.facebook.com/uulmmd www.Twitter.com/uulmmd

HB853SecondLookSampleTestimony-KT.pdf

Uploaded by: Katherine Thomas

Position: FAV

**TESTIMONY ON HB853
MARYLAND SECOND LOOK ACT**

**House Judiciary Committee
February 18, 2025**

SUPPORT

Submitted by: Katherine Thomas

Chair Clippinger, Vice Chair Bartlett and members of the Judiciary Committee:

I, Katherine Thomas am testifying in support of HB853, the Maryland Second Look Act. I am submitting this testimony as a concerned community member in District 5 of the Second Look Coalition.

Passage of the Maryland Second Look Act would create a meaningful opportunity for sentence modification for incarcerated people after having served 20 years of their sentence. I firmly believe that those individuals who are able to demonstrate their growth and rehabilitation, such that they are no longer a threat to public safety, should have the opportunity for release.

I spend hours volunteering every week working to build the humanity back into our community. Especially, as white people, we have the responsibility to fight systemic racism. Our prisons rob communities of color and low-income communities of their fathers, husbands, and neighbors. Enough is enough. Will you work with me to reclaim our collective humanity?

This bill also has serious racial justice implications, given that of the 2,212 people serving life sentences in MD, 80% are Black¹, a huge disparity when compared to the only 31% of Black Marylanders in the general population². Shamefully, Maryland also leads the nation in sentencing young Black men to the longest prison terms.

Incarceration is expensive. Let's save costs and allow men and women serving decades-long sentences who have worked hard, reenter society and succeed in their communities.

For these reasons, I encourage you to vote **favorably** on the **Maryland Second Look Act HB853.**

Thank you.

Katherine May Thomas
Laurel, MD

¹ [MD DPSCS FY 2022 Q4 Inmate Characteristics Statistics](#) (2022)

² [United States Census Data](#) (2021).

2025 - HB 0853 - Second Look Act.pdf

Uploaded by: Ken Phelps Jr

Position: FAV



TESTIMONY IN SUPPORT OF HB 0853

**Criminal Procedure – Petition to Reduce Sentence
(Maryland Second Look Act)**

FAVORABLE

TO: Del. Luke Clippinger, Chair; Del. J. Sandy Bartlett, Vice-Chair; and the Members of the House Judiciary Committee

FROM: Rev. Kenneth Phelps, Jr., The Episcopal Diocese of Maryland

DATE: February 18, 2025

In 2015 (2015-A011) and again in 2018 (2018-D004), the Episcopal Church adopted resolutions calling for comprehensive reforms on both the state and federal level aimed at reducing mass incarceration practices, disparities in sentencing and the humane treatment of prisoners.

Incarceration rates in the United States have quintupled in the last 40 years, and our jails and prisons now house 2.2 million people. State expenditures on corrections have increased approximately ninefold since 1985. These facts reflect changes in laws and sentences, not increases in crime rates. Moreover, racial and ethnic disparities rise as the severity of punishment increases. The Black imprisonment rate was more than five times that of whites in 2016; the Latino rate was two and a half times that of whites.

The proportion of the Maryland prison population that's Black is more than double the national average, making the racial disparity the highest of any state in the union. Disparities are most pronounced among those incarcerated as “emerging adults” (18-24) who are serving long sentences. “Nearly eight in 10 people who were sentenced as emerging adults and have served 10 or more years in a Maryland prison are Black. That is the highest rate of any state in the country.” Keeping people incarcerated for crimes they committed when young is particularly problematic. We know that the brain does not reach maturity until a person is in their mid-twenties. And over the course of decades people can change radically.

Moreover, “people in prison are physiologically 7 to 10 years older than their chronological age,” making their care much more expensive. Some states estimate that it costs four times as much to care for older prisoners than younger ones. Because people age out of crime by middle age, incarcerating them does not serve any counterbalancing public safety benefit.

So there are a variety of reasons—rooted in justice, mercy, racial inequities, inefficiency, and cost—to enact a Second Look Act.

The Diocese of Maryland requests a Favorable report

Late testimony

Uploaded by: Kirsten Downs

Position: FAV



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**

**Natasha Dartigue, Co-Chair
Maryland Public Defender**

HB853. FAV. Second Look Act. Kurt Stand.pdf

Uploaded by: Kurt Stand

Position: FAV



Bill Title: HB 853 Criminal Procedure - Petition to Reduce Sentence (Maryland Second Look Act)

Position: SUPPORT (FAV)

To: House Judiciary Committee

From: Kurt Stand, Progressive Maryland Member

Date: February 18, 2025

Chair Clippinger, Vice Chair Bartlett and members of the Judiciary Committee:

I, Kurt Stand, am testifying in support of HB853, the Maryland Second Look Act. I am submitting this testimony as a returning citizen who spent 15 years in federal prison. Since coming home in 2012 I have lived in Prince George's currently in Greenbelt. I am a member of Progressive Maryland.

While in prison, I lived with and interacted daily with many people who had already served 20 or more years, often with a decade or two yet to go before release. Many looked back upon their past with regret, many simply had thoughts and hopes of getting a new chance – a second chance – at life. Others, with the passage of time, were ill or disabled. Very few could remotely have been considered a danger to society.

Beyond that, many have much to offer. In my activities in the community since my release, I have met and interacted with others who were previously incarcerated who are now giving back to the community. Sometimes that takes the form of community activism, speaking to young people, helping other folks get back on their feet. Sometimes it takes the form of healing within their families or neighborhood. Sometimes it simply means finding a job, doing it well, paying taxes, being part of the community. In all these cases, continued incarceration serves no useful purpose from the standpoint of public safety, public resources. Or, to me, most important, it serves no useful purpose from the standpoint of morality.

Passage of the Maryland Second Look Act would create a meaningful opportunity for sentence modification for so many locked up who deserve a second chance after 20 plus years of incarceration. That does not mean an automatic release, but rather the possibility of one. That means more than words can say – not only to the individuals who might apply for a reduction, but to their loved ones as well.



PROGRESSIVE MARYLAND

P.O. Box 6988, Largo MD 20774

ProgressiveMaryland.org

Info@progressivemaryland.org

For these reasons, I encourage you to vote **favorably** on the **Maryland Second Look Act HB853**.

Thank you.

Kurt Stand

Greenbelt, MD

HB0853 FAVORABLE.pdf

Uploaded by: Kyra Woodland

Position: FAV

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 18th, 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)¹ 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.² 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.³

¹ Md. Code, Crim. Proc. § 8-110.

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

³ 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.

hb853 sedond chance petition JUD 2-18-2025.pdf

Uploaded by: Lee Hudson

Position: FAV



Delaware-Maryland Synod
Evangelical Lutheran Church in America
God's work. Our hands.

Testimony Prepared for the
Judiciary Committee
on
House Bill 853
February 18, 2025
Position: **Favorable**

Mr. Chairman and members of the Committee, thank you for the opportunity to support restorative justice for adjudicated individuals in Maryland. I am Lee Hudson, assistant to the bishop for public policy in the Delaware-Maryland Synod, Evangelical Lutheran Church in America. We are a faith community with congregations in every jurisdiction of our State.

Our community observed the complex of criminal justice in 2013, and in Maryland we have had an authorized congregation of incarcerated people, women and men, at Jessup since 1985, the Community of St. Dysmas.

We note in *Hearing the Cries* (ELCA, 2013) that...*the vast majority of individuals who have committed crimes do not require or deserve institutional confinement*. One way to reduce the population of the incarcerated and inject a moment of reason into discourse about carceral policy and practice is to reduce sentences. Recently we supported another obvious reform opportunity, consideration of release of the aged and very ill.

House Bill 853 provides an additional option for reforming public carceral policy. Under a standard of having served at least twenty years of a sentence incarcerated individuals might be granted a right to a hearing to reduce their sentences.

At least two examples suggest themselves for such reconsiderations: 1} mandatory sentencing requirements that eliminated court discretion to consider a particular case's universe of circumstances; and 2} sentences levied according to now thoroughly discredited national and state criminal and penal projects. Either could be a swift remedy for chronic American ignominies of high incarceration rates (with accompanying egregious social disparities) and incessant prison overcrowding. There may be others...

The experience of our prison ministries is that there are prisoners who can be safely released into the community, and whose continued confinement would no longer serve any real purpose of justice. **House Bill 853** would facilitate reform by providing a standard for egregious sentencing mistakes and miscalculations.

We ask a favorable report.

Lee Hudson

HB 853.pdf

Uploaded by: Leigh Goodmark

Position: FAV

IN SUPPORT OF HB 853

To: House Judiciary Committee
From: Gender, Prison, and Trauma Clinic, University of Maryland Carey School of Law
Date: February 14, 2025
Re: Written Testimony in support of House Bill 853

The University of Maryland Carey School of Law Gender, Prison, and Trauma Clinic unequivocally supports House Bill 853.*

The Gender, Prison, and Trauma Clinic represents incarcerated clients convicted of crimes related to their own gender-based victimization. Our representation of incarcerated women has taught us to reject the idea that women should fall under one (and only one) of two categories in the eyes of the law: victim or offender. This false dichotomy has contributed to Maryland sentencing women who are in fact criminalized survivors of gender-based violence to excessively long sentences. The Second Look Act would allow courts to revisit this narrative and provide relief to those who deserve to rejoin their communities. Opponents of this legislation may insist that individuals who are convicted of crimes of violence and sentenced to long sentences are too dangerous to be released--“the worst of the worst” offenders. We have found that this is simply not true. In fact, we represent many women whose only criminal action is defending themselves against an abusive partner or being held responsible for the actions of an abusive partner (in cases involving failure to protect their children from their abusive partners, felony murder, and imputed liability).

Our clients use their time in prison productively to seek education, engage in programming, learn skills that make them employment ready, and address other issues that led to their incarceration. Although they have been convicted of crimes of violence, they are not violent people, and they could be productive members of society if given the opportunity. We urge you to give them this opportunity by creating a pathway for them to seek judicial review of their sentences. We urge a favorable report on House Bill 853.

*This written testimony is submitted on behalf of the Gender, Prison, and Trauma Clinic at the University of Maryland Carey School of Law and not on behalf of the School of Law or University of Maryland, Baltimore.

Maryland HB853 Second Look FJP Testimony with atta

Uploaded by: Lisa Hamer

Position: FAV

**TESTIMONY ON HB 853
MARYLAND SECOND LOOK ACT**

**House Judiciary Committee
February 18, 2025**

SUPPORT

Submitted by: **Amy Fettig, Co-Executive Director, Fair and Just Prosecution**

Chair Clippinger, Vice Chair Bartlett and members of the Judiciary Committee:

I write on behalf of Fair and Just Prosecution (FJP) to express our support for HB 853, the “Maryland Second Look Act”, a crucial act that would allow people who have served at least twenty (20) years the opportunity to petition the court for a reduction in sentence, and would create a presumption that those petitioners over the age of sixty or who have served at least thirty (30) years are not a danger to the public. FJP, a project of the Tides Center, is a national organization that brings together elected prosecutors as part of a nonpartisan network of leaders committed to improving public safety and promoting justice.

FJP works with a new generation of prosecutors from all across the country who are committed to a justice system grounded in fairness, compassion, and fiscal responsibility. The leaders we work with hail from over 60 jurisdictions — urban, suburban, and rural alike — and they collectively represent nearly 20% of our nation’s population. FJP encourages state and local leaders to examine their criminal legal system’s practices and consider policies that create a fairer approach to criminal justice. We support measures that provide opportunities for sentencing review and other second-look mechanisms for revisiting and mitigating lengthy sentences in cases where returning an individual to their community is consistent with public safety and the interests of justice.

FJP strongly supports HB 853, which provides a meaningful resentencing opportunity for those who have served at least 20 years in prison, empowers State’s Attorneys to request sentence reductions, requires judges to consider the victims perspectives if they choose to appear or otherwise offer a statement, and also creates a rebuttable presumption for those aged 60 and older or those who have served at least 30 years that they no longer pose any danger to the public. People in prison who have served long sentences, can demonstrate growth and rehabilitation, and who pose no threat to public safety, deserve a chance at release. Resentencing opportunities do not guarantee release, but instead provide an opportunity for the court to hear mitigating factors that may not have been presented at the original sentencing, in addition to evidence about who the person has become while incarcerated, so that the court can consider the individual for reintegration into the community after a long period of incarceration.

As laid out in our [issue brief](#) discussing sentencing review and second chances, such mechanisms advance fairness and public safety.¹ Resentencing tools address sentences imposed on people during an era where the roots of crime and the consequences of lengthy sentences were not as well understood. As described in our issue brief, ample research and experience over the past few decades demonstrates the following:

- Many people serving lengthy sentences have “aged out” of criminal behavior and are at very low risk of committing future crime, and thus could be released without negatively affecting public safety. Research also demonstrates that older people who are released from prison have significantly lower recidivism rates than any other age group.²
- Providing opportunities for release or sentence reduction incentivizes transformation and rehabilitation inside prison, which also advances public safety and improves people’s lives.
- Continuing to incarcerate older people who no longer pose a public safety risk is extremely expensive. Research suggests that incarceration accelerates aging and that each year in prison shortens a person’s life expectancy by two years.³ Due to the rapid aging process within prisons as well as years of limited resources, inaccessibility, and understaffing in healthcare within prisons, elderly incarcerated individuals cost far more to incarcerate due to declining health and exposure to more chronic and life-threatening illnesses.⁴
- Expanding second look mechanisms further enables communities to divert the immense resources needed to keep elderly, low-risk people in prison and invest them in effective crime-prevention and rehabilitation programs. Prosecutors need these resources to better do their jobs and keep their communities safe.

The expansion of second look mechanisms to reassess and reduce lengthy sentences are growing in popularity across the country and have demonstrated success. FJP works with many prosecutors across the country who encourage and support legislative second look mechanisms⁵ and have implemented changes within their offices.⁶ Research we co-led found remarkable

¹ *Revisiting Past Extreme Sentences: Sentencing Review and Second Chances*, Fair and Just Prosecution, (Feb. 2020) https://www.fairandjustprosecution.org/staging/wp-content/uploads/2020/02/FJP_Issue-Brief_SentencingReview.pdf

² Emily Widra, *The Aging Prison Population: Causes, Costs, and Consequences*, Prison Policy Initiative, (Aug. 2023) <https://www.prisonpolicy.org/blog/2023/08/02/aging/>

³ Emily Widra, *Incarceration Shortens Life Expectancy*, Prison Policy Initiative, (Jun. 2017) https://www.prisonpolicy.org/blog/2017/06/26/life_expectancy/; Farah Acher Kaiksow, Lars Brown, Kristin Brunzell Merse, *Caring for the Rapidly Aging Incarcerated Population: The Role of Policy*, Journal of Gerontological Nursing, (Mar. 2023) <https://pmc.ncbi.nlm.nih.gov/articles/PMC10129364/>

⁴ Widra, n. 2

⁵ See Becky Feldman, *The Second Look Movement: A Review of the Nation’s Sentence Review Laws*, The Sentencing Project, (May 2024) <https://www.sentencingproject.org/reports/the-second-look-movement-a-review-of-the-nations-sentence-review-law/>; *Joint Statement on Sentencing Second Chances and Addressing Past Extreme Sentences*, Fair and Just Prosecution, (Apr. 2021) <https://fairandjustprosecution.org/wp-content/uploads/2021/04/FJP-Extreme-Sentences-and-Second-Chances-Joint-Statement.pdf>

⁶ See, e.g., Marco Poggio, *Minnesota Joins Prosecutor-Led Resentencing Law Movement*, Law 360, (Jun. 2023) <https://www.law360.com/articles/1680599/minnesota-joins-prosecutor-led-resentencing-law-movement>; Brooklyn District Attorney Eric Gonzalez Announces Dedicated Post-Conviction Justice Bureau that Will Include Parole and

public support for resentencing opportunities.⁷ In states and jurisdictions where changes in the law allow for the release of people previously sentenced to extreme prison terms, including life without the possibility of parole, research establishes low recidivism rates and positive outcomes for communities.⁸ Maryland has its own example: the approximately 200 people released from prison following the Maryland Court of Appeals' decision in *Unger v. State*⁹ had served an average of 40 years for violent offenses before their release, and their recidivism rate is less than 4% – an astonishing low number considering that Maryland's overall recidivism rate is around 40%.¹⁰

FJP strongly supports HB 853. The proposed legislation will provide an avenue to release for people who should be returned to the community in accordance with principles of justice, fairness, and promoting public safety. For these reasons, I urge the Committee to vote favorably on HB 853. I appreciate your time and consideration of this vital legislation. Thank you.

Sincerely,

Amy Fettig
Co-Executive Director
Fair and Just Prosecution

Clemency Unit, Sealing Unit and Nationally Recognized Conviction Review Unit, The Brooklyn District Attorney's Office, (Apr. 2019)

<http://www.brooklynnda.org/2019/04/17/brooklyn-district-attorney-eric-gonzalez-announces-dedicated-post-conviction-justice-bureau-that-will-include-parole-and-clemency-unit-sealing-unit-and-nationally-recognized-conviction-review-unit/>

⁷ Kyle Barry, Ben Miller, Miriam Krinsky, Sean McElwee, *Policies & Polling on Reducing Excessive Prison Terms*, Data for Progress et al., (Feb. 2020)

<https://www.filesforprogress.org/memos/reducing-excessive-prison-sentences.pdf>

⁸ *I Just Want to Give Back; The Reintegration of People Sentenced to Life Without Parole*, Human Rights Watch, (Jun. 2024) https://www.hrw.org/sites/default/files/media_2023/06/usa_lwop0623.pdf

⁹ *Unger v. State*, 48 A.3d 242 (Md. App. Ct. 2012)

¹⁰ *Rethinking Approaches to Over Incarceration of Black Young Adults in Maryland*, Justice Policy Institute, (Nov. 2019)

https://justicepolicy.org/wp-content/uploads/justicepolicy/documents/Rethinking_Approaches_to_Over_Incarceration_MD.pdf



FAIR AND JUST PROSECUTION

Promoting justice through leadership and innovation

ISSUES AT A GLANCE

Revisiting Past Extreme Sentences: Sentencing Review and Second Chances

Fair and Just Prosecution (FJP) brings together recently elected district attorneys¹ as part of a network of like-minded leaders committed to change and innovation. FJP hopes to enable a new generation of prosecutive leaders to learn from best practices, respected experts, and innovative approaches aimed at promoting a justice system grounded in fairness, equity, compassion, and fiscal responsibility. In furtherance of those efforts, FJP's "Issues at a Glance" briefs provide district attorneys with information and insights about a variety of critical and timely topics. These papers give an overview of the issue, key background information, ideas on where and how this issue arises, and specific recommendations to consider. They are intended to be succinct and to provide district attorneys with enough information to evaluate whether they want to pursue further action within their office. For each topic, Fair and Just Prosecution has additional supporting materials, including model policies and guidelines, key academic papers, and other research. If your office wants to learn more about this topic, we encourage you to contact us.

SUMMARY

This FJP "Issues at a Glance" brief discusses why, consistent with their mission to promote public safety, fiscal responsibility, and justice, prosecutors should seek to review and address excessive sentences that are currently being served. It then looks at the types of mechanisms that may be available for this purpose, depending on the jurisdiction. Finally, it provides specific recommendations of steps that elected prosecutors can take to advance sentencing review and promote second chances as a mechanism to remedy past extreme sentences.

The United States has the highest incarceration rate in the world, imprisoning people at a rate that is more than five times higher than in other industrialized countries.² Moreover, the U.S. jail and prison population has increased by about 500 percent over the last forty years.³ The growth is fueled, in part, by the increasing length of sentences in recent decades – sentences for violent

¹ The term "district attorney" or "DA" is used generally to refer to any chief local prosecutor, including State's Attorneys, Prosecuting Attorneys, etc.

² The Sentencing Project (2019), *New Prison and Jail Population Figures Released by U.S. Department of Justice*, <https://www.sentencingproject.org/news/new-prison-jail-population-figures-released-u-s-department-justice>.

³ The Sentencing Project, *Criminal Justice Facts*, <https://www.sentencingproject.org/criminal-justice-facts>.

"I think a prosecutor has a continuing obligation to justice, past the sentencing date.... We have to be willing to roll up our sleeves, look through the files of old cases, and really... compare them to our contemporary law and practice."

— KING COUNTY (SEATTLE, WA) PROSECUTING ATTORNEY DAN SATTERBERG

crimes and drug crimes increased by more than 35% between 1990 and 2009.⁴

Over the past decade, however, there has been increasing recognition that mass incarceration is both unjust and harmful to communities. This, in turn, has led to bipartisan efforts to roll back the excesses of mass imprisonment. Though encouraging, the recent small drop in the national incarceration rate is insufficient to address the magnitude of our nation's history of mass incarceration.⁵ At the current rate of decline, it would take 75 years just to cut the U.S. prison population in half,⁶ which would still leave us with an incarceration rate that is more than double the current world prison population rate.⁷

Because we have such a large number of people in prison, and because so many of them are serving decades-long sentences, truly addressing mass incarceration requires much bolder action than we have seen to date. Specifically, in order to ensure that our incarceration policies are in fact promoting public safety, fiscal responsibility, and justice, we must actively engage in a wholesale effort to reconsider the sentences of those who are already incarcerated.

Though prosecutors have historically viewed their role in a case as ending once a conviction is secured and appeals have been finalized, a growing number of district attorneys now recognize that their offices have both the power and the responsibility to correct past injustices. A sizeable number of DAs have established conviction integrity units or processes to revisit wrongful convictions. Even among individuals who have been validly convicted, however, far too many are serving sentences that are disproportionate to their crime, out-of-line with contemporary criminal justice and sentencing practices, or otherwise unjust.

The efforts to revisit these sentences must come from all of the relevant voices in the criminal justice system – not just from advocates and individuals who are serving sentences. In particular, prosecutors – among the most powerful players in the system – need to be more proactive in revisiting past decisions that have led to our current incarceration crisis.

As part of their mandate to promote both public safety and justice, elected prosecutors should actively support and engage in efforts to revisit past extreme sentences for those who are currently incarcerated. While the mechanisms for doing so will vary based on the local legal landscape, establishing some starting point for review of decades-long sentences is critical.

This issue brief outlines key background information on (a) why it makes sense to give people who are currently incarcerated opportunities for early release, (b) what mechanisms are available to achieve this, and (c) how prosecutors can be involved in advancing this work.

⁴ The Pew Center on the States (2012), *Time Served: The High Cost, Low Return of Longer Prison Terms*, 3, http://www.pewtrusts.org/~media/assets/2012/06/06/time_served_report.pdf.

⁵ Kang-Brown, J., Schattner-Elmaleh, E., and Hinds, O. (2019), *People in Prison in 2018*, Vera Institute of Justice, 1, https://storage.googleapis.com/vera-web-assets/downloads/Publications/people-in-prison-in-2018/legacy_downloads/people-in-prison-in-2018-updated.pdf.

⁶ The Sentencing Project, *New Prison and Jail Population Figures*, *supra* note 2.

⁷ Walmsley, R. (2018), *World Prison Population List, twelfth edition*, World Prison Brief and Institute for Criminal Policy Research, 2, https://www.prisonstudies.org/sites/default/files/resources/downloads/wpp1_12.pdf. The U.S. prison population rate is 655 per 100,000 people, whereas the world prison population rate is estimated to be 145 per 100,000 (and of course the latter rate would be even lower if the U.S. was excluded from the calculation).

BACKGROUND

A. Why Revisit Past Sentences?

There are a multitude of reasons, grounded in both data and sound policy, that suggest a need to revisit past sentences, as noted below.

Evidence at both the state and federal level demonstrates that it is possible to release a substantial number of people from prison without negatively affecting public safety.⁸ A 2016 study by the Brennan Center for Justice concluded that approximately 39 percent of the people incarcerated in state and federal prisons could be released or have their sentences reduced with limited impact on public safety, either because they never posed a public safety threat or because they have already served sufficiently long sentences and are not a current danger to the community.⁹ This is borne out in practice. For example, in 2014, Proposition 47 was enacted in California, retroactively classifying certain felony crimes as misdemeanors. Despite reducing California's prison population by about 13,000 people, the implementation of Prop. 47 had no effect on violent crime.¹⁰ Similarly, recidivism rates are nearly identical between individuals who received sentence reductions as a result of retroactive federal sentencing changes and a comparison group who served their full sentences prior to the sentencing changes.¹¹

Many individuals in prison have "aged out" of criminal behavior¹² and are at very low risk of committing future crimes. For most crimes, including murder, rape, robbery, assault, burglary, motor vehicle theft, weapons law violations, and drug crimes, the peak age of arrest is in the late teens or early twenties, with steep drop-offs by the mid-to-late-twenties or thirties (depending on the type of crime).¹³ Less than 2% of all arrests are of individuals aged 60 or older.¹⁴

Keeping aging, low-risk individuals in prison is extremely expensive and harms public safety by diverting resources away from effective crime-prevention strategies. The average cost to

⁸ Mauer, M. (2018), *Long-Term Sentences: Time to Reconsider the Scale of Punishment*, UMKC Law Review, 87(1), 113-131, 125-127, <https://www.sentencingproject.org/publications/long-term-sentences-time-reconsider-scale-punishment>.

⁹ Austin, J., et al. (2016), *How Many Americans Are Unnecessarily Incarcerated?*, Brennan Center for Justice, 7-8, https://www.brennancenter.org/sites/default/files/publications/Unnecessarily_Incarcerated_0.pdf.

¹⁰ Bartos, B.J. and Kubrin, C.E. (2018), *Can We Downsize Our Prisons and Jails Without Compromising Public Safety?: Findings from California's Prop 47*, Criminology & Public Policy, 17(3), 693-715, https://www.researchgate.net/profile/Charis_Kubrin/publication/326917965_Can_We_Downsize_Our_Prisons_and_Jails_Without_Compromising_Public_Safety_Findings_from_California's_Prop_47/links/5b71f75f299bf14c6d9beb8a/Can-We-Downsize-Our-Prisons-and-Jails-Without-Compromising-Public-Safety-Findings-from-Californias-Prop-47.pdf.

¹¹ Mauer, *Long-Term Sentences*, *supra* note 8, at 126.

¹² Loeber, R. and Farrington, D.P. (2014), *Age-Crime Curve*, in *Encyclopedia of Criminology and Criminal Justice* (Bruinsma, G. and Weisburd, D., eds.), https://link.springer.com/referenceworkentry/10.1007%2F978-1-4614-5690-2_474.

¹³ Snyder, H.N. (2012), *Arrest in the United States, 1990-2010*, U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Statistics, <https://www.bjs.gov/content/pub/pdf/aus9010.pdf>. See Fair and Just Prosecution (2019), *Young Adults in the Justice System*, https://fairandjustprosecution.org/wp-content/uploads/2019/01/FJP_Brief_YoungAdults.pdf, for additional discussion of adolescent brain development and its impact on criminal behavior.

¹⁴ *Id.* at 17-18. Individuals aged 60 or over make up 22 percent of the U.S. population. U.S. Census Bureau (2018), *American Community Survey 1-year estimates*, <https://data.census.gov/cedsci/table?q=S0101&g=&table=S0101&tid=ACSST1Y2018.S0101>.

incarcerate someone for one year in the U.S. in 2015 was \$33,274.¹⁵ In some regions the cost is even higher; New York City spent a staggering \$167,731 per person in 2012.¹⁶

It costs substantially more to incarcerate older adults, who are more likely to have chronic health problems, dementia, mobility issues, and loss of hearing and vision than their younger counterparts.¹⁷ Those in prison also typically experience deteriorating health at a younger age than their peers who are not incarcerated.¹⁸ Due in part to the increase in multi-decade-long and life sentences, the number of people aged 55 or over in U.S. prisons increased by 280 percent between 1999 and 2016. Eleven percent of the U.S. prison population is now 55 or over.¹⁹ Absent efforts to revisit past sentences, these numbers are likely to continue to grow, particularly given the fact that *one out of 7 people in prison is serving either a life sentence or a "virtual life sentence" of 50 years or more.*²⁰ Spending these massive sums on imprisoning low-risk individuals likely has a negative effect on public safety as it means that there is substantially less money available for evidence-based crime-prevention strategies, ranging from targeted interventions for high-risk individuals to broader social programs that have been proven to reduce crime, such as high-quality preschools²¹ or urban improvement programs.²²

It is impossible to know at the time of sentencing how someone will change in the future.

Many people who commit crimes, including the most serious crimes, subsequently demonstrate substantial growth. Georgetown Law Professor Shon Hopwood explains that “[o]ur system asks too much of prosecutors, probation officers, and federal judges to determine at the front-end, during charging and sentencing decisions, which defendants will remain a danger and are unredeemable.”²³

The same maturation process that causes reductions in crime as people get older also leads to other growth. Disciplinary infraction rates are substantially higher among the youngest people in prison, particularly those aged 24 or under; as people mature, they become significantly less likely

¹⁵ Mai, C. and Subramanian, R. (2017), *The Price of Prisons: Examining State Spending Trends, 2010-2015*, Vera Institute of Justice, 7, https://storage.googleapis.com/vera-web-assets/downloads/Publications/price-of-prisons-2015-state-spending-trends/legacy_downloads/the-price-of-prisons-2015-state-spending-trends.pdf.

¹⁶ Santora, M. (2013), *City's Annual Cost Per Inmate Is \$168,000, Study Finds*, The New York Times, <https://www.nytimes.com/2013/08/24/nyregion/citys-annual-cost-per-inmate-is-nearly-168000-study-says.html>.

¹⁷ McKillop, M. and Boucher, A. (2018), *Aging Prison Populations Drive Up Costs*, The Pew Charitable Trusts, <https://www.pewtrusts.org/en/research-and-analysis/articles/2018/02/20/aging-prison-populations-drive-up-costs>.

¹⁸ *Id.*

¹⁹ *Id.*

²⁰ The Sentencing Project (2018), *The Facts of Life Sentences*, <https://www.sentencingproject.org/wp-content/uploads/2018/12/Facts-of-Life.pdf>.

²¹ Schindler, H.S. and Yoshikawa, H. (2012), *Preventing crime through intervention in the preschool years*, in The Oxford Handbook of Crime Prevention (Welsh, B.C. and Farrington, D.P., eds.), 70-88, <https://books.google.com/books?hl=en&lr=&id=ZRo1DQAAQBAJ&oi=fnd&pg=PA70>.

²² Spector, J. (2016), *Another Reason to Love Urban Green Space: It Fights Crime*, CityLab, <https://www.citylab.com/solutions/2016/04/vacant-lots-green-space-crime-research-statistics/476040>.

²³ Hopwood, S. (2019), *Second Looks & Second Chances*, Cardozo Law Review, 41, 83, https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3404899. Hopwood's own history illustrates this: when Hopwood was convicted of bank robbery and using a firearm during a crime of violence at age 23, his sentencing judge, Richard G. Kopf, "would have bet the farm and all the animals that Hopwood would fail miserably as a productive citizen when he finally got out of prison." Hopwood's subsequent transformation has led Judge Kopf to conclude: "Hopwood proves that my sentencing instincts suck." Liptak, A. (2013), *The Robber, the Judge, and the Case for Leniency*, The New York Times, <https://www.nytimes.com/2013/08/27/us/taking-a-second-chance-and-running-with-it.html>.

to engage in misconduct in prison.²⁴

In other words, many people who are deemed “incorrigible” at the time of sentencing can and will in fact be rehabilitated. Mechanisms to review past sentences or provide early release allow a sentence to be adjusted to reflect who someone has become since the time of sentencing, rather than continuing to incarcerate them because of an initial sentencing decision that was made without the benefit of this knowledge and that may have been based on an inaccurate prediction of how the person would behave going forward.

Providing opportunities for early release or sentence reductions for people who are currently in prison promotes rehabilitation and public safety by giving those who are incarcerated an incentive to change and grow. Opportunities for early release serve to motivate people to engage in rehabilitative activities in prison and to maintain positive connections outside of prison, ultimately reducing the odds that they will commit future criminal acts.²⁵ In contrast, the absence of any vehicle for sentence reduction often results in the loss of hope or any reason to focus on positive steps towards reentry into the community.²⁶

Reducing long sentences helps enable people to successfully adjust back to life outside of prison and may reduce the odds that they will commit another crime after they are released. The longer a prison sentence, the more likely it is to have a negative impact on factors that influence successful reentry – disrupting relationships with family and other potential social supports, inhibiting one’s ability to make important decisions independently (given that there are few opportunities to do so in prison), causing job skills to atrophy, and limiting knowledge of up-to-date technology.²⁷ Though there is mixed evidence on the impact of sentence length

²⁴ Valentine, C.L., Mears, D.P., and Bales, W.D. (2015), *Unpacking the Relationship between Age and Prison Misconduct*, *Journal of Criminal Justice* 43(5): 418-427, https://www.researchgate.net/publication/283194323_Unpacking_the_relationship_between_age_and_prison_misconduct; Mauer, M. and Nellis, A. (2018), *The Meaning of Life: The Case for Abolishing Life Sentences*, The New Press, 48.

²⁵ Hopwood, *Second Looks & Second Chances*, *supra* note 23, at 112-113.

²⁶ For example, after the adoption of a policy in Georgia that required people convicted of certain crimes to serve at least 90% of their sentence, these individuals no longer had a strong incentive to engage in rehabilitative programs and behaviors. As a result, those impacted by the reform had more disciplinary infractions, completed fewer prison rehabilitative programs, and most notably, had higher recidivism rates. Kuziemko, I. (2013), *How should inmates be released from prison? An assessment of parole versus fixed-sentence regimes*, *The Quarterly Journal of Economics*, 371–424, https://scholar.princeton.edu/sites/default/files/kuziemko/files/inmates_release.pdf.

²⁷ Hopwood, *Second Looks & Second Chances*, *supra* note 23, at 110; Barkow, R. (2019), *Prisoners of Politics: Breaking the Cycle of Mass Incarceration*, Harvard University Press, 44.

“It is vital to our health and public safety that we foster and reward those who rehabilitate from a serious offense. We should not be dissuaded by the same echoes of fear that gave us mass incarceration.”

— WASHINGTON, D.C. ATTORNEY GENERAL KARL RACINE

on recidivism,²⁸ researchers looking at the impact of sentence length in Texas²⁹ and Chicago³⁰ found not only that longer sentences increased recidivism post-release, but that this increase in recidivism exceeded any crime-prevention benefit during the time of incapacitation, such that longer sentences actually resulted in more crime overall. Reducing the time that people spend in prison can help mitigate these harms and avoid a potentially larger criminogenic impact of longer sentences.

Long sentences have no meaningful effect on crime deterrence. One of the most common claims made by those who favor longer sentences is that such sentences are necessary to deter crime on the front end – that people will decide against criminal activity due to fear of harsh punishment. Yet there is little evidence that longer sentences actually deter crime.³¹

As a result of sentencing changes made during the “tough on crime era,” hundreds of thousands of people are serving sentences that are substantially harsher than they would have received for the same crime historically.³² The advent of mandatory minimums, three-strikes laws, sentencing enhancements, and lengthened sentence ranges for specific crimes heralded an increase in the amount of time served in the U.S. by about a third for violent crimes and drug crimes and about a quarter for property crimes from 1990 to 2009.³³ In some states, the increase in time served was much more drastic: 166 percent in Florida, 91 percent in Virginia, and 86 percent in North Carolina.³⁴

²⁸ A Fact Sheet by the Pew Charitable Trusts explains: “The relationship between the length of prison terms and recidivism is one of the central points of debate in sentencing and corrections policy. Many people assert that longer prison terms are more effective at deterring future crimes because they set a higher price for criminal behavior and because they hold offenders until they are more likely to ‘age out’ of a criminal lifestyle. Others argue the opposite—that more time behind bars increases the chances that inmates will reoffend later because it breaks their supportive bonds in the community and hardens their associations with other criminals. The strongest research finds that these two theories may cancel each other out. Several studies, looking at different populations and using varied methodologies, have attempted to find a relationship between the length of prison terms and recidivism but have failed to find a consistent impact, either positive or negative.” The Pew Charitable Trusts (2013), *Prison Time Served and Recidivism*, <https://www.pewtrusts.org/en/research-and-analysis/fact-sheets/2013/10/08/prison-time-served-and-recidivism>.

²⁹ Executive Office of the President of the United States (2016), *Economic Perspectives on Incarceration and the Criminal Justice System*, 39, <https://obamawhitehouse.archives.gov/sites/whitehouse.gov/files/documents/CEA%2BCriminal%2BJustice%2BReport.pdf> (discussing Mueller-Smith, M. (2015), *The Criminal and Labor Market Impacts of Incarceration* (working paper), <https://sites.lsa.umich.edu/mgms/wp-content/uploads/sites/283/2015/09/incar.pdf>).

³⁰ Roodman, D. (2017), *Aftereffects: In the U.S., Evidence Says Doing More Time Typically Leads to More Crime After*, Open Philanthropy Project, <https://www.openphilanthropy.org/blog/aftereffects-us-evidence-says-doing-more-time-typically-leads-more-crime-after> (discussing Green, D.P. and Winik, D. (2010), *Using Random Judge Assignments to Estimate the Effects of Incarceration and Probation on Recidivism among Drug Offenders*, *Criminology*, 48(2), 357-387, <http://www.donaldgreen.com/wp-content/uploads/2015/09/Green-Winik-Criminology-2010.pdf>).

³¹ Roodman, D. (2017), *The Impacts of Incarceration on Crime*, The Open Philanthropy Project, 48, https://www.openphilanthropy.org/files/Focus_Areas/Criminal_Justice_Reform/The_impacts_of_incarceration_on_crime_10.pdf; Executive Office of the President, *Economic Perspectives*, *supra* note 29, at 37.

³² Mauer and Nellis, *The Meaning of Life*, *supra* note 24, at 27-30; Courtney, L., et al. (2017), *A Matter of Time: The Causes and Consequences of Rising Time Served in America’s Prisons*, The Urban Institute, 1, <https://apps.urban.org/features/long-prison-terms/intro.html>.

³³ The Pew Center on the States, *Time Served*, *supra* note 4.

³⁴ *Id.*

Sentences in the U.S. are also substantially longer than sentences in other countries.³⁵ While this is true for a broad range of crimes,³⁶ the differences can be seen most starkly with regard to the longest sentences. In most European countries, sentences are rarely longer than 20 years even for serious crimes.³⁷ In comparison, across the U.S., thousands of people have been given life without parole (LWOP) sentences for nonviolent crimes.³⁸ In South Carolina, for example, nine percent of people serving LWOP sentences have been convicted of only drug or property crimes.³⁹ Since sentencing structures tend to be proportional based on the perceived severity of the crime, the high prevalence of life sentences (along with the existence of the death penalty) in the U.S. creates upward pressure on other sentences, leading to longer average sentence lengths across many types of crimes.⁴⁰

Many people in prison are serving sentences far out of step with contemporary sentencing norms in the U.S. Despite increasing legislative efforts to roll back some of the most punitive sentencing laws, many of these changes have not been retroactive.⁴¹ For example, until recently, second degree robbery (which does not involve a weapon or significant injury) constituted a “strike” under Washington State’s “three-strikes” law. In 2019, Washington removed second-degree robbery from the list of crimes included in its three-strikes law. Though the original version of the bill would have made this change retroactive, it was amended to be prospective-only. As a result, while someone with two strikes who commits second degree robbery today would be sentenced to less than seven years, 62 individuals remain sentenced to life without parole because they received a strike for second degree robbery.⁴²

In addition, a growing number of DAs are exercising their discretion to seek sentences far shorter than typically sought by their predecessors and more squarely in line with contemporary notions of justice. However, many individuals in the same jurisdictions continue to serve longer sentences for those same crimes that were imposed prior to the current DA’s administration.

³⁵ Mauer and Nellis, *The Meaning of Life*, *supra* note 24, at 85-88; Justice Policy Institute (2011), *Finding Direction: Expanding Criminal Justice Options by Considering Policies of Other Nations*, <http://www.justicepolicy.org/uploads/justicepolicy/documents/sentencing.pdf>.

³⁶ Justice Policy Institute, *Finding Direction*, *supra* note 35.

³⁷ Mauer, *Long-Term Sentences*, *supra* note 8, at 127.

³⁸ Mauer and Nellis, *The Meaning of Life*, *supra* note 24, at 14.

³⁹ *Id.*

⁴⁰ Mauer and Nellis, *The Meaning of Life*, *supra* note 24, at 3-4.

⁴¹ Renaud, J. (2018), *Eight Keys to Mercy: How to shorten excessive prison sentences*, Prison Policy Initiative, 5, https://www.prisonpolicy.org/scans/long_sentences_printable.pdf.

⁴² Associated Press (2019), *Washington lifers stay jailed despite ‘3 strikes’ law change*, <https://q13fox.com/2019/05/21/3-strikes-sentencing-reform-leaves-out-washington-inmates>. As discussed below, King County (Seattle), WA Prosecuting Attorney Dan Satterberg is working to support clemency for individuals under his jurisdiction in this type of situation.

“Sometimes extreme sentences reflect unscientific beliefs; sometimes they reflect racism; and sometimes they reflect judges who punish you 10 times harder if you went to trial.... There are a lot of people in jail who very clearly don’t need to stay in jail.”

— PHILADELPHIA (PA) DISTRICT ATTORNEY LARRY KRASNER

Cases that have resulted in lengthy sentences have often involved mitigating factors that call into question the appropriateness of these harsh sentences. Though the U.S. Supreme Court has repeatedly recognized the diminished culpability of minors,⁴³ there are nearly 12,000 individuals across every state but Maine and West Virginia who are serving life or virtual life sentences for crimes that they committed while they were under age 18.⁴⁴ Similarly, though adolescent brain development research shows that 18- to 24-year-olds share many of the characteristics that led the Court to find diminished culpability among minors,⁴⁵ of the people serving the longest 10 percent of prison terms, nearly 40 percent were age 24 or younger when they entered prison.⁴⁶ In addition, studies have found that about two-thirds of women incarcerated for killing a partner or someone else who was close to them had been abused by the person that they killed.⁴⁷

Other systemic problems have resulted in individuals receiving sentences that are vastly disproportionate to their crime. For instance, due to felony murder laws (which make someone liable for murder if they participated in a felony that resulted in someone dying), a substantial number of people who never intended or anticipated that anyone would be killed, nor participated in the actual murder, are nevertheless serving murder sentences. In some cases, they actually received longer sentences than the person who was directly responsible for the killing.⁴⁸ These concerns led California to enact a new law in 2018 that limits felony murder to cases in which the individual either committed the killing, acted with an intent to kill, or was a major participant in the underlying felony and acted with reckless indifference to human life.⁴⁹

Incarceration deeply impacts not only the individuals who are in prison, but also their families, loved ones, and communities. Revisiting past sentences “gives a second opportunity to not only the incarcerated individual, but provides a second opportunity for their children and families to restore, repair, and renew those broken bonds that have been severely severed by such harsh, cruel, and unusual punishment, such as life without parole,” as explained by Ebony Underwood, Founder and CEO of We Got Us Now, a national movement built by, led by and about children and young adults impacted by parental incarceration.⁵⁰

⁴³ *Miller v. Alabama*, 132 S. Ct. 2455 (2012); *Graham v. Florida*, 560 U.S. 48 (2010); *Roper v. Simmons*, 543 U.S. 551, 569 (2005).

⁴⁴ Mauer and Nellis, *The Meaning of Life*, *supra* note 24, at 15.

⁴⁵ Arain, M., et al. (2013), *Maturation of the adolescent brain*, *Neuropsychiatric Disease and Treatment*, 9, 449–461, 453, https://www.researchgate.net/publication/236195824_Maturation_of_the_adolescent_brain. In particular, development of the prefrontal cortex, which is responsible for the ability “to exercise good judgment when presented with difficult life situations,” is not complete until around age 25.

⁴⁶ Courtney, *A Matter of Time*, *supra* note 32, at 2.

⁴⁷ Staley, M. (2007), *Female Homicide Commitments: 1986 vs. 2005*, State of New York Department of Correctional Services, 14, https://doocs.ny.gov/system/files/documents/2019/09/Female_Homicide_Commitments_1986_vs_2005.pdf; Mauer and Nellis, *The Meaning of Life*, *supra* note 24, at 17 (citing Haley, J. (1992), *A Study of Women Imprisoned for Homicide*, Georgia Department of Corrections).

⁴⁸ Thompson, C. (2015), *Charged With Murder Without Killing Anyone*, The Marshall Project, <https://www.themarshallproject.org/2015/09/24/a-person-can-be-charged-with-murder-even-if-they-haven-t-killed-anyone>.

⁴⁹ California Legislature (2018), SB-1437 *Accomplice liability for felony murder*, https://leginfo.ca.gov/faces/billTextClient.xhtml?bill_id=201720180SB1437; Ulloa, J. (2018), *California sets new limits on who can be charged with felony murder*, Los Angeles Times, <https://www.latimes.com/politics/la-pol-ca-felony-murder-signed-jerry-brown-20180930-story.html>.

⁵⁰ We Got Us Now, *Second Look Act*, <https://www.wegotusnow.org/secondlook>.

Historically, not only were sentences shorter, but most people were able to leave prison long before the completion of their sentence due to sentence reduction mechanisms that are no longer widely available. In the late 1970s, about 70 percent of people who left prison were released through discretionary parole. However, sixteen states subsequently abolished parole, and the rest dramatically reduced their use of it, such that in 2011, only 26 percent of prison releases were based on discretionary parole.⁵¹ States have also eliminated or reduced opportunities for individuals to reduce their sentences by earning “good time credits” for positive behavior or participation in programming.⁵² In addition, the use of clemency has declined steeply as well, to the point that it is almost non-existent in some states.⁵³ Furthermore, thousands of people who are currently incarcerated were sentenced at a time “when it was understood that parole was a built-in element of the sentencing decision.”⁵⁴ The subsequent declines in parole grant rates mean that these individuals are serving substantially more time than anyone at the time of sentencing expected or intended them to serve if they demonstrated rehabilitation.

Moreover, parole boards often focus almost exclusively on the severity of the underlying crime in making their determination, rather than looking at how the individual has changed since the time of the crime.⁵⁵ This of course defeats the purpose of parole; if the decision was meant to be based on the crime, then the release date could be determined at sentencing, and there would be no reason to have a parole system or for those crimes to be parole-eligible.

Communities of color are disproportionately affected by overly-harsh sentences.⁵⁶ Revisiting past sentences can potentially provide an opportunity for addressing racial disparities in sentence lengths. It is important to note, however, that sentencing review will not necessarily reduce racial disparities if it does not involve a conscious effort to focus on these disparities; in fact, race-neutral criminal justice reform sometimes ends up exacerbating racial disparities by providing the largest benefits to white people.⁵⁷

Crimes deemed as “serious” or “violent” often result in sentences that are misaligned to the underlying conduct. The majority of people in state prisons are incarcerated for crimes that bear the “violent” label, which typically results in substantially harsher treatment than crimes considered

⁵¹ Barkow, *Prisoners of Politics*, *supra* note 27, at 78.

⁵² *Id.* at 79-80.

⁵³ Drinan, C.H. (2012), *Clemency in a Time of Crisis*, Georgia State University Law Review 28(4), 1123-1160, <https://scholarship.law.edu/cgi/viewcontent.cgi?article=1119&context=scholar>. Also see, e.g., Notterman, B. (2019), *The Demise of Clemency for Lifers in Pennsylvania*, NYU Law Center on the Administration of Criminal Law, [https://www.law.nyu.edu/sites/default/files/CACL%20Clemency-PA_Final%20\(1\).pdf](https://www.law.nyu.edu/sites/default/files/CACL%20Clemency-PA_Final%20(1).pdf); Notterman, B. (2019), *Willie Horton’s Shadow: Clemency in Massachusetts*, NYU Law Center on the Administration of Criminal Law, https://www.law.nyu.edu/sites/default/files/CACL%20Clemency%20MA_Accessible.pdf.

⁵⁴ The Sentencing Project (2008), *State Advocacy News: Retroactivity and Criminal Justice Reform*, <https://www.sentencingproject.org/news/state-advocacy-news-retroactivity-criminal-justice-reform>. Though that website discusses this phenomenon specifically in Wisconsin, similar situations exist across the country.

⁵⁵ American Civil Liberties Union (2016), *False Hope: How Parole Systems Fail Youth Serving Extreme Sentences*, 4, https://www.aclu.org/sites/default/files/field_document/121416-aclu-parolereportonlineingle.pdf.

⁵⁶ Courtney, *A Matter of Time*, *supra* note 32, at 2.

⁵⁷ See, e.g., Citizens for Juvenile Justice (2014), *Unlocking potential: Addressing the overuse of juvenile detention in Massachusetts*, 12, <https://static1.squarespace.com/static/58ea378e414fb5fae5ba06c7/t/59020c2820099e50e40da9dc/1493306416763/Unlocking+Potential+-+March+2014-DIGITAL.pdf>.

to be “non-violent.”⁵⁸ However, there is increasing recognition that the distinction between “violent” and “non-violent” is imprecise and often arbitrary, and the aforementioned reasons for revisiting past sentences apply just as strongly, if not more so, to so-called “violent” crimes. Laws defining violent crimes are often broad, encompassing behaviors, such as breaking into a car, that may not commonly be considered violent in general parlance.⁵⁹ In addition, while certain crimes may involve violence, “‘violent’ rarely describes a type of person;”⁶⁰ whether or not someone will engage in violence is typically driven more by the situation a person is in than by the individual’s personality traits.⁶¹ As with other crimes, the vast majority of people convicted of “violent crimes” age out of criminal activity.⁶² In fact, people incarcerated for violent crimes actually have *lower* recidivism rates than those in prison for other offenses.⁶³ Cases involving violence are also particularly likely to have mitigating factors at play, as people who commit violence have generally experienced serious victimization themselves.⁶⁴ People of color are also disproportionately likely to be incarcerated for a crime labeled as violent.⁶⁵

B. Mechanisms for Sentencing Review and Second Chances

Opportunities for people to be released prior to the end of their sentence vary substantially by jurisdiction, but the primary mechanisms are:

- Parole
- Clemency
- Judicial Resentencing
- Good Time Credit
- Compassionate Release
- Retroactive Sentencing Reform

While the efficacy and reach of these processes vary by jurisdiction, and while only some of these mechanisms afford prosecutors an opportunity to directly support early release or resentencing, it is important for a DA to understand the different mechanisms for early release and the extent to which they are available and used within the DA’s jurisdiction, particularly as the DA considers ways to engage in systemic change. These mechanisms are discussed in Appendix I. Notably, the availability and use of these mechanisms has greatly declined across the country, though there have been recent increases in a few localities.⁶⁶

⁵⁸ Austin, J., et. al. (2019), *Reconsidering the “Violent Offender”*, 2, https://thecrimereport.org/wp-content/uploads/2019/05/Reconsidering-the-Violent-Offender_DIGITAL.pdf.

⁵⁹ *Id.* at 16-17.

⁶⁰ *Id.* at 5.

⁶¹ *Id.* at 7.

⁶² *Id.* at 5.

⁶³ *Id.* at 24-26.

⁶⁴ *Id.* at 7-14.

⁶⁵ *Id.* at 4.

⁶⁶ For example, in November 2019, the Oklahoma Pardon and Parole Board unanimously voted to recommend the sentences of 527 state inmates be commuted, and the Governor signed off on those commutations, resulting in the largest single-day commutation in U.S. history. Bellware, K. (2019), *Oklahoma approves largest single-day commutation in U.S. history*, The Washington Post, <https://www.washingtonpost.com/nation/2019/11/03/oklahoma-approves-largest-single-day-commutation-us-history>.

EXAMPLES OF DA POLICIES THAT ADVANCE SENTENCING REVIEW AND SECOND CHANCES

Prosecutors have often reflexively opposed all applications for early release or resentencing, in addition to opposing any legislative efforts to make second chances and resentencing opportunities more available. As discussed above, however, providing second chances to individuals who have received long sentences promotes both public safety and justice – objectives integral to a prosecutor’s job. Automatically opposing second chances, on the other hand, undermines these goals.

In order to truly bolster public safety and justice, prosecutors must therefore proactively push for second chances, both by supporting relief in individual cases, and by engaging in broader advocacy efforts aimed at expanding opportunities for early release and sentence reductions in their jurisdiction.

Since prosecutors have typically opposed these efforts, there are relatively few examples of prosecutors taking a leadership role in supporting sentencing relief. However, a small number of DAs have taken a different approach, instead using their power to remedy past injustices and help create a smaller footprint – and more just outcomes retroactively as well as prospectively – for the justice system.

For example, **King County (Seattle, WA) Prosecuting Attorney Dan Satterberg** “is committed to reexamining older cases with long prison sentences in light of newer court rulings and research.”⁶⁷ Since 2009, his office has advocated for clemency for twenty-one individuals, many of whom had received life sentences under Seattle’s “three-strikes” law.⁶⁸ All of these requests were granted, illustrating the power of prosecutorial support in these cases.⁶⁹ As former Washington State Governor Christine Gregoire explained: “Any time a prosecutor endorses clemency, that’s a pretty persuasive argument for me. Prosecutors and defense counsel can grant you a whole lot more perspective on the case, the individual, and the circumstances [of their crime] than the record alone would tell you.”⁷⁰

More recently, in April 2019, **Kings County (Brooklyn, NY) District Attorney Eric Gonzalez** announced that for individuals who had pled guilty, his office will consent to parole at the earliest opportunity, “absent extraordinary circumstances and subject to their conduct during incarceration.” Gonzalez noted the reasoning behind this change: “To continuously keep people in jail for terms longer than they need to be in there, simply as more punishment, is unjust and unfair. We made a deal with them that after 15 years or 20 years or whatever the number, they would be eligible to get a fair hearing on parole, and largely they are not.” Prosecutors, he said, “were still putting over-emphasis on the nature of the crime in ways that are unfair because the

⁶⁷ Radil, A (2019), King County prosecutors help cut ‘breathtaking’ prison sentence, KUOW, <https://www.kuow.org/stories/king-county-prosecutors-help-cut-breathtaking-prison-sentence>.

⁶⁸ *Id.*; The Seattle Times (2018), *The Times recommends: Dan Satterberg for King County Prosecuting Attorney*, <https://www.seattletimes.com/opinion/editorials/the-times-recommends-dan-satterberg-for-king-county-prosecuting-attorney/>; Interview with Carla Lee, Deputy Chief of Staff, King County Prosecuting Attorney’s Office, Sept. 19, 2019.

⁶⁹ *Id.*; McCray, R. (2017), *For a New Breed of Prosecutors, Justice Sometimes Entails a Second Chance*, The Appeal, <https://theappeal.org/for-a-new-breed-of-prosecutors-justice-sometimes-entails-a-second-chance-a10fe0104a1b/>.

⁷⁰ McCray, *For a New Breed of Prosecutors*, *supra* note 69.

person can never do anything about the nature of the crime.”⁷¹ His office has also started to consider supporting parole for individuals who were given long prison sentences for crimes they committed at age 23 or younger.⁷² To facilitate these efforts, Gonzalez established a new Post-Conviction Justice Bureau. In addition, the Bureau will respond to clemency applications from the governor’s office and help people seal criminal records.

Aiming to go further in revisiting past sentences than had been possible under California law, **Santa Clara County District Attorney Jeff Rosen** sponsored **California Assembly Bill 2942**, which went into effect at the beginning of 2019 and allows district attorneys to revisit past sentences. If they determine that further confinement is no longer in the interest of justice, prosecutors can now recommend that a court recall the case and issue a lesser sentence.⁷³ Rosen was inspired to support AB 2942 after working on a case in which he had successfully secured release of someone who had been sentenced under California’s three-strikes law, but only by engaging in what he described as “legal gymnastics.”⁷⁴ He “realized the most straightforward way to [get people resentenced] would be to change the law.”⁷⁵ Since the law’s enactment, in addition to Rosen, several other California DAs have either already begun recommending resentencing for some individuals or have announced plans to do so.⁷⁶

KEY PRINCIPLES FOR SENTENCING REVIEW

While mechanisms for sentencing review may vary, there are several overarching principles DAs should consider in addressing these issues:

1. The broad aim of resentencing reforms should be to address and **avoid unnecessary continued incarceration**.
2. Even those who commit serious crimes can and do demonstrate rehabilitation. As such, it is best to **avoid categorical exclusions**, such as excluding people with multiple crimes or certain types of crimes from being eligible for consideration.
3. Decision-making should focus on **who the person is today**, not who they were in the past. Neither the crime itself, nor prison disciplinary infractions that are more than five years old, should be primary factors in making these decisions.

⁷¹ Robbins, T. (2019), *Took a Plea? Brooklyn’s District Attorney Will Support Your Parole*, The Marshall Project, <https://www.themarshallproject.org/2019/04/17/took-a-plea-brooklyn-s-district-attorney-will-support-your-parole>.

⁷² *Id.*

⁷³ Sentence Review Project, *Frequently Asked Questions*, <https://www.sentencereview.org/faq>.

⁷⁴ Barry, K.C. (2018), *A New Power for Prosecutors is on the Horizon—Reducing Harsh Sentences*, The Appeal, <https://theappeal.org/a-new-power-for-prosecutors-is-on-the-horizon-reducing-harsh-sentences>.

⁷⁵ *Id.*

⁷⁶ See, e.g., California State Assembly Democratic Caucus (2019), *San Diego Man Believed to be the First Californian to Get His Sentence Reduced Under AB 2942, Resulting in His Release*, <https://a19.asmdc.org/press-releases/20190801-san-diego-man-believed-be-first-californian-get-his-sentence-reduced-under>; San Joaquin County District Attorney’s Office, *Post Conviction Review Unit*, <https://www.sjgov.org/da/pcru>.

“We know that we’ve over-incarcerated ourselves. As part of that tough on crime [philosophy], we used to give people 50, 60, 70 years for robbery cases. That doesn’t comport with modern-day thoughts of justice. It does not make public safety sense keeping folks in jail who no longer pose any public safety risk.”

— **KINGS COUNTY (BROOKLYN, NY) DISTRICT ATTORNEY ERIC GONZALEZ**

4. Respecting and supporting survivors of crime should be a priority throughout this process, but it is important to keep in mind that survivors have a broad range of opinions about sentencing relief. Moreover, **survivors' opinions should not be outcome-determinative** for decisions about who should receive second chances, as these decisions should primarily be based on the individual's rehabilitation and an individualized determination of the person's circumstances and any danger he or she poses today to the community.
5. Since people of color have been disproportionately harmed by extreme sentences, one of the primary aims of efforts to revisit past sentences should be to **reduce racial disparities** caused by past sentencing practices.

RECOMMENDATIONS⁷⁷

1. **Start by assessing the landscape in the jurisdiction.** Some important questions include:
 - a. What mechanisms for providing second chances to incarcerated individuals are available in the jurisdiction?
 - b. How often are people released as a result of these mechanisms? If these mechanisms are rarely used, what are the barriers to more frequent use of these mechanisms?
 - c. Who are the primary decisionmakers determining whether and when release is granted? Who is bringing cases to the attention of these decisionmakers or assisting in the preparation of applications for release under these mechanisms?
 - d. What organizations are available to provide reentry support to help ensure that individuals who are released are able to successfully transition back into the community? How can the office connect with individuals who have been incarcerated, family members of people who are or were incarcerated, and survivors of crime to incorporate their perspectives?
 - e. Is there any pending legislation that would create or expand release mechanisms? If not, how can support for legislative or systemic change be generated?
 - f. What data is available regarding people who are currently incarcerated? How can the office access that data or other information that would be useful for identifying potential candidates for second chances and areas of focus for systemic efforts around sentence review?
2. **Create a sentencing review unit ("SRU") or (if the office lacks sufficient resources for a separate unit) a sentencing review process** to proactively support release through the mechanisms available in the jurisdiction. In addition to addressing excessive sentences for individuals who are currently incarcerated, the sentencing review work may also include supporting pardons or expungement for individuals who are not incarcerated but continue to be impacted by a conviction, such as those facing immigration consequences of an old conviction. Ideally, an SRU should be an independent unit that operates based on written policies formulated after consultation with stakeholders through a transparent process. It should be led by a respected senior lawyer who reports directly to the district attorney and be

⁷⁷ Many of these recommendations are consistent with and are modeled on a companion piece to this Issue Brief, "Model District Attorney Sentencing Review Guidelines," developed by The Justice Collaborative (TJC) and available at <https://fairandjustprosecution.org/wp-content/uploads/2020/01/Model-Sentencing-Review-Guidelines-FINAL.pdf>. The Model District Attorney Sentencing Review Guidelines provide a detailed model for how elected prosecutors can develop and implement effective and robust sentencing review policies in their respective offices.

staffed with prosecutors committed to its mission. As a general matter, an SRU or sentencing review process should not be part of the appellate unit or report to an appellate supervisor; their functions are distinct, and it is best to maintain separation of these two parts of the office if possible. Though sentencing review is also distinct from conviction integrity, both sentencing review and conviction integrity have primary aims of correcting past injustices, so it may be appropriate to co-locate these functions within one unit.

3. **Develop an office policy to inform decision-making on what cases the office will review and how it will decide whether to take a position on those cases.** For example:
 - a. If parole is available in the jurisdiction, consider adopting a presumption of supporting parole absent credible evidence that someone “presents an unacceptable risk of reoffending if released.”⁷⁸ At a minimum, do not oppose parole unless there is a clear reason to do so.
 - b. For clemency and resentencing (if it is available in the jurisdiction):
 - i. Establish a non-exhaustive list of types of cases that the office will prioritize for review, such as:
 1. Cases in which the individual was a minor or young adult at the time of the crime;
 2. Cases in which the individual has already served a lengthy sentence. An appropriate threshold to consider might be 10-15 years (sentences longer than 20 years are very rare in many other countries), or shorter if the case also falls under one of the other priority categories;
 3. Cases in which the individual has reached an age that suggests a low likelihood of committing future criminal acts (for example, if the individual is 35 or over and has already served 15 years, or 50 or over and has already served 10 years);
 4. Cases in which an individual received a disproportionate sentence due to a mandatory minimum, three-strikes rule, or other sentencing enhancement;
 5. Cases in which the sentence is the result of a clear racial disparity (for example, disparate punishments for crack cocaine vs. powder cocaine);
 6. Cases in which an individual would have received a shorter sentence today; or
 7. Cases in which individuals were convicted based on a felony-murder theory of liability.
 - ii. Establish criteria that the office will consider in evaluating a case for support, such as:
 1. Any evidence of a diminished role in the crime;
 2. Any evidence of substantial growth or extended good behavior while in prison, with a focus on the past five years and the absence of violent infractions during those five years;
 3. Any additional evidence of low risk of recidivism upon release; and/or

⁷⁸ Renaud, *Eight Keys to Mercy*, *supra* note 41, at 3. This standard was proposed by several leading experts on parole, Edward E. Rhine, Joan Petersilia, and Kevin R. Reitz, in their 2017 article *The Future of Parole Release* (Crime and Justice 46, 279-338). See Footnote 16 in *Eight Keys to Mercy* for more detail on these experts.

4. Any evidence that a person's crime stemmed primarily from substance use disorder, a mental health issue, trauma, or financial instability, such that society would be better served by assisting this person in obtaining needed services rather than incarceration.
 - c. For compassionate release, while prosecutors do not have the expertise to assess someone's medical condition, consider adopting a presumption of support of such a release petition absent strong evidence that the individual is likely to commit a serious crime and that he or she is physically capable of committing such an act. At a minimum, do not oppose compassionate release unless there is a clear reason to do so.
 - d. To the extent that the office identifies cases that are appropriate for release or a sentence reduction but that do not clearly qualify for release under existing mechanisms, consider alternate avenues for release, such as developing arguments, to the extent they may be legally viable, that changed circumstances make the case appropriate for resentencing; that the judge has the authority to approve a release "in the interest of justice;" etc. This admittedly may require developing creative approaches, given the novel nature of these petitions, and it would be advisable to simultaneously pursue changes to rules or statutes that will provide such authority more explicitly, as noted below.
4. For cases that the office identifies as appropriate for support, where possible, **submit a memo in favor of release** to the decision-making authority on behalf of the DA's office.
5. Leverage the position as a respected justice system leader to **engage decisionmakers about the benefits of granting release or sentence reductions**. Talk to parole board members, the governor, judges, and others who might hear cases for resentencing about why broad use of these mechanisms promotes public safety, fiscal responsibility, and justice.
6. **Promote and support legislation to expand the sentencing review mechanisms available in the jurisdiction**, such as retroactive sentencing reform, legislation to establish or expand judicial resentencing, etc.
7. **Support the inclusion of people who have been incarcerated and people who have had family members incarcerated as members of parole boards, other similar decision-making bodies, and any advisory committees related to sentence review**.
8. **Advocate for other changes to enable people to become strong candidates for release and to be successful upon reentry**. This includes, for example, ensuring that everyone who is incarcerated has access to the rehabilitative programming that will allow them to demonstrate that they are taking appropriate rehabilitative steps, and expanding reentry services so that individuals who are released and their families are more prepared for the transition back into the community.
9. **Develop a communications strategy to create broader public understanding of and support for this issue**. In addition to emphasizing the reasons why this reform benefits the community, it is also helpful to put a face to this issue and destigmatize those returning to the community by highlighting the stories of individuals and their contributions after returning from incarceration, particularly if they received the benefit of one of the early release mechanisms discussed above. In addition to giving constituents a better understanding of this issue, these efforts can also help reduce the backlash that may occur if someone who is released commits a new crime. Communications should be framed in the context of shared

values. In the event someone who has returned to the community commits a new crime, this previous framing will enable the office to quickly remind people why they were in favor of reform in the first place.

10. **Address the needs of survivors of crime.** Survivors of crime have a broad range of opinions regarding sentencing review. Some strongly support second chances, while others may find it retraumatizing to know that the person who harmed them or their loved one may be released earlier than expected. It is not appropriate to make the ultimate decision of whether or not to support release or resentencing based solely on survivors' opinions since the primary focus should be on the individual's rehabilitation, but it is important to ensure (in both the office's work on individual cases as well as legislation that the office supports) that survivors are (a) informed about the process, (b) given the opportunity to participate or not as they choose, and (c) receive appropriate supports to address any ongoing trauma as well as to address any practical concerns that they might have. Some survivors may appreciate having an opportunity to engage in a restorative justice process either before or after the individual is released.
11. **Ensure that data on race is collected and that any disparities are addressed.** Since people of color have disproportionately received excessive sentences, reducing racial disparities should be a primary goal of this work, but it is not a guaranteed outcome, as discussed above. It is therefore important for the DA's office to track data on race and other factors to ensure that it is achieving this goal or to identify and address ways in which it is failing to do so. Sentence review legislation should include a data collection component as well.
12. **Incorporate the principles underlying sentence review into the office's prospective sentencing work and into advocacy for sentencing reform.** For example, ensure that all office staff are aware of the office's sentence review work and the reasons behind it. Promote diversion and community-based treatment and accountability measures, and use incarceration only as a last resort. Ensure that sentences are proportional to the crime and take into account any mitigating circumstances. When possible, avoid charging cases in ways that will trigger mandatory minimums, and avoid the use of sentencing enhancements. Require DA or high-level supervisor approval in order to seek a sentence over 15 years. Establish an office policy that encourages prosecutors, as a matter of practice, to recommend the lowest end of any calculated sentencing range. Include parole opportunities in plea bargaining and sentence recommendations when possible.

CONCLUSION

Ending mass incarceration is a challenging and ambitious task – and addressing past excessive sentences is a particularly complex piece of that puzzle. Nevertheless, district attorneys can be powerful drivers of change in this area, both by supporting the use of existing mechanisms within their jurisdiction and by advocating for new or expanded mechanisms. Moreover, this work is a crucial step towards creating a justice system that truly promotes both justice and public safety. Achieving “justice for all” requires not only forward-looking reform, but also striving to identify and address past injustices.

“Every defendant is a member of our community. Whether they go to prison or not, at some point they return to our community. So how do we repair this violation so people are able to move on with their lives even after they've been held accountable?”

— DURHAM COUNTY (NC) DISTRICT ATTORNEY SATANA DEBERRY

RESOURCES

- Rachel Barkow (2019), *Prisoners of Politics: Breaking the Cycle of Mass Incarceration*, <https://www.hup.harvard.edu/catalog.php?isbn=9780674919235>.
- Shon Hopwood (2019), *Cardozo Law Review, Second Looks & Second Chances*, https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3404899.
- Daniel Landsman (2019), *FAMM, A Second Chance Starts With A Second Look: The Case for Reconsideration of Lengthy Prison Sentences*, <https://famm.org/wp-content/uploads/Second-Look-White-Paper.pdf>.
- Marc Mauer and Ashley Nellis (2018), *The Meaning of Life: The Case for Abolishing Life Sentences*, <https://thenewpress.com/books/meaning-of-life>.
- Marc Mauer (2018), *The Sentencing Project, Long-Term Sentences: Time to Reconsider the Scale of Punishment*, <https://www.sentencingproject.org/publications/long-term-sentences-time-reconsider-scale-punishment>.
- Jorge Renaud (2018), *Prison Policy Initiative, Eight Keys to Mercy: How To Shorten Excessive Prison Sentences*, <https://www.prisonpolicy.org/reports/longsentences.html>.
- The Justice Collaborative (2020), *Model District Attorney Sentencing Review Guidelines*, <https://fairandjustprosecution.org/wp-content/uploads/2020/01/Model-Sentencing-Review-Guidelines-FINAL.pdf>.

APPENDIX I – MECHANISMS FOR SENTENCING REVIEW AND PROVIDING SECOND CHANCES

Opportunities for people to be released prior to the end of their sentence vary substantially by jurisdiction, though the availability and use of these mechanisms has greatly declined across the country. While only some of these mechanisms afford prosecutors an opportunity to directly support early release or resentencing, it is important for a DA to understand the different mechanisms for early release and the extent to which they are available and used within the DA's jurisdiction, particularly as the DA considers ways to engage in systemic change efforts. The primary mechanisms for sentencing review or early release are discussed below.

1. **Parole** – Parole means that someone is released from prison before the end of their sentence to serve the remainder of the sentence under supervision in the community. This includes both “mandatory release” (also referred to as “non-discretionary parole”) and “discretionary parole.”

Mandatory release refers to situations in which it is predetermined, either by statute or at the time of sentencing, that someone will be released at a specific point to serve the remainder of their sentence in the community. Discretionary parole, on the other hand, means that at some point during someone's sentence, he or she will become eligible for consideration for supervised release, but that a parole board will decide whether to grant that release.

Increasing opportunities for parole is wise policy – releasing people with appropriate (and not unduly onerous or unduly long) supervision⁷⁹ before the end of their sentence is more effective for reducing recidivism and costs less than incarcerating them for their full sentence and releasing them without supervision.⁸⁰

As discussed above, however, many states have eliminated parole or substantially limited eligibility.⁸¹ Even in states that grant parole more frequently, release has become virtually unavailable for certain crimes.⁸² This is largely because parole boards often focus almost exclusively on the severity of the underlying crime in making their determination, rather than looking at how the individual has changed since the time of the crime.⁸³

2. **Clemency and Pardons** – Clemency is a power granted to the governor (or the president in the federal system), an executive board (typically appointed by the governor), or some combination of both, to grant pardons and/or commutations of sentences. A pardon

⁷⁹ In addition to the massive growth in the U.S. prison population, there has been a similar tremendous rise in the number of people on community supervision. This is particularly concerning because, in many states, parole and probation revocations are themselves a major driver of incarceration. About one-fifth of people released from state prisons end up being sent back merely as a result of technical violations of supervision. The Pew Charitable Trusts (2018), *Probation and Parole Systems Marked by High Stakes, Missed Opportunities*, 4, 10-11, https://www.pewtrusts.org/-/media/assets/2018/09/probation_and_parole_systems_marked_by_high_stakes_missed_opportunities_pew.pdf. Moreover, multiple studies have found that unnecessarily intensive supervision either has no impact or actually increases reincarceration and recidivism. Doleac, J.L. (2018), *Study after study shows ex-prisoners would be better off without intense supervision*, The Brookings Institution, <https://www.brookings.edu/blog/up-front/2018/07/02/study-after-study-shows-ex-prisoners-would-be-better-off-without-intense-supervision>.

⁸⁰ Barkow, *Prisoners of Politics*, *supra* note 27, at 79.

⁸¹ Even among states where it remains available, parole grants vary tremendously; ranging from 87 percent in Nebraska and 80 percent in New Hampshire to 0 percent in Illinois and 2 percent in Florida. Renaud, *Eight Keys to Mercy*, *supra* note 41, at 2-3.

⁸² Barkow, *Prisoners of Politics*, *supra* note 27, at 77.

⁸³ American Civil Liberties Union, *False Hope*, *supra* note 55, at 4.

completely absolves the person of a crime. Pardons are often granted to individuals who are not currently serving sentences but whose conviction continues to negatively impact them. For example, a governor might grant a pardon to someone who is now facing immigration consequences due to an old conviction. Commutations, on the other hand, reduce a sentence, either making someone eligible for release earlier than would otherwise be the case, or releasing them outright.⁸⁴

Prior to the introduction of parole in the 1900s, clemency was granted “frequently and routinely,” as leaders recognized that “initial sentencing decisions were often mistaken and that people and circumstances change over time.”⁸⁵ After parole was adopted, the use of clemency declined because parole was viewed as fulfilling much of the same function, but more recent eliminations or reductions of parole have not led to a resurgence in the use of clemency; it too is granted far less than it has been in the past.⁸⁶

- 3. Judicial Resentencing** – Also sometimes referred to as “Second Look” provisions, judicial resentencing provisions allow a case to be brought back into court, in some cases after a minimum period of incarceration, for a judge to consider reducing the sentence. By way of recent example, in 2018, California enacted AB 2942, which amended the California Penal Code to allow prosecutors to request that a judge reduce a previously-imposed sentence if doing so would best serve the interests of justice.⁸⁷ Limited resentencing provisions are available in other states as well; for example, in Maryland, if a defendant files a motion within the first 90 days after a sentence is imposed, the judge may reduce the sentence at any point during the first five years,⁸⁸ a provision that is taken advantage of somewhat regularly.⁸⁹ However, most states either lack a broad resentencing provision, or if any exist, they are used very infrequently.⁹⁰

Other models for judicial resentencing legislation include the proposed federal “Second Look Act,” introduced by Senator Cory Booker and Representative Karen Bass, which would allow people in federal prison to petition a court for resentencing after serving at least ten years of their sentence.⁹¹ The American Law Institute’s (ALI) Model Penal Code §305.6: Modification of Long-Term Prison Sentences specifically endorsed and encouraged states to establish a process for a judicial panel or other judicial decisionmaker to modify sentences, and proposed

⁸⁴ Renaud, *Eight Keys to Mercy*, *supra* note 41, at 4.

⁸⁵ Barkow, *Prisoners of Politics*, *supra* note 27, at 81.

⁸⁶ Renaud, *Eight Keys to Mercy*, *supra* note 41, at 7; Barkow, *Prisoners of Politics*, *supra* note 27, at 81-83.

⁸⁷ California Legislative Information (2018), *Assembly Bill No. 2942: An act to amend Section 1170 of the Penal Code, relating to recall of sentencing*, https://leginfo.ca.gov/faces/billTextClient.xhtml?bill_id=201720180AB2942.

⁸⁸ Maryland Rules, Rule 4-345. *Sentencing – Revisory Power of Court*, <https://casetext.com/rule/maryland-court-rules/title-4-criminal-causes/chapter-300-trial-and-sentencing/rule-4-345-sentencing-revisory-power-of-court>.

⁸⁹ Renaud, *Eight Keys to Mercy*, *supra* note 41, at 4.

⁹⁰ *Id.* However, legislation to establish a resentencing mechanism has been introduced in several states. See, e.g., Washington State Legislature (2019), SB 5819 - 2019-20: *Establishing a postconviction review board and review process for early release of qualifying offenders*, <https://apps.leg.wa.gov/billssummary?BillNumber=5819&Initiative=false&Year=2019>; General Assembly of the State of Missouri (2019), HB 195: *Allows a court to reduce a life without parole sentence to a sentence of life with eligibility for parole in certain circumstances*, <https://www.cqstatetrack.com/tehis/redir?id=5c08de1024d>.

⁹¹ Congress.gov (2019), S.2146 - *Second Look Act of 2019*, <https://www.congress.gov/bill/116th-congress/senate-bill/2146?s=1&r=34>.

a set of principles to guide lawmakers in crafting such legislation.⁹² In doing so, the ALI explained:

The Institute calls for a new approach to prison release in cases of extraordinarily long sentences for two reasons: First, American criminal-justice systems make heavy use of lengthy prison terms—dramatically more so than other Western democracies—and the nation’s reliance on these severe penalties has greatly increased in the last 40 years. The impact on the nation’s aggregate incarceration policy has been enormous. At the time of the revised Code’s preparation, the per capita incarceration rate in the United States was the highest in the world. As a proportion of its population, the United States in 2009 confined 5 times more people than the United Kingdom (which has Western Europe’s highest incarceration rate), 6.5 times more than Canada, 9 times more than Germany, 10 times more than Norway and Sweden, and 12 times more than Japan, Denmark, and Finland. The fact that American prison rates remain high after nearly two decades of falling crime rates is due in part to the nation’s exceptional use of long confinement terms that make no allowance for changes in the crime policy environment.

Second, § 305.6 is rooted in the belief that governments should be especially cautious in the use of their powers when imposing penalties that deprive offenders of their liberty for a substantial portion of their adult lives. The provision reflects a profound sense of humility that ought to operate when punishments are imposed that will reach nearly a generation into the future, or longer still. A second-look mechanism is meant to ensure that these sanctions remain intelligible and justifiable at a point in time far distant from their original imposition.⁹³

4. **Good Time** – Also sometimes called “meritorious credit,” this release mechanism allows people to earn time off their sentences by avoiding disciplinary infractions and participating in prison programming. Good time credit incentivizes people to engage in behaviors that support rehabilitation. The amount of good time credit someone can earn varies depending on the state, and in many states, there are barriers to earning early release through good time. For example, people with certain crimes are often ineligible. In addition, good time that someone has already earned can be lost based on minor disciplinary infractions, and there is often insufficient space available in the rehabilitative programs that allow one to earn these credits (plus, these limited slots often go to individuals who are low risk and close to release, even though people at higher risk of engaging in additional criminal activity benefit the most from rehabilitative programming).⁹⁴
5. **Compassionate Release** – Compassionate Release is meant to shorten someone’s sentence when circumstances such as age or significant illness “lessen the need for, or morality of, continued imprisonment.”⁹⁵ In addition to allowing people to spend the end of their life with loved ones, compassionate release avoids vast health care expenditures in prisons on individuals who do not present a public safety risk. However, the process for

⁹² *Model Penal Code § 305.6. Modification of Long-Term Prison Sentences; Principles for Legislation*, <http://www.thealiadviser.org/wp-content/uploads/2019/03/Modification-of-Long-Term-Prison-Sentences.pdf>.

⁹³ *Id.* at 3.

⁹⁴ Renaud, *Eight Keys to Mercy*, *supra* note 41, at 4.

⁹⁵ Famm (2018), *Everywhere and Nowhere: Compassionate Release in the States, Executive Summary*, 1, <https://famm.org/wp-content/uploads/Exec-Summary-2-page.pdf>.

obtaining compassionate release is often long and complicated, and most people are turned down or die while they are still waiting for a decision. Therefore, though it is (at least theoretically) available in 49 states and Washington D.C., very few people are actually granted compassionate release.⁹⁶

- 6. Retroactive Sentencing Reform** – As discussed above, there have been recent legislative changes to roll back mandatory minimums, three-strikes rules, and other punitive laws in some states. Some of these reforms have been retroactive, ensuring that people who are currently incarcerated also receive the benefits of new thinking about smart sentencing. However, many of these changes have been prospective-only, leaving many people who were sentenced under schemes that are now recognized as unjust and/or counterproductive to continue to serve sentences that are longer than they would receive today. Retroactive sentencing reform is critical for addressing mass incarceration on a systemic level and ensuring that people who are currently incarcerated are not left behind in reform efforts.

⁹⁶ *Id.*

FOR MORE INFORMATION: Contact FJP at info@fairandjustprosecution.org



MTsiongasHB853Testimony.pdf

Uploaded by: Magdalena Tsiongas

Position: FAV

**TESTIMONY ON HB853
MARYLAND SECOND LOOK ACT**

**House Judiciary Committee
February 18, 2025**

FAVORABLE

Submitted by: Magdalena Tsiongas

Chair Clippinger, Vice Chair Bartlett and members of the Judiciary Committee:

I, Magdalena Tsiongas, am testifying in support of HB853, the Maryland Second Look Act.

I am submitting this testimony as an impacted family member, whose loved one John, has been incarcerated since 19 years old on a life without parole sentence.

Prior to last session, I started the Maryland Second Look Coalition, of now over 200 individuals and 50 organizations, to work together to create second chances for those we love behind bars. Our coalition is led by impacted family members and previously incarcerated people, and supported by justice advocates. I have been so moved by the many stories that people have shared with me; mothers having spent 40 years working to find a way for their son to come home; friends who left their mentors behind in prison and promised to help them find their path; and spouses and children wanting their families to be whole again. This work is motivated by love and a strong belief in the ability for change.

That love is what brought me to this work and I will share some words from John on what the opportunity for a second look would mean for him:

My name is John and I am a college student, a partner, a son, a brother and an uncle. But for the past 18 years, I have been incarcerated on a life without parole sentence for murder, since I was 19 years old. At 19, I didn't see a future for myself, didn't have any drive, didn't have any purpose, I was just trying to survive. I was, what I thought was, taking care of myself. When I was sentenced, the judge didn't see a future for me either.

But since then, I received my GED, I've become a college student, I've been attending therapy every week for at least an hour for the past 6 years. I now have the opportunity to look at the violence and abuse in my own life and past that put me on this trajectory, like surviving childhood abuse, attempted murder from my own mother, surviving being shot twice as a teenager, and the PTSD that came along with those traumas. On my own healing journey, I've been working to set others up for success who I see struggling around me with the same traumas, with addiction and hopelessness, depression. I hope for the opportunity to be able to show that I have healed and grown as a person and can thrive and be productive and positive in the community, if given the chance.

Hope is a powerful tool. For those with extreme sentences in Maryland, many have been operating without hope, but still striving to improve themselves and help others from inside the prison walls.

I ask you to take this opportunity to demonstrate your commitment and belief in rehabilitation and the potential for transformational change.

Please vote **favorably** on the **Maryland Second Look Act HB853**.

Thank you.

Testimony Written HB853 Criminal Procedure - Petit

Uploaded by: Marlon Tilghman

Position: FAV



VISION - *BRIDGE Maryland sees the state challenged by a history of inequity but engaged in community organizing for a more just tomorrow.*

MISSION - *BRIDGE Maryland uses intentional relationship building, organizing, and intensive leadership development in order to strengthen congregations and faith leaders to demonstrate and advance justice in the world.*

**HB853 - CRIMINAL PROCEDURE - PETITION TO REDUCE SENTENCE (MARYLAND SECOND LOOK ACT)
FAVORABLE**

Dear Chair Clippinger, Vice Chair Bartlett, and members of the Judiciary Committee,

BRIDGE Maryland, Inc. is an interfaith organization with laity and religious leaders who identify and address community issues by building power to pursue equity and opportunity for all Marylanders. And we **support HB853 as written and ask for a favorable report.** Why do we have laws because it appears some lawmakers and citizens have forgotten. We have laws to maintain order, protect individual rights, ensure justice, and promote the common good within society. They provide a framework for behavior, helping people understand what is acceptable and what isn't. **LAWS are not created to punish people indefinitely.** To be more specific laws:

1. **Maintain Order and Safety:** Laws prevent chaos by setting boundaries for acceptable behavior. They protect people from harm, whether physical (like assault) or financial (like fraud).
2. **Protect Individual Rights and Liberties:** Laws safeguard personal freedoms, such as freedom of speech, property rights, and the right to privacy.
3. **Resolve Conflicts:** When disputes arise, laws provide a formal process for resolution, ensuring fairness and consistency.
4. **Promote Social Justice:** Laws help address inequalities and protect vulnerable populations from discrimination and exploitation.
5. **Facilitate Social Change:** Laws can encourage societal progress by reflecting evolving values and norms (e.g., civil rights laws).
6. **Provide Predictability and Stability:** Knowing the rules helps people make informed decisions and plan for the future.

Overall, laws create a structure that balances individual freedoms with the needs of the community, promoting a safe and just society.

Again, sadly society has been bamboozled and hoodwinked by the chaos “bleed and Lead” media that we believe in an Old Testament theology of an “eye for an eye” justice which one, leaves everyone blind to redemption; and two, that is not justice at all because anyone can change for the good. Let’s give these **eligible human beings** a second chance because WE ALL deserve at least one.

Again, we support HB853 **for these reasons and we strongly encourage this committee to issue a favorable report on HB853.**

Sincerely,

Marlon Tilghman

Rev. Dr. Marlon Tilghman

Executive Board, BRIDGE Maryland, Inc. (Organized in Baltimore City and five surrounding counties)

ECI Testimony - 01.22.2025v2.pdf

Uploaded by: MARTINA HAZELTON

Position: FAV

TO: THE MARTINA HAZELTON, CO-FOUNDER & EXECUTIVE DIR. FAMILY SUPPORT NETWORK

Greetings My Name is Tony Michael Chatman-Bey

As I sit down to write this letter, I am asking myself what can I possibly say that would convey to you that I am no longer the same self-indulgent, hedonistic young man that committed that horrific crime in 1987; for which I have served thirty-seven years and counting. After a lot of soul searching, prayer and with the help of completing just about every self-improving program that the state has to offer, I have come to understand a number of inescapable facts; (1) I take "Full Responsibility" for my crimes/actions. (2) In no way am I trying to minimize the seriousness of those crimes. (3) My only purpose in offering this statement is to try to give you some insight into the self-centered, immoral, and selfish person I was in the summer of 1987, as opposed to the wiser sixty-six-year-old man I am now in 2025. I have spent at least thirty of those years of incarceration doing everything in my power to make a 180% difference in my mind, body and soul.

Back in 1993 at the old Maryland Pen., I wrote an op-ed for the institution's magazine, the "Greystone". The title was *The Criminal Justice System: Punishment, Justice, or Revenge*.

The essence of the article was asking the vital question, why are people sent to prison? If it's about punishment and revenge, then nothing really needs to change, the system does that already. However, if it's about justice and/or that much over used word rehabilitation, then some major changes must be made. *The Second Chance Act*, is one of those much needed changes.

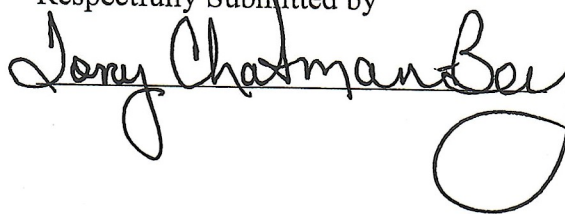
I could explain and give you numbers showing how people my age who have served as much time as me, have the lowest percentage of committing another crime. As members of the legislature you already know this, therefore, instead I am hoping my actions and achievements will show you that I am no longer a risk to society. I only request the (Second) chance to prove it. I am willing to prove this not only by my behavior, but I am willing to accept any conditions that are deemed necessary; home monitoring, sex registration, drug testing, etc.

When I came into the system back in 1987, I deserved to be here, the person I am now does not. I can do more to help change my community by being an example to the young men about what can happen if they don't change the way they are living.

I want to thank you in advance for your time and consideration in my request for a second chance to prove that I am indeed ready to be a law abiding citizen, and an asset to my family and community.

Please find enclosed a summary of the educational and rehabilitation programs that I have earned/competed over the years. I have done the work necessary to ensure that when given a second chance, I will not waste it!

Respectfully Submitted by



TO: THE MARTINA HAZELTON, CO-FOUNDER & EXECUTIVE DIR. FAMILY SUPPORT NETWORK

CERTIFICATES & RECOMMENDATIONS

1. AVP LEAD FACILITATOR	BASIC	31 MARCH 19
2. AVP FACILITATOR	BASIC	3 AUGUST 17
3. AVP LEAD FACILITATOR	BASIC	8 FEBUARY 17
4. AVP FACILITATOR	T for T	27 OCTOBER 16
5. MEMBER IN GOOD STANDING	VETERANS	2015-16
6. AVP FACILITATOR	BASIC	30 JULY 15
7. CERTIFICATE of COMPLETION	COMMUNICATION	20 JULY 15
8. CERTIFICATE of ACHIEVEMENT	DLR REENTRY & EMPLOYMENT RESOURCES	12 MAY 15
9. AVP FACILITATOR	T for T	30 APRIL 15
10. CERTIFICATE/EVALATION	RELATIONSHIP	6 APRIL 15
11. CERTIFICATE of ACHIEVEMENT	GREAT TRUTHS of THE BIBLE	24 DECEMBER 14
12. V.P. CERTIFICATE of ACHIEVEMENT	LIFER'S ENCOUNTER GROUP #5	4 DECEMBER 14
13. AVP FACILITATOR	BASIC	28 SEPTEMBER 14
14. AVP FACILITATOR	ADVANCED	31 JULY 14
15. CERTIFICATE/ EVALATION	LIFER'S ENCOUNTER GROUP #4	10 APRIL 14
16. CERTIFICATE of COMPLETION	CONFLICT RESOLUTION I	24 MARCH 14
17. CERTIFICATE of COMPLETION	AVP T for T	5 FEBUARY 14
18. CERTIFICATE of RECOGNITION	1st PLACE POETRY COMPETITION	27 FEBUARY 14
19. CERTIFICATE of APPRECIATION	PAROLE PORTFOLIO & COMMUNICATION	12 DECEMBER 13
20. CERTIFICATE of APPRECIATION	ECI HONOR GUARD	2012-13
21. CERTIFICATION of APPRECIATION	FAMILY DAY WORKER	3 JUNE 13
22. CERTIFICATE of APPRECIATION	"POETRY WORKSHOP 1"	16 APRIL 13
23. CERTIFICATE of APPRECIATION & CONTRIBUTION	"THE FISHER HOUSE"	2013
24. COMMUNITY SERVICE PROJECT	MARINE CORPS LEAGUE	
25. CERTIFICATE OF APPRECIATION	FRIENDS OF A SAFE PLACE A CHILD ADVOCACY CENTER	
26. CERTIFICATE of COMPLETION		5 MAY 12
27. CERTIFICATE of PARTICIPATION	PAROLE SEMINAR	21 FEBUARY 12
28. CERTIFICATE HOLY CONVOCATION	PAROLE PROTFOILIO	6 DECEMBER 11
29. CERTIFICATE of COMPLETION	MEMBERSHIP "M.S.T of A."	23 APRIL 11
30. CERTIFICATE OF APPRECIATION	"BIG BROTHER OUTREACH	17 MARCH 10
31. CERTIFICATE of APPRECIATION	SUPPORT VICTIMS RIGHTS WEEK	18-24 April 10
32. CERTIFICATE HOLY CONVOCATION	U.S. ARMY SPECIAL FORCES ASSOC.	2009
33. CERTIFICATE BRANCH TEMPLE	MEMBERSHIP "M.S.T of A."	20 OCTOBER 06
34. INCENTIVE BANQUENT AWARD	MOORISH SCIENCE TEMPLE OF AMERICA, INC.	
35. CERTIFICATE of APPRECIATION		28 NOVEMBER 03
36. CERTIFICATE OF COMPLETION	MHC-ANNEX	27 SEPTEMBER 03
37. CERTIFICATE OF MEMBERSHIP	MHC-ANNEX	27 SEPTEMBER 03
38. CERTIFICATE OF APPRECIATION	DISCOVERING THE INTERNET	4 FEBUARY 03
39. CERTIFICATE OF MEMBERSHIP	VETS OF THE VIETNAM WAR, INC.	AUGUST 2002
40. CERTIFICATE OF APPRECIATION	M.S.T. of A. "SMALL CIRCLE"	30 DECEMBER 00
41. CERTIFICATE OF APPRECIATION	HOLY CONVOCATION	26 SEPTEMBER 00
42. AVP FACILITATOR	SLOW PITCH UMPIRE	1999
43. CERTIFICATE OF MERIT	FAST PITCH UMPIRE	1998
44. CERTIFICATE OF RECOGNITION	AVP BASIC	15 FEBUARY 98
45. BACHELOR OF SCIENCE DEGREE	CONCERNED VETERANS	9 NOVEMBER 94
46. CERTIFICATE OF COMPLETION	COPPIN ST. ALUMI ASSOCIATION	11 MAY 94
47. PROGRAM "IAC"	APPLIED PSYCHOLOGY	16 MAY 93
48. LETTER OF ENDORSEMENT	AVP T for T (FACILITATOR)	12 FEBUARY 93
49. CERTIFICATE OF COMPLETION	OZZIDDI THEATRE COMPANY	20 FEBUARY 93
50. CERTIFICATE OF COMPLETION	DR. LONNIE MITCHELL, Ph. D.	12 JANUARY 93
51. CERTIFICATE OF COMPLETION	PEER COUNSELING & DRUG ED. PREVENTION	
52. PROGRAM "IAC"		25 NOVEMBER 92
53. CERTIFICATE OF ACHIEVEMENT	AVP ADVANCE	19 AUGUST 92
54. CERTIFICATE OF PARTICIPATION	AVP BASIC	25 JUNE 92
55. CERTIFICATE OF MERIT	OZZIDDI THEATRE COMPANY	8 SEPTEMBER 90
56. OUTSTANDING SERVICES AWARD	LEFT BANK JAZZ SOCIETY	25 AUGUEST 90
57. PROGRAM "IAC"	U.S. JAYCESS	1990
58. CERTIFICATE OF MERIT/MEMBERSHIP	OLD TOWN JAYCESS	19 JUNE 90
60. CERTIFICATE OF RECOGNITION	ROUND A.C. BOXING TEAM	26 MAY 90
61. CERTIFICATE OF COMPLETION	OZZIDDI THEATRE COMPANY	10 MARCH 90
62. LETTER OF COMPLETION	U.S. JAYCEES	28 JUNE 89
63. LETTER OF THANKS	MONTGOMERY COLLEGE	21 MARCH 88
64. CERTIFICATE OF COMPLETION	STREET LAW 1 with DISTINCTION	21 MARCH 88
	VERIOUS COURSES MONTGOMERY COLLEGE	
		7 MARCH 88
	DIRECTOR MONTGOMERY COUNTY DETENTION CENTER	
		31 DEC. 87
	SALESMANSHIP COURSE	29 OCTOBER 87

January 16, 2025
David Johnson
V. President LIFERS Group
Eastern Correctional Institution-East


House & Senate Judiciary
Proceedings Committee

I was convicted of murder at age 18 stemming from an incident that occurred in 1988. I am now 54 years old. Today, I have been incarcerated for 36 years. The Second Look Act would restore some legal rights that I lost due to my attorney's inactions.

My legal journey began with a plea offer from the State; that I would enter into an Alford Plea to two counts of Second Degree Murder in exchange I would receive 40 years of prison time. I declined the State's offer to elect a jury trial at which I was found guilty of two counts of First Degree murder and subsequently sentence to two consecutive Natural Life Sentences. I was told by my trial attorney that he would file the post-trial motion for modification of sentence and sentence review by a Three Judge Panel. After exhausting my direct appeal, I filed a pro se motion for post-conviction. I was informed by appoint attorney that he would file a supplemental petition for post-conviction to include claims that he discovered during his investigation of my case. Ultimately, my post-conviction attorney did not raise any claims on my behalf, leaving me with only one legal path to have the right to file the Motion for Modification restored which is a Reopening of Post-Conviction.

The passing of the Second Look Act would provide Incarcerated Individuals such as myself a clear path to have the right to file a motion for modification of sentence restored. More importantly, the individuals that will be affected by the passing of this piece of legislation are those that have had an opportunity to truly benefit from the rehabilitative services that DPSCS has offered. It would be a total waste of the rehabilitative process to continue one's incarceration after they have demonstrated positive change. Furthermore, it would be a dis-service to society to not benefit from the rehabilitated individuals whom have gained valuable life skills while incarcerated.

Respectfully submitted,


David Johnson 203354
30420 Revells Neck Rd
Westover Md 21890

ECI Testimony - 01.28.2025.pdf

Uploaded by: MARTINA HAZELTON

Position: FAV

1-11-25

RE: SECOND LOOK ACT

TO WHOM IT MAY CONCERN:

MY MARYLAND SENTENCING GUIDELINES SAID THAT I SHOULD BE SENTENCED BETWEEN 4-33 YEARS.. MY SENTENCING JUDGE GAVE ME LIFE PLUS LIFE! ACCORDING TO WHAT I KNOW, THE JUDGE MUST PUT A REASON FOR SENTENCING ME OUTSIDE OF THE MARYLAND SENTENCING GUIDELINES, HE DIDN'T! MY SENTENCES WASN'T FAIR AND REASONABLE..

ON JUNE 6, 2013 THE PAROLE COMMISSIONERS TOLD ME ON MY FIRST PAROLE HEARING THAT THIS WAS MY FIRST AND LAST PAROLE HEARING AND I WAS NEVER GOING TO BE PAROLED IN THE STATE OF MARYLAND. THIS IS NOT FAIR AND REASONABLE.. THIS IS MY FIRST TIME IN PRISON AND MY SECOND TIME IN TROUBLE WITH THE LAW. THE FIRST TIME I WAS 15 YEARS OLD AND CHARGED

CONF

AS AN ADULT. WE NOW KNOW THAT THIS WAS NOT FAIR FROM RECENT CLINICAL STUDIES..

I WAS UNDER THE INFLUENCE OF CRACK COCAINE DURING THE COMMISSION OF THE CRIME. I WAS 30 YEARS OF AGE AND HOMELESS.. I TURNED MYSELF IN TO THE POLICE AND PLEADED GUILTY FROM THE VERY BEGINNING.. I DO BELIEVE THAT I DESERVE A SECOND CHANCE..

MY PUBLIC DEFENDER ASKED MY SENTENCING JUDGE TO GIVE ME A SECOND CHANCE AND HE SAID THAT "HE HAD A SECOND CHANCE WHEN HE WAS 15 YEARS OLD". I AM NOW 65 $\frac{3}{4}$ YEARS OLD AND I HAVE BEEN INCARCERATED FOR 35 $\frac{1}{3}$ YEARS.. MY CONSECUTIVE LIFE SENTENCES ARE PROBABLE LIFE SENTENCES.. THE PAROLE COMMISSION TURNED MY SENTENCES INTO LIFE WITH NO PAROLE.. THIS IS ANOTHER REASON WHY I NEED A SECOND CHANCE..

CONT

I CURRENTLY HAVE AT LEAST 30 OR MORE CLASSES UNDER MY BELT THAT ARE SELF-HELP GROUPS AND N.A, A.A.. I AM READY TO RETURN TO A FREE SOCIETY

FOR THE ABOVE REASONS THE SECOND CHANCE ACT COULD CORRECT THE ERRORS IN MY SENTENCING, PAROLE HEARINGS AND PASS RECORD ERRORS.. PLEASE HELP!

RESPECTFULLY,

ROBERT J. COOPER JR.

EASTERN CORRECTIONAL INSTITUTION

#209556/224126

Darnell Roberts #185247-387315
Eastern Correctional Institution
30420 Revells Neck Rd.
Westover, MD 21890

Family Support Network
3937½ Minnesota Ave., NE
PO Box 64093
Washington, DC 20029

January 1, 2025

Dear FSN:

Please accept this letter as my written testimony in support of the Md. Second Look Act. I further ask that this letter be shared with the House and Senate Judiciary Proceedings Committee.

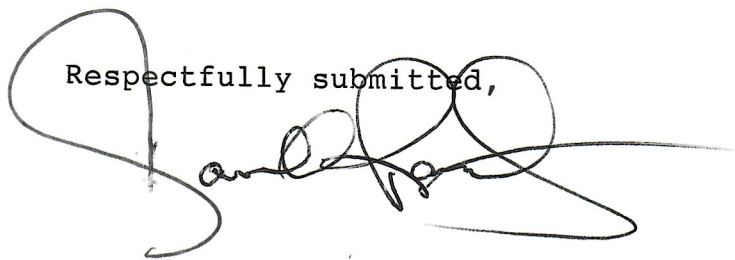
My name is Darnell Roberts and I'm 59 years old. In January 1987, while at the age of 19, I was sentenced to Life plus ten years in prison for a murder conviction. As of this date, I have spent nearly four (4) decades in prison as a result from this conviction. I truly understand that no crime should go unpunished, but the length of sentences being served today for crimes committed are far beyond what is deemed appropriate today. When I came to prison I was young, energetic, and misguided. Fortunately for me, I began taking advice from men who have been incarcerated for many years, some who are home today because of the "Unger" ruling, and listening to these men gave me direction on what it was that I wanted to do with my life. A great deal of this advice from these men were positive and meaningful. The men I listened to were fortunate enough to get a second chance at life prior to any discussion(s) of the Second Look Act being discussed. Taking advantage of this opportunity, these men who were released under the "Unger" ruling have thrived and succeeded in society since their release.

I am the president of the Lifer's Group here at the Eastern Correctional Institution in Maryland and I stress to our group plenty of times how important it is to lead a good and positive life. I stress to our group how we live now will carry over into how we will live when that day come to be released. This is my first ever incarceration. I'm not one who have been here before and returned. I know the importance of what a second chance can do, not only for you, but those in our families and communities. I know that if ever given a second chance at life in society, I would make the best from it because it is something I have worked hard at obtaining. I know that if the Maryland Second Look Act became law, so many men and women, incarcerated and free, will benefit from it. I personally have learned a great deal of respect for life and others during my incarceration. I only pray for the day to come to where I can get a second chance at life and prove to others that giving me a second chance was not a bad decision for those to make. I along with many others

are sitting here today with great minds waiting on the day to come where we can share our experiences and knowledge with others in attempts at keeping others from travelling down that road we did many, many years ago. I know I have learned from the mistake I made at such a young age and await on the day to come where I can atone for what I did as well as help our youth today in society who are being misguided as I was when I was their age.

Having the Maryland Second Look Act bill passed, it will not only gave the men and women incarcerated today hope, but the feeling to know all we have acquired throughout our incarceration can now be shared with others at attempts of helping those we have left behind from the mistakes we made years ago. I only pray that this bill gets passed so I, along with others can prove to society that although we made that mistake early in our lives, we can rebound from it and lead sound and productive lives in society as we all should. I thank you in advance for reading this and your acknowledgment of this letter will greatly be appreciated.

Respectfully submitted,

A handwritten signature in black ink, appearing to be "S. Anderson", written in a cursive style. The signature is positioned below the text "Respectfully submitted," and extends to the right with a long horizontal stroke.

TO: THE MARTINA HAZELTON, CO-FOUNDER & EXECUTIVE DIR. FAMILY SUPPORT NETWORK

Greetings My Name is Tony Michael Chatman-Bey

As I sit down to write this letter, I am asking myself what can I possibly say that would convey to you that I am no longer the same self-indulgent, hedonistic young man that committed that horrific crime in 1987; for which I have served thirty-seven years and counting. After a lot of soul searching, prayer and with the help of completing just about every self-improving program that the state has to offer, I have come to understand a number of inescapable facts; (1) I take "Full Responsibility" for my crimes/actions. (2) In no way am I trying to minimize the seriousness of those crimes. (3) My only purpose in offering this statement is to try to give you some insight into the self-centered, immoral, and selfish person I was in the summer of 1987, as opposed to the wiser sixty-six-year-old man I am now in 2025. I have spent at least thirty of those years of incarceration doing everything in my power to make a 180% difference in my mind, body and soul.

Back in 1993 at the old Maryland Pen., I wrote an op-ed for the institution's magazine, the "Greystone". The title was *The Criminal Justice System: Punishment, Justice, or Revenge*.

The essence of the article was asking the vital question, why are people sent to prison? If it's about punishment and revenge, then nothing really needs to change, the system does that already. However, if it's about justice and/or that much over used word rehabilitation, then some major changes must be made. *The Second Chance Act*, is one of those much needed changes.

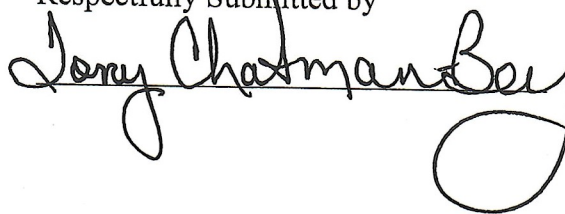
I could explain and give you numbers showing how people my age who have served as much time as me, have the lowest percentage of committing another crime. As members of the legislature you already know this, therefore, instead I am hoping my actions and achievements will show you that I am no longer a risk to society. I only request the (Second) chance to prove it. I am willing to prove this not only by my behavior, but I am willing to accept any conditions that are deemed necessary; home monitoring, sex registration, drug testing, etc.

When I came into the system back in 1987, I deserved to be here, the person I am now does not. I can do more to help change my community by being an example to the young men about what can happen if they don't change the way they are living.

I want to thank you in advance for your time and consideration in my request for a second chance to prove that I am indeed ready to be a law abiding citizen, and an asset to my family and community.

Please find enclosed a summary of the educational and rehabilitation programs that I have earned/competed over the years. I have done the work necessary to ensure that when given a second chance, I will not waste it!

Respectfully Submitted by



TO: THE MARTINA HAZELTON, CO-FOUNDER & EXECUTIVE DIR. FAMILY SUPPORT NETWORK

CERTIFICATES & RECOMMENDATIONS

1. AVP LEAD FACILITATOR	BASIC	31 MARCH 19
2. AVP FACILITATOR	BASIC	3 AUGUST 17
3. AVP LEAD FACILITATOR	BASIC	8 FEBUARY 17
4. AVP FACILITATOR	T for T	27 OCTOBER 16
5. MEMBER IN GOOD STANDING	VETERANS	2015-16
6. AVP FACILITATOR	BASIC	30 JULY 15
7. CERTIFICATE of COMPLETION	COMMUNICATION	20 JULY 15
8. CERTIFICATE of ACHIEVEMENT	DLLR REENTRY & EMPLOYMENT RESOURCES	12 MAY 15
9. AVP FACILITATOR	T for T	30 APRIL 15
10. CERTIFICATE/EVALATION	RELATIONSHIP	6 APRIL 15
11. CERTIFICATE of ACHIEVEMENT	GREAT TRUTHS of THE BIBLE	24 DECEMBER 14
12. V.P. CERTIFICATE of ACHIEVEMENT	LIFER'S ENCOUNTER GROUP #5	4 DECEMBER 14
13. AVP FACILITATOR	BASIC	28 SEPTEMBER 14
14. AVP FACILITATOR	ADVANCED	31 JULY 14
15. CERTIFICATE/ EVALATION	LIFER'S ENCOUNTER GROUP #4	10 APRIL 14
16. CERTIFICATE of COMPLETION	CONFLICT RESOLUTION I	24 MARCH 14
17. CERTIFICATE of COMPLETION	AVP T for T	5 FEBUARY 14
18. CERTIFICATE of RECOGNITION	1st PLACE POETRY COMPETITION	27 FEBUARY 14
19. CERTIFICATE of APPRECIATION	PAROLE PORTFOLIO & COMMUNICATION	12 DECEMBER 13
20. CERTIFICATE of APPRECIATION	ECI HONOR GUARD	2012-13
21. CERTIFICATION of APPRECIATION	FAMILY DAY WORKER	3 JUNE 13
22. CERTIFICATE of APPRECIATION	"POETRY WORKSHOP 1"	16 APRIL 13
23. CERTIFICATE of APPRECIATION & CONTRIBUTION	"THE FISHER HOUSE"	2013
24. COMMUNITY SERVICE PROJECT	MARINE CORPS LEAGUE	
25. CERTIFICATE OF APPRECIATION	FRIENDS OF A SAFE PLACE A CHILD ADVOCACY CENTER	
26. CERTIFICATE of COMPLETION	PAROLE SEMINAR	5 MAY 12
27. CERTIFICATE of PARTICIPATION	PAROLE PROTFOILIO	21 FEBUARY 12
28. CERTIFICATE HOLY CONVOCATION	MEMBERSHIP "M.S.T of A."	6 DECEMBER 11
29. CERTIFICATE of COMPLETION	"BIG BROTHER OUTREACH	23 APRIL 11
30. CERTIFICATE OF APPRECIATION	SUPPORT VICTIMS RIGHTS WEEK	17 MARCH 10
31. CERTIFICATE of APPRECIATION	U.S. ARMY SPECIAL FORCES ASSOC.	18-24 April 10
32. CERTIFICATE HOLY CONVOCATION	MEMBERSHIP "M.S.T of A."	2009
33. CERTIFICATE BRANCH TEMPLE	MOORISH SCIENCE TEMPLE OF AMERICA, INC.	20 OCTOBER 06
34. INCENTIVE BANQUENT AWARD	MHC-ANNEX	28 NOVEMBER 03
35. CERTIFICATE of APPRECIATION	MHC-ANNEX	27 SEPTEMBER 03
36. CERTIFICATE OF COMPLETION	DISCOVERING THE INTERNET	27 SEPTEMBER 03
37. CERTIFICATE OF MEMBERSHIP	VETS OF THE VIETNAM WAR, INC.	4 FEBUARY 03
38. CERTIFICATE OF APPRECIATION	M.S.T. of A. "SMALL CIRCLE"	AUGUST 2002
39. CERTIFICATE OF MEMBERSHIP	HOLY CONVOCATION	30 DECEMBER 00
40. CERTIFICATE OF APPRECIATION	SLOW PITCH UMPIRE	26 SEPTEMBER 00
41. CERTIFICATE OF APPRECIATION	FAST.PITCH UMPIRE	1999
42. AVP FACILITATOR	AVP BASIC	1998
43. CERTIFICATE OF MERIT	CONCERNED VETERANS	15 FEBUARY 98
44. CERTIFICATE OF RECOGNITION	COPPIN ST. ALUMI ASSOCIATION	9 NOVEMBER 94
45. BACHELOR OF SCIENCE DEGREE	APPLIED PSYCHOLOGY	11 MAY 94
46. CERTIFICATE OF COMPLETION	AVP T for T (FACILITATOR)	16 MAY 93
47. PROGRAM "IAC"	OZZIDDI THEATRE COMPANY	12 FEBUARY 93
48. LETTER OF ENDORSEMENT	DR. LONNIE MITCHELL, Ph. D.	20 FEBUARY 93
49. CERTIFICATE OF COMPLETION	PEER COUNSELING & DRUG ED. PREVENTION	12 JANUARY 93
50. CERTIFICATE OF COMPLETION	AVP ADVANCE	25 NOVEMBER 92
51. CERTIFICATE OF COMPLETION	AVP BASIC	19 AUGUST 92
52. PROGRAM "IAC"	OZZIDDI THEATRE COMPANY	25 JUNE 92
53. CERTIFICATE OF ACHIEVEMENT	LEFT BANK JAZZ SOCIETY	8 SEPTEMBER 90
54. CERTIFICATE OF PARTICIPATION	U.S. JAYCESS	25 AUGUEST 90
55. CERTIFICATE OF MERIT	OLD TOWN JAYCESS	1990
56. OUTSTANDING SERVICES AWARD	ROUND A.C. BOXING TEAM	19 JUNE 90
57. PROGRAM "IAC"	OZZIDDI THEATRE COMPANY	26 MAY 90
58. CERTIFICATE OF MERIT/MEMBERSHIP	U.S. JAYCEES	10 MARCH 90
60. CERTIFICATE OF RECOGNITION	MONTGOMERY COLLEGE	28 JUNE 89
61. CERTIFICATE OF COMPLETION	STREET LAW 1 with DISTINCTION	21 MARCH 88
62. LETTER OF COMPLETION	VERIOUS COURSES MONTGOMERY COLLEGE	21 MARCH 88
63. LETTER OF THANKS	DIRECTOR MONTGOMERY COUNTY DETENTION CENTER	7 MARCH 88
64. CERTIFICATE OF COMPLETION	SALESMANSHIP COURSE	31 DEC. 87
		29 OCTOBER 87

January 16, 2025
David Johnson
V. President LIFERS Group
Eastern Correctional Institution-East


House & Senate Judiciary
Proceedings Committee

I was convicted of murder at age 18 stemming from an incident that occurred in 1988. I am now 54 years old. Today, I have been incarcerated for 36 years. The Second Look Act would restore some legal rights that I lost due to my attorney's inactions.

My legal journey began with a plea offer from the State; that I would enter into an Alford Plea to two counts of Second Degree Murder in exchange I would receive 40 years of prison time. I declined the State's offer to elect a jury trial at which I was found guilty of two counts of First Degree murder and subsequently sentence to two consecutive Natural Life Sentences. I was told by my trial attorney that he would file the post-trial motion for modification of sentence and sentence review by a Three Judge Panel. After exhausting my direct appeal, I filed a pro se motion for post-conviction. I was informed by appoint attorney that he would file a supplemental petition for post-conviction to include claims that he discovered during his investigation of my case. Ultimately, my post-conviction attorney did not raise any claims on my behalf, leaving me with only one legal path to have the right to file the Motion for Modification restored which is a Reopening of Post-Conviction.

The passing of the Second Look Act would provide Incarcerated Individuals such as myself a clear path to have the right to file a motion for modification of sentence restored. More importantly, the individuals that will be affected by the passing of this piece of legislation are those that have had an opportunity to truly benefit from the rehabilitative services that DPSCS has offered. It would be a total waste of the rehabilitative process to continue one's incarceration after they have demonstrated positive change. Furthermore, it would be a dis-service to society to not benefit from the rehabilitated individuals whom have gained valuable life skills while incarcerated.

Respectfully submitted,


David Johnson 203354
30420 Revells Neck Rd
Westover Md 21890

**TESTIMONY ON SB291
MARYLAND SECOND LOOK ACT**

**Senate Judicial Proceedings Committee
January 30, 2025**

SUPPORT

Submitted by: Phillip Jones

Chair Smith, Vice Chair Waldstreicher and members of the Judicial Proceedings Committee:

My name is Phillip A. Jones. I am an incarcerated individual who entered prison at the age of 19. After a drug fueled night which resulted in another young man being shot. Thank God, he did not die of his injuries. I have spent 33 years in prison for this offense. And now, at the age of 53, I have made many strides to restore justice. I am no longer the teenager who, due to my addiction, committed crimes which led to me being incarcerated.

For the past 19 years, I have done what was required to heal and rehabilitate myself. I have taken every program offered to me in prison, I have worked skilled jobs such as Data Entry Invoice Clerk, Accounts Payable. I have participated in numerous self help groups. I have maintained good conduct without infractions for several years. And I have pursued my education in whatever ways I could. Along with these, I also host a podcast. I am a youth consultant, teaching reentry classes, a public speaker and I am the author of two books. I use my experience and my story to steer the youth away from gang involvement and self-destructive tendencies.

Over the years of my incarceration, I have had to seek out external alternatives to education, and/or vocational programs, due to limited availability for lifers, in pursuit of degrees and certifications. We are often placed at the bottom of waiting lists or excluded altogether in order for short time incarcerated individuals with release dates to be prioritized. I am also a proponent of mental health as well as

restorative justice. I have taken 100% responsibility for the crime I committed as an adolescent. And with that, I have displayed remorse for causing injury to the victim in my case. Also making amends through consistent efforts to grow and develop into a pro-social human being. And finally, taking measures to address my own traumas in order for me to heal and be mentally and emotionally sound.

The Maryland Second Look Act would serve as a means to allow individuals like myself to go before the sentencing court and present evidence to the judge which demonstrates that one is deserving of a second chance. Having matured, adopted healthy values, and have done the work of rehabilitation, aside from parole, which only just became available widely to lifers with the removal of the governor, in Maryland lifers have no viable means of release, no matter how model of a prisoner they have become. I was an emerging adult (19 years old) which means I will spend more time incarcerated than any other demographic. Juveniles and adult prisoners do less time than emerging adults for the same offenses. Maryland has JRA for juvenile offenders, and adults in their 30s and 40s won't serve as much time due to life expectancy. Justice requires that something be done to make sentencing equitable and fair across the board in the state of Maryland. The Second Look Act will level the playing field.

Thank you,
Phillip A. Jones

ECI Testimony - 01.28.2025v1.pdf

Uploaded by: MARTINA HAZELTON

Position: FAV

Dontay Toliver

2025-Maryland General Assembly Legislative Session

-Md Second Look Act

Greetings,

-My name is Dontay Toliver I am currently housed at the Eastern Correctional Institution I'm serving a life sentence for a crime I committed when I was 15 years old, I've been locked up for 20 years and I'm now 44 years of age. I think the Md Second Look Act would benefit a lot of inmates who have been incarcerated for a long period of time who've worked on rehabilitation and have taken the proper steps through change of character, education, religion, etc. Many of us have been locked up for a long period of time with no appeals or outlets to look forward to but still work on ourselves to be able to re-enter society. I'm an inmate who benefited from the (JRA) Juvenile Restoration Act and I think the Second Look Act entails some of the same principals as the JRA. Many of my peers such as myself came to prison very young, teenagers or early 20's. I think the Md Second Look Act should be passed to create opportunities for prisoners who are deserving and sincere about bettering themselves in the name of freedom. I can speak to this first hand, I was a 15 year old boy when I first got incarcerated but over the years as I aged and matured I became a different person.

DEPT > MIND...
RELIGION ETC. Many of us have been locked up for a long
period of time with no appeals or outlets to look forward
to but still work on ourselves to be able to re-enter
society. I'm an inmate who benefited from the (JFA)
Inmate Restoration Act and I think the Second Look
Act entails some of the same principals as the JFA.
Many of my peers such as myself came to prison very
young teenagers or early 20's. I think the 2nd Look
Act should be passed to create opportunities
for prisoners who are deserving and sincere about
bettering themselves in the name of freedom. I can
speak to this first hand. I was a 15 year old boy
when I first got incarcerated but over the years as
I aged and matured I became a different person.
Yes I grew into a man naturally but threw cognitive
groups, education and programs that also assisted
my growth. In many cases after many years we find
to build up respectable resumes through the inst. programs
but after years and years of being locked
up appeals eventually run out and the progression

Timeline doesn't match up with the appeal timeline, so after X amount of years that growth that we made those college courses or those traits we earned doesn't have a platform? I think the Second Look Act would fulfill that wish. And yes parole is a option but with a stiff sentence that might not be feasible. I myself was initially sentenced to a 3 life consecutive sentence that would have me up for parole after 15 years, 15 years for every life sentence.

The Md Second Look Act would provide a great opportunity to a ~~portion~~ nice portion of ~~inmate~~ prisoners who are not threats to the community anymore, respectfully in my opinion I think the Md Second Look Act should be passed based on that testimony

Dontay Toliver
ECT 1/26/97
30420 Revell's Neck Rd
Westover, MD
21890



David M. Fischer
ECI #262-021
30420 Revells Neck Road
Westover, MD 21890-3368

10 January 2025

House and Senate Judiciary Proceedings Committee
Attn: Senator Charles E. Sydnor, III
11 Bladen Street
Annapolis, MD 21401

RE: Testimonial in support of Maryland Second Look Act

Dear Senator Sydnor:

I learned from the *Family Support Network* (thefamilysupportnetwork.org) that the *Maryland Second Look Act* is coming up for consideration this session. As someone who has spent nearly 30 years incarcerated, I am glad that the bill is being given another look. I have been looking forward to its eventual passage for years. There exists a significant time gap between the 5-year cap for a potential Sentence Modification hearing by the judge, and a first parole hearing which may occur decades later. The prison system has many programs available designed to help rehabilitate individuals. These programs, combined with the life-altering experience of long-term incarceration, do work in many cases. However, these beneficial changes are diminished if there is no meaningful possibility of a second chance at rejoining society.

This is my first and only incarceration, but not my first brush with the law. Throughout my teenage years, to my incarceration on my current sentence, I was arrested a number of times. I suffer from "Social Anxiety Disorder," a condition which creates intense anxiety in social situations, making it extremely difficult to make friends. This contributed to my falling in with the only people who would accept me since I couldn't make friends with the people that I wanted to associate with. This "undesirable" crowd was impressed by actions – like shoplifting or breaking into cars –

rather than interesting conversations. As long as I was willing to go along with their criminal inclinations, I was accepted by someone, instead of being ignored by everyone.

I am in no way dismissing my actions. I went along with almost everything. I committed crimes. I am responsible for my conduct and deserve to be punished. I accept responsibility for my actions.

For nearly 30 years I have done everything possible to turn my life around and become a better person. Through the help of a number of Social Work and Case Management programs available in different institutions, I was able to determine how my life ending up going the way it did. And, I have been able to break through much of the social anxiety that was holding me back from making proper associations and friendships.

For most of my incarceration I have tried to help others, working primarily as a tutor in the education department of every institution I have been in. I have helped teach adult education for those with under a 4th grade reading level (Reading Academy), teaching students with learning disabilities (like dyslexia), English as a Second Language (ESL) students, GED students preparing to take their exams, and, my current assignment, teaching *Microsoft Office* to post-secondary students. Each position has had unique challenges, which I have enjoyed almost as much as seeing the differences I have made in hundreds of students' lives.

I have also held jobs in Maintenance as an electrician and in the MCE (Maryland Correctional Enterprises) Meatcutting Plant as the head of the Maintenance Department. I have earned dozens of certificates, letters from supervisors, and even a college degree from *Ohio University* with a perfect 4.0 average.

And, over the last few years, especially during our quarantine lockdowns, I have been looking to the future and what my post-incarceration life might look like. I have developed a plan to build a completely off-grid, 10-acre homestead, for myself and my family. Raising our own animals and crops to provide clean, organic food in a healthy environment. I have read every book on construction, farming, raising animals,

preparing food, land management, etc. that I could get my hands on, and turned that knowledge into a 300+ page plan covering every aspect of the homestead. (The letterhead icon is from my plan. I call it *MorningStar Ranch*.) And the entire construction will be funded by money I earned through 20+ years of investments in mutual funds (which I learned from a course at MCI-J).

For, literally, decades, I have done everything in my power to become a better person, to help others become better people, all in the hopes of someday being able to rejoin my family back in Baltimore County (Woodlawn) before something happens to one of my brothers or my parents. Without the passage of the *Maryland Second Look Act*, that may not be possible. I never received a sentence modification hearing, and parole is always a longshot, at best. I still have not even had my first parole hearing.

I have seen the types of people that are in prison, and I will be the first to admit that many of them are right where they need to be. Many of them will leave prison the same people they were when they entered. For them, rehabilitation has not happened. But for many of us, myself included, a significant change has occurred during our sentences. We deserve the chance of a "Second Look," and only you can make that happen. If the *Maryland Second Look Act* passes and becomes law, other inmates will see that staying out of trouble, hard work, and doing the right thing can actually yield results. More will be inspired to rehabilitate themselves, and incarceration can become more than just "locking them up and throwing away the key."

I urge you to pass the *Maryland Second Look Act*, for the many who have put in the work and deserve to be seen again. Thank you for your time and consideration in this matter.

Sincerely,

A handwritten signature in blue ink, appearing to read "D. M. Fischer". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

David M. Fischer

David Logue #1336504-292463
30420 Revells Neck Rd.
Westover, MD 21890

January 6, 2025

To whom it may concern:

This letter is submitted to the House and Senate Judiciary Proceedings Committee in support of the Maryland Second Look Act.

My name is David Logue and I'm 62 years of age. I'm serving a life sentence and have completed 26 years of this sentence to date. I began this sentence at the age of 35.

I think the Maryland Second Look Act should be made into law because it has been proven that the people who was released on the Unger issue, all whom have served a minimum of 25 years, have not been in trouble and are productive members of society. Given the second chance, these individuals have proven to everyone that we can become productive members of society. No one who has served a minimum of 25 years of incarceration ever wants to return to prison which should be a factor going forward. We only want to be a part of those men who have become productive members of society and spend the remainder of their lives with our families. Health issues are also a factor for this bill. We are going to have many health issues. I am personally dealing with a second battle of cancer and I am the only one of many who have the same problems with health issues.

In closing, I strongly believe that if the many men and women who are incarcerated today for lengthy periods of time have learned a valuable lesson in life from our mistakes and if given a second chance, will not be a statistic in contributing to the recidivism rate in the state of Maryland. The Second Look Act will give us the opportunity to seek a second chance at life while contributing to society in positive ways which we all can benefit from. This bill should be passed because it is not us who have been here for decades contributing to the recidivism rate. I thank you for your time in this matter.

Sincerely,

David Logue

Adrian Ward 162802
Easton Correctional Institute
Westover Maryland 21890

January 8, 2025

Martina Hazelton
Co-Founder and Executive Director
Family Support Network

My name is Adrian Ward. I am sixty three years old. At the age of eighteen, my high school track coach, without preamble asked me to come along with him. Obediently I followed him down a hallway to a classroom full of fellow high school students. After placing me in front of the students, he began speaking of an incident that happened the day before. A young kid from a nearby middle school had approached him and inquired as to my whereabouts. The young boy had wanted to meet me to acquire an autograph. That coach, who had positioned me in front of those students many years ago, pointed to me and said, "All of you should aspire to be like Mr. Ward, a role model.., a person who people could look up to."

Today I am in prison. At present I am serving a life sentence, dating from 11-27-81, for rape. So far I have served 42 years of my sentence. I was born February 12, 1962, single and have a 12th Grade education. I graduated from Northwestern High School in North Baltimore in 1981 and attended Villanova University during the fall semester. My college studies were terminated by my arrest of the above offense. My work history prior to my arrest was limited to summer and part time employment.

During my incarceration, I have learned a lot about myself. Despite what I did, Insanely enough, I always considered myself a good person. I had good friends, average grades, and was active in several community activities. However a good person does not go out on a beautiful Sunday morning and terrorize another human being.

Since incarcerated, I had several parole hearings. At every parole hearing, I was always asked, "Do you think your sentence is fair?" I always said yes. If my sentence was designed to punish me, it certainly has. If it was intended for me to face what I have done, and reflect on the pain and suffering I've caused others. It has done that also. What it has not done was to give me a second chance. My mother and father had lost a son. My younger brother and sister ostracized by their community because of the deeds of their older brother. But most of all, the victim did not deserve the pain and suffering that I caused them. I can only imagine that their suffering did not end with my assault. The fact that they not only survived, but had the strength and courage to face me in court, and look me in the eye without fear, or shame to tell their story, is to be admired.

HB 0853 - SECOND LOOK ACT - FSN - MARTINA HAZELTON

Uploaded by: MARTINA HAZELTON

Position: FAV

February 18, 2025 @ 1:00pm (House Hearing)

Maryland General Assembly
House Judiciary Committee
Room 101
House Office Building
Annapolis, MD 21401

RE: HB 853 – Criminal Procedure – Petition to Reduce Sentence (Md Second Look Act)
SUPPORT

Please accept my written testimony in support of House Bill 853 (HB 853). I am testifying on behalf of the Family Support Network (FSN) and from my personal experience.

FSN is a network of individuals with incarcerated loved ones, returning citizens and advocates that support one another and serve as a voice for those behind the wall. I have the lived experience and remain near to those that are dealing with the daily challenges of having an incarcerated loved one. Most of the FSN returning citizens and those still serving are lifers or have life equivalent sentences.

My husband was incarcerated at 16 years of age and served 28 years and 8 months in Maryland prisons. In 1993, he was sentenced to two consecutive life sentences plus 23 years. Given his sentence he was not eligible for his first parole hearing until he had served 40 years at which time, he would have been 56 years of age. With all his post-conviction options exhausted and parole out of sight. We thought all was lost. However, after retaining private counsel in March 2017, a Motion to Correct an Illegal Sentence was filed and through that motion it was discovered that there was illegality in his sentence. Subsequently, his original sentence was modified to correct the illegality and through that action he was able to file a second Motion for Reconsideration. His initial Motion for Reconsideration was denied in 1999. After 25+ years of incarceration, the second Motion for Reconsideration was granted and a hearing was scheduled. My husband was not the lost 16-year-old teenager that was engulfed in a situation where he found himself at the wrong place, at the wrong time, with the wrong people. He was now a man in his mid-forties that had matured, committed himself to being a better person, engaged in developmental opportunities whenever possible and ultimately was no threat to public safety. His impeccable institutional record and demonstration of growth garnered the State's support and recommendation of release. On November 8, 2021, his sentence was reduced to time served and by the grace of God he became a free man on November 9, 2021. Since his release he maintains full employment, supports our family, and makes positive contributions to strengthening our community. None of this would have been possible without a Second Look, we both know how fortunate he is and that his case is an exception and not the rule. The one thing that he expresses that lingers over his mind the most is that he left behind so many deserving men that are just like him. He says those men are trapped in a system that has forgotten about them and has left them for dead. He proclaims often that he is not special and that the same "Second Look" that God blessed him with should be bestowed upon others.

Maryland incarcerates the highest percentage of Black people in the country (71% of Md's prison population is Black – 2x the national average). Maryland leads the nation in its level of incarcerated black men ages 18 to 24 by sentencing young Black men to the longest prison terms at a rate 25% higher than the next nearest state (Mississippi). How did this happen? Bias and discrimination against Black and Brown people with low income has been well documented at every stage in Maryland's criminal legal system, to arresting and sentencing. It is my desire that you consider the legislation before you as a step in the right direction of fixing the systemic mass

incarceration of Black and Brown men in Maryland. The extreme level of incarceration did not occur overnight by one specific action. It took years and incremental actions that had negative affects throughout the legal system to get here. To undo the injustices and address this crisis it is also going to take several actions over a period of years to achieve real justice reform. In 2021, the Juvenile Restoration Act (JRA) was passed but, it ended on the day it was signed as it was retrospective legislation. I implore you to build upon that to ensure we give those most deserving of a second look an opportunity to do so after having served 20 years in prison regardless of their age at the time of the offense.

We have been in communication with those behind the wall so they may also exercise their voices and participate in this legislative process. Please read their stories, lament the amount of time they have served and acknowledge that redemption is possible. Second chances are needed and necessary.

On behalf of myself, FSN and the Md Second Look Coalition I hope that you will unequivocally support this bill and move it forward with a **favorable** vote.

Respectfully,

Martina Hazelton

Martina Hazelton
Co-Founder and Executive Director
Family Support Network (FSN)
3937 1/2 Minnesota Ave, NE
PO Box 64093
Washington, D.C. 20029
Website: thefamilysupportnetwork.org



JCI Testimony - 01.10.2025.pdf

Uploaded by: MARTINA HAZELTON

Position: FAV

JANUARY 6, 2025

Ms. MARTINA HAZELTON:

TO: HOUSE AND SENATE JUDICIARY
PROCEEDINGS COMMITTEE.

I AM SENDING YOU MY TESTIMONY
AS TO WHY THE MD SECOND LOOK ACT
SHOULD BE PASSED.

I AM CURRENTLY SERVING A LIFE
PLUS 44 YEAR SENTENCE WITH PAROLE
FOR 1ST DEG MURDER FELONY. I PLEAD
GUILTY TO THE CRIME, AND I AM SO SORRY
FOR WHAT I'VE DONE. I WAS 24 YEARS
OLD AT THE TIME AND CURRENTLY 59 YEARS
OLD AND WILL BE 60 YEARS OLD 2025.

I'VE SERVED 30 YEARS IN PRISON AND
WILL PROBABLY SERVE MANY MORE YEARS
IN PRISON IF: (1) THE MD SECOND LOOK
ACT DON'T PASS, (2) IF I AM NOT
GRANTED PAROLE IN SEPTEMBER 2025.

2 Know that many Marylanders will be against this bill and continue to have the mindset of "Lockem up and throw away the key."
2 truly understand their grievance and I have compassion for them.

So I would like to address this committee in these words, don't judge me anymore for what I've done as a younger man, judge me for what I've achieved as an older respectable, responsible man, look at my positivity:

Ive obtained my GED, and participated in various programs such as:

- 1) ALTERNATIVE TO VIOLENCE (AVP)
- 2) Thinking for a Change
- 3) SOCIAL WORK PROGRAM
- 4) SMART RECOVERY (SELF MANAGEMENT AND RECOVERY TRAINING)
- 5) ALCOHOL ANONYMOUS (AA)
- 6) NARCOTIC ANONYMOUS (NA)

- 7) I've completed 6 YEARS of Bible Study Courses with SOURCES of Light Ministry
- 8) 1 YEAR Bible Study Course with Amazing Fact Bible School.
- 9) 1 YEAR Bible Study Course with GOSPEL ECHOES TEAM.
- 10) I AM CURRENTLY ONLINE (INSTAGRAM for my clothing line which I AM trying to get off the ground) Anthony Fleming 8/16/67
- 11) I've taken the liberty of getting SEVERAL YOUNGER guys out of these PRISON GANGS.
- 12) And I AM putting the finishing touches on my nonprofit program called FACT FATHERS And CHILDREN TOGETHER, which DEALS with, drugs, gangs, TEEN PREGNANCY, POVERTY, VIOLENCE, DEPRESSION, BULLY, AND MOST OF ALL, how to BE A FATHER to your child.

So, upon passing the Mid Second Look Act, you will be opening doors for older men with ideas

Such as these and much more,
which in turn can save the younger
generation before they explode and
give them insight about prison, drugs,
gangs, etc.

Sincerely,

Anthony Fleming

Anthony Fleming
J.C.I # 259-474
P.O. Box 534
JESSUP, MD. 20794

Marcus-William: Tunstall®
Concerned Citizen of MARYLAND, INC

RE: MARYLAND NEEDS TO COME
INTO COMPLIANCE WITH THE LAW

Good Day My MARYLAND Law Makers,

I am a concerned Citizen of MARYLAND. I ask that you give to me your undivided attention as I exercise my constitutional right to address my body of MARYLAND Legislators. As such, I call upon you to uphold your "Oath of Office", as outlined in ARTICLE I, §9 of the CONSTITUTION OF MARYLAND. And, required for good governance by ARTICLE I, §11, CONST. OF MD.; accord ART. 44, MD. DECLARATION OF RIGHTS.

In MARYLAND, the law promulgates the objectives of sentencing as being for punishment, deterrence, and rehabilitation. See, Cruz-Quintanilla v. State, 455 Md. 35, 40 (2017)(citing Smith v. State, 308 Md. 162, 166 (1986)). The Supreme Court of the United States ("SCOTUS") has delineated that judges are the ones who must keep their eye on rehabilitation regarding sentencing. See, Jennings v. State, 339 Md. 675, 683-84 (1995)(citing United States v. Grayson, 438 U.S. 41, 45 (1978)(quoting Williams v. New York, 337 U.S. 241, 248 (1948)("sentences should be determined with an eye toward the reformation and rehabilitation of offenders"))).

This General Assembly has passed legislation, giving judges the power to punish. By giving judges the power to impose a sentence. The Legislature has given judges the power to deter criminal offenders/defendants. When this Congressional Body legislated that judges may order those sentences be served under the custody of the Commissioner of Corrections. However, MARYLAND's Legislature has yet to give judges the power to complete the CONSTITUTION. By failing to give judges the power to keep an eye on rehabilitation and reformation.

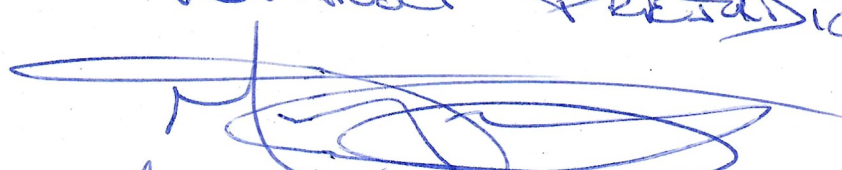
Since the SCOTUS explained that it is a judge's constitutional duty to keep an eye on rehabilitation/reformation. The Supremacy Clause of the CONSTITUTION dictates that MARYLAND's Legislature create a statute. Which gives every criminal defendant the right to file for a sentence modification -- so that a judge may monitor that criminal defendant's rehabilitative progress. Regardless of their age; regardless of the crimes of which they were convicted. And, regardless of the amount of time they have served.

Anyone who opposes such is not one who is true to their oath to uphold and enforce the CONSTITUTION(s). They are not even being true ministers of justice. Because a true "Minister of Justice" is one who protects the rights of the public, the rights of the victims. And, they protect and

safeguard the rights of the convicted. Ensuring that the convicted receives rehabilitation and true due process. A true "Minister of Justice" is not merely a prosecutor. See Attorney Grievance Commission of MARYLAND v. Cassilly, 476 Md. 309, 375, 379 (2021); Atty. Griev. Comm'n v. McDonald, 437 Md. 1, 46 (2014)(quoting Atty. Griev. Comm'n v. Gansler, 377 Md. 656, 697 (2003)); and Walker v. State, 373 Md. 360, 395 (2003)(prosecutor is obligated to safeguard the rights guaranteed to all people, including those who have been convicted)(citing and quoting Sinclair v. State, 27 Md.App. 207, 222-23 (1975)).

This Body of the 2025 Legislature must pass a statute giving judges the authority to completely exercise their constitutional duty. To review a convicted citizen's rehabilitation. By permitting that convicted citizen to file for a deservingly earned sentence modification/reduction motion.

ALL CONVICTED CITIZENS IN MARYLAND MUST BE GIVEN A CHANCE TO HAVE THEIR ORIGINAL SENTENCES RELOOKED AT BY A CONSTITUTIONAL COURT JUDGE.

"Without Prejudice"

Marcus William Trustad

JCI Testimony - 01.22.2025.pdf

Uploaded by: MARTINA HAZELTON

Position: FAV

Jason Allen, #356415
Jessup Correctional Institution

Re: Support for the Maryland Second Look Act

To the House and Senate Judiciary Committees,

As a 41 year old man with roughly 17 years in and beginning my first adult incarceration at 24 years old, my lived experience has me believe that this is the legislature needed to change our communities. I am much different than I was at 24 and I've watched many changes throughout my incarceration. As a minister and Certified Peer Recovery Specialist, I look for the inspiration that revives hope in this hopeless environment. Transitions from gang leaders to gang emancipators and drug dealer to pastor are real. But people need the hope to do so. Many of the men I refer to are big fish in a small pond, working in prison to address social issues that legislators across the nation fail to address in the past. Knowing that their greatest value is being utilized to prevent future crimes before they occur rather than picking up the pieces of people afterwards. We must critique the apathy towards this population that renders them underutilized.

The Kerner Report of President Ford's administration of the past acknowledged that incarceration and utilization of the justice system to address social issues harms black community's. Strom Thurmond and Ronald Reagan intentionally sought to criminalize being black. This was exacerbated later on by calls from Black legislators to incarcerate those in their communities by the government. Essentially, apathy towards the plight of marginalized Blacks who strive through adverse childhood experiences to survive is the social issue that our nation struggles with today.

Prison is where society sends those who've needed the most support, failed, or they don't know what to do with. This is not meant to diminish personal accountability as long sentence server to address this point. However, the macro-level illustrates the societal need for us. As the current model doesn't work and does more harm socially as well as economically. Empowering those who fight for a second chance to have hope in a better possibility. We have the training, lived experience, and desire to address social issues in our communities that the police do not. Thank you for this opportunity to convey the importance of recognizing the Incarcerated Citizens as assets to better develop our communities through Second Chances.

In Jesus Name,

Jason Allen

Steven S. Carrow 1941106
JCI P.O. Box 534
Jessup, Maryland 20794
January 10, 2025

To: The Maryland General Assembly Judicial Proceedings and Judiciary Committees

IN FAVOR for the Criminal Procedure – Petition to Reduce Sentence

My name is Steven Carrow and I have been a Maryland resident my entire life. I've served in the U.S. Marine Corps and I am a Gulf War Veteran. I am serving a life sentence and have been incarcerated for the past 2 1/2 decades. I have been a productive incarcerated citizen with an impeccable institution record.

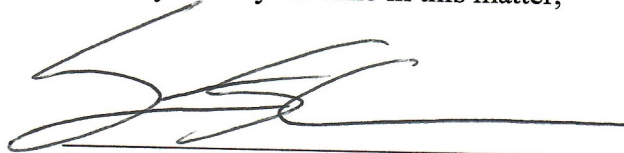
Maryland Law promulgates the objectives of sentencing as being for: punishment, deterrence, and **rehabilitation**. See *Cruz-Qunitanilla v. State*, 455 Md. 35, 40 (2017)(citing *Smith v. State*, 308 Md. 162, 166 (1986)). The Supreme Court of the United States (“SCOTUS”) has delineated that judges are the ones who must keep their eye on rehabilitation regarding sentencing. See, *Jennings v. State*, 399 Md. 675, 683-84 (1985) (citing *United States v. Grayson*, 738 U.S. 41, 45 (1978) (quoting *Williams v. New York*, 337 U.S. 241, 248, (1948) (“sentences should be determined with an eye toward the reformation and rehabilitation of offenders”))).

The General Assembly has created legislation giving judges the power to punish. By giving them the power to sentence. The Legislature has given judges the power to deter criminal defendants. When they legislated that judges may order those sentences to be served under the custody of the Commissioner of Corrections. However, Legislature has yet to give judges the power to keep their eye on rehabilitation. This Bill shall give judges that power for rehabilitation.

Since the SCOTUS stated that judges are responsible for keeping their eye on **rehabilitation**. The Supremacy Clause dictates that MARYLAND’S Legislature create a statute. Which gives **every criminal defendant** the right to file for a sentence reduction. Regardless of their age; regardless of the crimes of which they were convicted. And, regardless of the amount of time they have served.

Once again, I am asking for a **FAVORABLE VOTE** for the Criminal Procedure – Petition to Reduce Sentence

Thank you for your time in this matter,



Steven S. Carrow 1941106

Jason Allen, #356415

Jessup Correctional Institution

Re: Support for the Maryland Second Look Act

To the House and Senate Judiciary Committees,

My lived experience of coming into prison at 24 and with 17 years in on Life leads me to believe that the Maryland Second Look Act is needed to change our communities for the better. I am not the same and have changed throughout my incarceration. As a minister and Certified Peer Recovery Specialist, I look for the inspiration that revives hope in this hopeless environment. I am not an aberration. Transitions from gang leaders to gang emancipators and drug dealers to pastors are real. But people need the hope to do so and the living receipts to see what they could lose and what is possible if they change. Many of the men I refer to are big fish in a small pond. They advocate and work in prison to address social issues that legislators across the nation failed to address. Knowing that their greatest value is them being utilized to prevent crimes out of love rather than picking up the pieces of people afterwards, we must critique the apathy towards this population that renders them underutilized.

During President Ford's administration, the Kerner Committee issued a report acknowledging that incarceration and utilization of the justice system to address social issues harms Black communities. Strom Thurmond and Richard Nixon intentionally sought to criminalize being Black with "The Southern Strategy". This was exacerbated later by calls from Black legislators to incarcerate those in their communities selling or using drugs intentionally funneled there by the government. Apathy towards the plight of marginalized Blacks who strive through Adverse Childhood Experiences (ACES) to survive is the critical social issue that our nation struggles with today.

Prison is where society sends those who've needed the most support, failed to support, or send who they don't know what to do with. This is not meant to diminish personal accountability as long sentences served addresses this point. However, the macro-level illustrates the societal need for us. As the current model doesn't work and does more harm socially as well as economically, empowering those who desire a second chance increases the possibility of a better outcome for everyone. We have the training, lived experience, and desire to address social issues in our communities that the police do not. Thank you for this opportunity to convey the

importance of recognizing the Incarcerated Citizens as assets to better develop our communities through Second Chances.

In Jesus Name,

Jason Allen

TO: Honorable State Senators and Representatives
FROM: Richard McLeod, #190814
RE: Testimony for Second Look
DATE: January 9, 2025

Dear Sirs and Ma'ams,

To all the Honorable Senators and Representatives for the great State of Maryland I extend salutations. Additionally, I wish to thank you in advance for this opportunity to speak on behalf of the passage of the Second Look Act in its original form.

My name is Richard "Hanif" McLeod. I am a State Certified Peer Recovery Specialist, and have been incarcerated since 1987, nearly four decades. I am serving a Life without parole sentence for Felony Murder; a crime for which I am both actually and factually innocent.

I would like to take a moment to say that I am in support of returning the discretionary authority of modifying criminal sentences to the judiciary. Judges have the unique ability to take all factors of a given case and balance the interests of all parties to insure a just outcome.

As you are already aware, it is well established law that the intent behind the original adjudication of a given crime is to address the interests of the victim, the community at large, as well as the defendant. The Judge is charged with the duty to address punishment, deterrence, and rehabilitation. This principal is validated by the Supreme Court when they said that Judges sentence with an eye towards rehabilitation. We can see clearly that the courts have seen to the first two principals in the original sentence of offenders. Where-as, they have lost the jurisdiction over those same cases involving lengthy terms of confinement. In what world is a Court going to give genuine consideration to changing a sentence where the victims and the community is still very much in their healing processes.

I would like to make Two final points. The first: is that the passage of this Act is in no way a magic wand that releases *anyone* from prison. It simply enables a Court to review the history of an incarcerated person to determine if there is evidence of rehabilitation supporting the possibility of modifying his or her term of confinement. And second: There are sufficient amounts of data that show:

- a) that once individuals have twenty or more years into their sentence's they have diminished the level of criminal behavior substantially from their youth and there-by present a significantly reduced threat to the community; and
- b) that the comparative benefit of continued incarceration for individuals who have often decades of demonstratable rehabilitation far outweighs any punitive value.

There are many other reasons that validate the over-all need and benefit of passing this Bill. I won't belabor the point by restating them. I wish to simply state that there are many inside, as well as outside of the Maryland Prison system that will profit from its passage. We are currently trying to address a major budget concern for our State. The millions of tax-payer dollars that will be saved by the passage of the Second Look in itself will significantly aid in solving some of those concerns.

In closing, I wish to again thank all of you for the work that you do for this State. I want to say that I whole-heartedly support the passage of the Second Look Act as is.

Sincerely,



Richard L. McLeod, C.P.R.S.

Cc; rlm

File

MCI-J Testimony - 01.22.2025.pdf

Uploaded by: MARTINA HAZELTON

Position: FAV

January 8, 2025

To: Maryland Senate and House Committee

From: Kevin Briscoe #173493/401893

P.O. Box 549

Jessup, Maryland 20794

Re: Support for Second Look Act

Honorable Committees,

Thank you for looking at the Second Chance Bill, it allows a progressive look towards being at least considered in a manner of one's voice being heard after being silent for decades. The point being most persons after being incarcerated for long periods have chosen to redevelop their flawed way of thinking as well as being in control of their thoughts, feelings and behavior. Having adopted a more positive outlook allows us to value respect for others while a clearer approach to what it means to not only take responsibility for one's actions but also handling with life's obstacles without putting their pain on others.

There are no shortcuts to this process because all factors had to be considered, society, our victims, our thought process, self-reflection and a great deal more.

I don't come to any conclusion about anything until hearing all sides of the good, bad and indifferent. All sides speak from experience and pain, realizing it's the pain that keeps us from being objective or receptive.

The second look is just that, a second look, not a get out of prison free card. What may not matter to one person may to another, we don't know the positive impact it can have on the healing process of those harmed or society after hearing how much the pain others matter to us, how this persons thinking has changed and more importantly what they have to offer being a part of the living society again. Several of the issues leading one to prison were their thinking, the other lack of support. The thinking has been corrected, now what is being asked for is the support.

If society's mission was to correct one's thinking so they could properly function within society's rules and values, then at some point it was meant for that person to show and prove their value and worth.

Please consider allowing one an opportunity to live a realistic lifestyle that reflects growth and self-worth.

It's like having a death sentence not in the literal sense but picture having made some extremely poor decisions, learning from them but never allowed show how understanding those choices allowed the change that is now your view of yourself, a light remaining in darkness always that disappointment to society, family and self?
(You might as well not exist)

What has been redeveloped in most allows one to be seen in a different light, now understanding I am not the sum of my past, matured to the point that life and others matter. Which leaves one to ask the greater question, does it matter? , Did anyone care to see change? Or was that a misconception of what the justice system stands for?

On a personal note, I am still working towards greater understanding as to where all my pain came from; the difference now is I do know I am in control of my thoughts, feelings and behavior. Now having the tools to recognize and overcome negative feelings which allow me to make decisions based on logic not emotions.
Is forgiveness so far from us? Lest we forget all of the pains so many have suffered do to personal ignorance and flawed thinking. Is that not what we all have been fighting against? We are standing tall not because of anything we've done but because our minds are correct and we are now able to be counted (as humans), allow us to be counted.

Respectfully Submitted,

A handwritten signature in black ink that reads "Kevin Briscoe". The signature is written in a cursive style with a large, stylized initial "K".

Kevin Briscoe

Heal My Heart

I wake up in the morning just to pray, I give thanks to see another day, but no matter how hard I try the pain of my past just won't go away.

The Lord helped me realize only time can heal certain pain, please Father hear me when I am Praising your Holy Name.

I use to see life through different eyes, but loving Jesus brings to mind that he is that Greater Love and Greater Peace that lets us all know a better day is on the way.

Father please Heal My Heart and Ease My Pain, give me the Strength to Love again. Heal My Heart and Ease My Pain, give me Hope to Trust again, give me the Strength to Live and to Trust so I can Love now that I now know how.

Only Jesus can Ease Our Pain as he uses his Word to make things simple and plain, to teach us the ways of Love to ensure his message is heard by all.

Learning more about what plan the Lord has for me helped me turn over a new leaf, I am determined to live a better way, that is if I have an opportunity someday.

I'd feel much better if the past would go away, but then how would one see all of the examples Christ left for you and me to show us the way, the pain we've caused ourselves and others teach us the values of what we can't always see.

Those examples show us there are something's in lives we must change, choosing what is right because that is how we gain our insight.

To give thanks in all things as we often don't see the beauty in pain, but it's the pain that brings the much needed change which later keeps us going in the direction this simple but not always plain.

There is no Greater Love or Peace than Living for the Lord
(No Matter How Hard)

Heal My Heart and Ease Your Pain we all suffer to reveal what's plain.

Kevin Briscoe

Testimony / Lifer / MCI-J

I am 67 years old and I have been incarcerated since the age of 28.

As a younger man I was heavily involved in using illicit drugs and alcohol and didn't realize the destruction I was causing to so many people by leading such a destructive life. The end result of this foolish behavior was I took the life of another human being by driving my automobile under the influence of a hallucinogenic drug.

After this tragic event occurred and sobering up in prison that I finally realized the pain and suffering I caused, not only to the victim and his family, I nearly destroyed my family as well. At this point there was nothing I could do other than change my behavior/thinking. I was in prison serving a Life Sentence due to my insanity and realized that I was the only one who could change me so I started on a life time journey of rehabilitating myself.

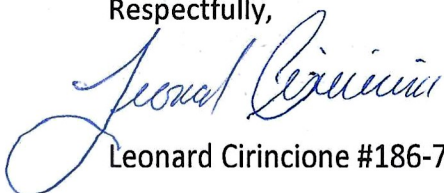
Throughout the decades I've spent in prison I've worked diligently on changing my negative ways. The first step was to get involved in 12 step programs (AA-NA) second step was to educate myself. I enrolled in the College Program and decided to major in Applied Psychology w/a concentration in Drug and Alcohol Addictions. My rationale for choosing Applied Psychology as a major was to get a handle on myself and apply the tools that I learned to heal myself and possibly be a role model and help others in their struggle.

Throughout the years I also got involved in many other institutional programs and worked full time with Maryland Correctional Enterprises. Now almost 40 years later I am still involved in 12 step programs and working for Maryland Correctional Enterprises.

I feel the Maryland Second Chance Act would be very beneficial not only for myself and many other men who like myself worked diligently on correcting their negative ways that lead them to prison. Not only have we corrected our negative behavior, we can now be role models to the younger generation who are headed in the same direction that we did. We can be a big part of stopping the madness that is occurring with our youth.

There is a lot more to say but I will conclude this testimony for now.

Respectfully,

A handwritten signature in blue ink that reads "Leonard Cirincione". The signature is written in a cursive style with a large, looping initial "L".

Leonard Cirincione #186-738

1-13-25

To: House & Senate Judiciary Committee,

My name is Marvin Crossell, I am serving Life sentence in the Maryland Penal System and I support this Second Look Bill.

First, I would like to thank you for taking the time to read why it is important for the passing of a Second Look Bill. I can imagine that it may be difficult for you to consider giving individuals who are incarcerated a second chance with all the chaotic things that are going on in our society today. I believe though that we all have to remain hopeful and vigilant if we are to induce positive changes in both individual's, and our society. The Former President, Barack Obama once said something that resonated with me when he came into office; he stated at a very chaotic time in our country and world's history, "Change will not come if we wait for some other person or some other time. We are the ones we have been waiting for. We are the change that we seek." For me, that included everyone from every walk of life. It does not matter what color you are, what your beliefs are, if you are rich or poor, or have made bad decisions in your life. That call went out to everyone, it still does!

I believe the Second Chance Bill matters because it gives an individual like me: incarcerated at age 19, no priors, time served – 45 years a chance to change the narrative of his or her life. Now none of us can undo the crimes we have committed, nor can we undo the poor choices we have made in the past. However, many of us have grown and changed from the young, misguided, uneducated and lost individuals we were. A second chance matters because with it comes the opportunity for new beginnings, to be a better person and it gives us the chance to help rebuild the communities we shared a part in there deterioration. Moreover, there are still a great number of things that could attest to why a second chance matters, but I will end with this. When many of us who have served 30 plus years where sentenced, we had 90 days in which to file for a modification of sentence and within a year we would have a hearing. The thing is, within that time none of us had the opportunity to grow, to transform our lives or learn from the bad choices we had made. In fact, I did not fully understand the extent of my actions, how those choices affected my victim, their family, the community and even my own family, as

well as my own life. Today the laws are changed and the courts are not permitted to even consider modifying anyone's sentence after 5 years of being sentenced; even if it is warranted where an individual has shown through their institutional record that they have transformed their lives through self-reflection, education, self-help and cognitive groups. On a personal note, it took some time for me to truly realize the crimes that I committed but I came to the place where I did and it was at that point that I made a choice to change. I felt like I owed it to my victim, to a whole community that lived in fear for a time, to a woman who raised me with good morals and values, and I owed to myself to change. So in an environment that was inundated with violence, chaos, drugs and alcohol. One that was limited and less than ideal, I began to take the steps that I believed would promote growth and change in my life. I began to get active in self-help groups that really taught me about being less self-centered, doing for and giving to others. I enrolled in school, obtained a G.E.D., and then went on to be the first and only person in my family of six sisters and four brothers to obtain a college degree (B.S. in Management Science). I also became active in mentoring groups that were geared towards at risk youth from all over the state of Maryland. In addition, by the grace of God Who transformed my heart, I no longer use drugs or drink alcohol, and my life has meaning and purpose.

In closing, please know that behind these walls and fences are some very talented and gifted individuals. It is unfortunate that many of us had to come to prison to discover our purpose in life, or that we even possessed gifts and talents that could possibly provide for our families and ourselves or to share with the world; but such is the case. Now we are armed with wisdom, education and other tools to help us better navigate out in society today. I am not proud of my actions and unfortunately, I can never take back or undo the things I have done and that is something that I will have to live with for the rest of my life. Though I am not the victim in this matter, I have paid a great price, I believe I have put in the work to transform my life and I am asking to be given the opportunity to, at the very least, be given consideration for a second chance. Thank you!

Respectfully,

Marvin Crossell

MCI-W Testimony - 01.28.2025v1.pdf

Uploaded by: MARTINA HAZELTON

Position: FAV

Committee: House and Senate Judiciary Proceedings Committee Favorable Support

My name is Janet Johnson. I am currently incarcerated at Maryland's Correctional Institution for Women. I entered the system as an emerging adult at the age of 18 and at 19 was sentenced to 25 years to life with the possibility of parole.

The scientific community recognizes emerging adults as adolescents between the ages of 18 - 25. Youth between the ages of 18 -25 are classified as emerging adults because, while they have exceeded the age required for classification as a juvenile, their brain hasn't reached the stage of development required to classify them as an adult. Farrington, Loeber and Howell explain in their research article Young Adult Offenders that the higher executive functions of the brain, which includes planning, verbal memory and impulse control, are not usually developed fully until the age 25.

I am now 37 years old and have worked hard at becoming the woman I am today. On May 31, 2024 I graduated from Goucher College with Honors. I achieved honors by defending my thesis that questioned "Have cultural norms shifted to signify that eighteen is no longer the marker at which an adolescent transitions into adulthood? Science supports that brain maturation within an adolescent is not reached until the age of 25. What does this mean for emerging adults within Maryland's criminal justice system?"

I spend my time giving back by tutoring my peers and training to become a peer recovery specialist. I have all of the hours required for certification and am just waiting to take the test. I enjoy creating programs that assist in the rehabilitation of the women in my community. I share this with you because I want you to know that I am not the same person I was at the age of 18. I have grown and am working hard to prevent at least one at-risk youth from making the same mistakes that led me to prison by sharing my journey of growth.

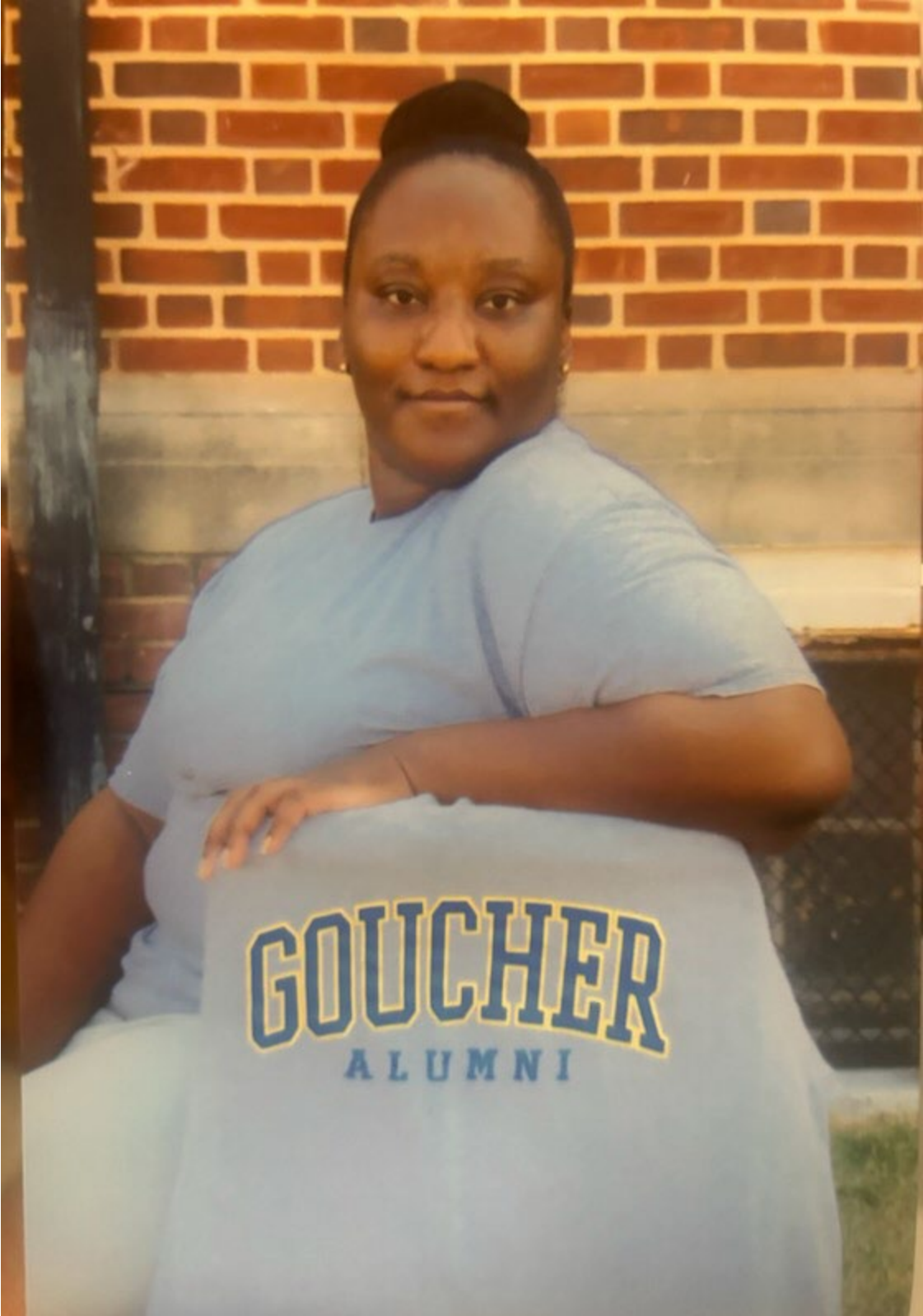
I am an adult who was incarcerated at the age of 18. I believe that I needed to be held accountable for my decisions that led me here. Someone lost their life and that is something I have to live with for the rest of my life. Although I do have parole eligibility, because of my sentences, there is no guaranteed timeline for release. I was given a 10 year hit as a result of my parole hearing in 2020. My next hearing is in 2030. If given a recommendation for release, I would still have to have a risk assessment. The process for a risk assessment has been lengthy. For most people, the process has been three years.

Passing the Second Look at would mean a realistic release date for emerging adults like me. I didn't fit the criteria for the Juvenile Restoration Act of 2021 because I was 18 at the time of my offense. However, the scientific data that renders juveniles less culpable than adults includes emerging adults as being less culpable as well.

I thank you in advance for your time and support of this bill.

Respectfully,

Janet Johnson # 923246
7943 Brockbridge Road
Jessup, Md 20794



My name is LaTronda Jackson

I came to prison by way of very unfortunate events and an Alford Plea. I have taken full responsibility for my part. I relapsed and found myself in fight or flight situation. No other way for me to describe it. I had been clean since 2004 when I gave birth to the third of my six beautiful children. My life went wrong at the age of 5. I felt abandoned, unloved, unwanted and was molested, abused and broken by the same people who said they loved me. Throughout my entire existence I experienced those things, thinking the whole time it was my fault, thinking that I did something to deserve it.

When I got clean, had therapy, counseling and gained the understanding that I was a child and wasn't responsible. I was a victim. It mess me up. I needed help not drugs. I knew better so I begin to do and wanted better. I not only wanted better for myself but also for my children. I begin to be a Mom, productive member of society, husband (Islamic marriage) a roof over our heads and living drug free. I had just had my youngest daughter she was 3 months plus when, I found out my husband was cheating on me and selling drugs. He had 7 children plus my six that I cared for most of the time. They all went to family member's homes for visits and it should have been just me and him. It wind up only being me. I was devastated, possibly suffering from PTSD and I broke down turned to that pain reliever instead of using the coping skills and my NA sponsor. It was biggest mistake of my life. 2 hours. I went through the neighbor, meet with the guy. I had money. In the end he wanted what I wasn't willing to give. He decided he wanted to take it. Here I sit with 35 years in prison for defending myself. I thank good every day for saving my life. It could have been me and I might not have made it back from that relapse.

During my time in MCIW I have remained infraction free. I stayed available as much as I can for my children participating in classes, Family and Children's days. I continue to take group and classes that will allow me to be a better stronger person than I was when I got here. I have maintained a job my whole duration. I have an abundance of certificates and certifications and am aiming for more. When I am release I will prove to the world I am deserving of the freedom rewarded. I miss my children most of all. Changing the cycle.

To Whom It May Concern,

Before my incarceration I was so lost, checked out, unaware, misguided, suffering and suffering from so much abuse mentally, physically, sexually, and emotionally. Not knowing who I was from day to day. I was smothering myself with drugs and alcohol just to be numb. I didn't want to bare the pain and heartbreak I felt constantly from being unwanted, unloved, and abandoned. I was in and out of Foster homes and mental institutions. I have been incarcerated since January 23rd, 2009. I was 19 yrs. Old. I am now 35. Since being behind these walls I have learned and accomplished so much. I have achieved my diploma and 40 certificated from multiple self-help group and classes. I am a mentor for The Youth Challenge Program. I have a job working for Maryland Correctional Enterprise being the line leader of my department. I have overcome everything I was suffering from before my incarceration. I thrive each and every day to put my best foot forward. I am full of humility. I have self-discipline, self-love, self-respect, ambition, integrity, dignity and a heart is so much better. I also have graduated from a 6 month program called ATP(Addiction Treatment Protocol). I attend regular meetings Of Al-Anon, AA. I even buff the floors within the institution. If this bill was to pass, it would mean to me that I have another chance to live my life the proper way and utilize the excellent tools I have obtained. I will be a wise and virtuous human being, giving back to the community, showing that I am worthy of living in society among everyone else. I can show my greatness. I would like to help guide the youth and help them to not make the same mistakes I have. This bill would affect my life because I now know my purpose. I am a leader, a teacher, and a role model. So many are lost, we all live and learn and if I could help save someone's life before heading to that dead end. Then that just what I would do. I want to be to society and my community what I didn't have. I know who I am and I know life will show up but there is a different me now. I know how to look hardship in the face and not run. There is nothing that will stop me from living out my purpose. Please allow me the second chance and an opportunity to show you everything I have written in the lines above. Thank you.

Respectfully Submitted, :

Josiah (Brittany) Barkley #924902

J. Barkley

1

My name is Cynthia Levening
I am 62 years of age. I have
been incarcerated for 34 years.
There has not been one day
or one minute to pass in those
almost 35 years that my heart does
not ache because of my actions or
the lack of them. all of my life
is full of remorse and regret.
I was sentenced to life plus 75 years
without parole. I only knew my co-defendant
for 30 days. I accepted a ride with a
stranger; he took me to a room in
a house in which I was held against
my will, I was sexually assaulted and
forced to smoke PCP repeatedly over
a course of days. a drug I
never liked or used to even
self medicate which I did most of my
life. I do believe I was at the lowest
point of my pitiful life. I had no
desire to live. This would explain
to me why I did not run away
once I gained my co-defendants
trust. and he untied me. In the

beginning I was tied up on that room on the mattress on the floor. I do recall a very big dog in the room as well. I do not have much memory of the events thereafter; not only was I forced to smoke PCP I also self medicated with my prescribed medications Valium and Placidyls which I did abuse; but were prescribed by DR RUBIN.

I cannot fathom the person I am today committing such a heinous and senseless act as the one I am charged with. It has been hard to live with myself, not to mention forgiving myself. So that I may also be forgiven by God. My heart will never not hurt, and the remorse will forever consume me. I am 62 years old now. I do not know how many years I may have left of life but I wish with all my heart & soul I too, like many of the 'people' I have met here many years ago with like charges who are now home

There is an extreme disparity in sentencing depending upon where you go to trial and its jurisdiction in which that trial took place. I was offered a plea of life w/ Parole if I plead guilty but I did not accept; I regret that today. I was given life w/o Parole plus 75 years.

I do not know the criteria that is used to determine who gets a second chance and who does not. But I have known many who have. They are all doing great for which I am pleased and proud of them.

My first 20 years I tried to accomplish what I could to better myself. I received my GED in 1996. I worked for MCE for about 20 years in various shops. With all my experience + training in the 20 years I worked for MCE, I never received a work related infraction. I have developed transferable skills with the 4 different shops in

which I worked. I earned
many certificates to include master
Bee Keeping which I loved. I also
worked and kept the gardens up
for my first years here.

But after 17
years I became hopeless feeling
and very depressed. I had no
sense of hope or incentive and
the guilt I felt for all the
lives my actions I affected
consumed me. Today I am working
through the guilt by having
a relationship with the Lord,
reading his word and much prayer
I know he has forgiven me
I only hope I pray that
human kind will also forgive me.
So that I may live my
remaining years free and
trying to give back with
love and compassion where
it is needed. God has put
many good people in my life
who have been true blessings

for which I am forever grateful.
I have been married now
since 1999 and have a loving
husband & family. I pray you
may find it in your heart
to also forgive me and
consider a second chance
in whatever life I may have
left to live.

Respectfully,

Cynthia Leveing

I attend Lutheran St Dymas
service and have been for the
last 25 years. I wish to go to
the Marian House a structured transitional
housing program where I would receive
intensive & holistic support during
my return to society. The Marian House
is in Baeto, Md & provides comprehensive
programming for formerly incarcerated women.
I also have the support of my
husband of 25 years, Daniel Freeman

NBCI - 01.31.2024.pdf

Uploaded by: MARTINA HAZELTON

Position: FAV

Warren X Stuckey #241-212
North Branch Correctional Institution
14100 McMullen Hwy., S.W.
Cumberland, Maryland 21502

RE: Support and Consolidation for Justice
Reform to Change Laws to Protect Against Intermecine Harms

Martina Hazelton
Co-Founder and Executive Director
Family Support Network (FSN)
3957 1/2 Minnesota Avenue, NE
P. O. Box 64093
Washington, DC 20029

Dear Ms. Hazelton:

This letter is being written on behalf of the men who reside in North Branch Correctional Institution-(**herein after 'NBCI'**)-; because we wish to share our sentiment with you and the Attorney General (Mr. Anthony Brown) for the rebel endeavor in which you'll have taken upon yourselves.

All of the letters of the men who support the many who are advocating for us really wish you to know that we are with you in spirit. As the Student Minister of the Nation of Islam, I am in a continuous struggle (**though worth every second**) for self-development and reform which entails doing that which is in line with producing a reformative mind through efforts of remorse; enabling one to grow beyond the deplorable thinking and behavior patterns. It isn't until the human being learns how to truly evolve the self, that he/she is able to reform and give the same to others.

Since coming to prison in 1983, for the murder of a childhood friend (Larry "Woodie" Erickson), I have spent my time trying to figure out what was causative enough to transform a young mind to do that which troubles the innate propensity for right thinking. Of course, we can all concede to how certain conditioning has been the culprit to belie and distort that which the communities (i.e. **"culture"**) in Black and Brown areas suffers from, and pass them off as mere slippages of those languishing therein; however, those understanding the power of having a voice knows better. For whenever you take the ability of people to articulate their feelings (i.e. **like human beings should**); what depreciates as a result is more than just the gift of expression; they become what they see. And, this means to lose that ability altogether.

Children moves in errant due to what the eye catches; because they lack the know how of distinction between right and wrong. This is precisely why parents and other guardians sometimes find it difficult to grasp "why?" Now, after years of research and experiments; it becomes obvious that the mind capacity of even early adults lack true comprehension of a wide tendency to produce for that mind, clarity of measuring a full impact for deviation. We learn this empirically. This is why the task; as well as the path, assured by those like yourselves are of extreme importance. They help to facilitate a better lens from which to see how entangled goes this intermecine problem.

Each individual whose names affixes this show of support, most of whom have endeavored to prove ourselves worthy of such advances on your parts, by living a life that could be easily

braved to support the argurent against giving us a second chance to live in a wellness state outside of these confines.

We are extremely hopeful of the Bill passing with respect to this regard. If you haven't seen or been told by the many you represent in these laborious undertaking; know that our gratitude speaks volures of your worth in the cause of justice and devotion. WE thank you; and say, "Mizpah!"

Sincerely,

Warren X Stuckey ("Warren Muhamrad")

CC:MS

Anthony G. Brown

200 Saint Paul Place

Baltimore, MD 21202

Greeting Mr. Brown,

First and Foremost I would like to start off by thanking you for your concerns and your efforts in reducing Mass incarceration and also establishing meaningful reform in Maryland's criminal legal system.

As an incarcerated individual serving a sentence of life without the possibility of Parole, I feel discriminated against because of my sentence. Serving a life without Parole sentence doesn't allow me to move throughout Maryland's prison system to be able to take advantage of certain programs or special Trades other institutions may have to offer. I believe that there should be a criteria met that would allow incarcerated individuals the opportunity to advance throughout the prison system. The idea of reform is for one to improve on self, the system doesn't allow individuals to do that.

I would also like to thank you and your constituents for your work and support in trying to get the Second Look Act Bill passed. I believe in second chances for individual who have earned it, I also believe that they shouldn't be taken lightly. I am amongst some men who are well deserving of a second chance, and I pray that one day they'll get that chance because they have so much to offer to society.

Mr. Brown I can't even express to you the importance of this bill and the affect that it will have on individuals who are so eager to do the right thing, to re-enter society and be productive citizens to there communities.

Again Mr. Brown, thank You and all who support the cause for reducing mass incarceration and establishing meaningful and effective reform in the legal systems.

Sincerely,

James Turner

James Turner

364-875

November 26, 2023
10:07 AM

ABRAS MORRISON
N.B.C.I. - 227630/136197
4100 Mc-Mullen Hwy, 50
Cumberland, MD 21502

Dear Honorable Anthony G. Brown;

Goodmorning Sir!

Sir, first allow me to Thank you for reviewing and supporting the Second Look bill in Maryland, to change the mass incarceration of Blacks and other marginalized people. Yes Sir, you are correct and it has been proven that lack of educational services, equality and care leads to us making negative decisions. One of the main reasons for men and women spending 3 to 5 decades incarcerated, is because when errors are raised to the courts, the circuit courts use their discretion instead of applying the Md. law. In my case, my co-defendant pled guilty, did 29 yrs on his life sentence, had his sentence modified twice & freed June 2020. I did not plead guilty received life without parole sentence. I have raised the claim with verifiable proof that the State's Attorney lied to the court for me to receive the enhanced/increased penalty. Up to now no one from the State's Attorney office, including

415

The State's Attorney have said that my claim is untrue. I say again, no member of the opposing party has said, nor can they say, my claim is untrue. Yet, up to now, every judge has just denied the motion or petition with no opinion. In Gregory Daniel Lambert's situation, he did exactly what you told him to do pertaining to his Md. R. 4-351 claim, he even used the exact case and motion you said he should have filed. Yet, the circuit court judge denied his claim with NO OPINION. So, as you can see Sir, the circuit court judge are not using the Md. law to address errors, they are using their discretion, which many times leaves you and the appellate courts to deal with the claims. Please make sure that in the Second Look Act bill, it is stated that, ONCE AN INCARCERATED PERSON SATISFIES THE requirements, juvenile or not, the court must modify the incarcerated person's sentence. Otherwise Sir, the judges will use their discretion and deny the modification, every 5 yrs., leaving MASS INCARCERATION OF BLACKS AND OTHER marginalized people UNCHANGED.

Thank you Sir, for reading these words.

2

Sincerely,
Abner Morrison

DEAR HONORABLE ANTHONY G. BROWN;

GOOD DAY SIR!

I PRAY THIS LETTER REACH YOU IN THE BEST SPIRIT.

I WOULD LIKE TO FIRST THANK YOU FOR YOUR SUPPORT OF THE SECOND LOOK ACT BILL. AS YOU KNOW, MANY BLACK MEN, WOMEN AND CHILDREN ARE DISPROPORTIONATELY INCARCERATED IN MARYLAND AND ALL ACROSS THIS COUNTRY. PART OF THE REASON FOR THIS PROBLEM OF MASS INCARCERATION IS NOT ONLY THE CULTURAL, ECONOMIC, SOCIAL ILLS, ETC., OF BLACK PEOPLE, BUT ALSO THE STATES ATTORNEYS AND JUDGES THAT DON'T FOLLOW THE LAWS/MD. RULES WHEN ERRORS ARE MADE BY THE STATE, THE COURT OR LAW ENFORCEMENT. INSTEAD OF GRANTING BLACK MEN, WOMEN AND CHILDREN RELIEF ACCORDING TO THE MD. RULES/LAWS OR EVEN THE PROGRESS/GOOD BEHAVIOR OF THE INCARCERATED, THE STATE AND/OR THE COURT CHOOSES TO KEEP US INCARCERATED; THEREFORE PERPETUATING THE MASS INCARCERATION OF BLACK MEN, WOMEN AND CHILDREN. PEOPLE SUCH AS YOURSELF ARE IN A POSITION TO HAVE MERCY ON US. THANK YOU FOR YOUR TIME AND ENERGY.

SINCERELY,



GREGORY DANIEL LAMBERT
327-299/1528429
N.B.C.I.

14100 MCMULLEN HWY, S.W.

CUMBERLAND, MD. 21502

11-27-23

DaJuan Marshall #400088 #2102583

14100 McMullen hwy, S.W

Cumberland, Md. 21502

Mr. Brown,

I am writing on the behalf of myself and the many other incarcerated men, women, and children throughout Maryland. I thank you for having interest and considering the Second Look Bill. As you know there are many of us incarcerated looking towards, fighting towards, and deserving of a second chance at life and the Privilege of freedom. From those who have languished behind bars for a crime committed in their childhood, or to those of us who are truly innocent but were still convicted, or to those who've truly transcended from their past self. This second look gives hope and would be in the best interest of Justice and morality.

As I enter my 16th year of incarceration, I think of the men and women who have been in bondage for 20, 30, 40+ years, and to what end?

Is it humanly possible to not evolve past the mistakes or faults committed in our youth? We should all be deemed worthy of rehabilitation, redemption, and reconciliation. For crimes one is convicted of should punishment be the end all, say all?

I have met the genuine at heart, and some of the greatest minds on this journey, and surely their families and society would receive a great service by their presence. The Second Look act would bring fair balance on the scale of justice, so once more on the behalf of the often forgotten and exiled... I thank you, and thank you for taking time to read my words. Sincerely,
DaJuan Marshall

In The Name of Allah, The Beneficent

The Most Merciful

As-Salaam Alaikum (Peace and Blessing be upon you)

Mr. Brown first, before I begin to address any subject matter. I would be remiss if I don't thank you and all of those who stand/work shoulder to shoulder with you on the Reduction of Mass Incarceration, and Restructuring this broken Maryland Criminal Legal System.

Now as a Incarcerated Individual (II) serving a life with parole sentence, by guilty plea; which is a high rate in itself. I have been confined since 2009, and what the system calls a model (II) and still hasn't gotten all the system has to offer. I believe as a Lifer we should've multi-option that will maximize the potential for Self-Improvement, and Higher Education. Because in doing so this gives the person the opportunity to show and prove his/her Rehabilitation; isn't this suppose to be the goal for the prison system?

So working to pass the Second Act Bill is very much needed. So those who has qualified themselves as Redeemed (II)'s, will then in return be the solution to the problem in society. Me and many other Brother's are willing to be The Price of Redemption to save one life. I hope and pray that all parties argue their proportion of the bill and why it should pass like their children's life depends on it, because it does. Now why I said that is because your children ~~are~~ either growing up in some of the same or similar environment.

my final thoughts, and suggestion is to jump start this Reform in the Maryland Criminal legal System. ONE I believe it should be a Integrity Unit inside Baltimore County and in any state that doesn't have this Integrity Unit (IU) in place; Because the unit establish responsibility and accountability from the Highest to the Lowest, (from Police officers, Prosecute's, and Judges etc.) Our Criminal legal system has all type of Rules and Regulation Md-Rules, Criminal Procedure etc. that (must) be followed to the Letter; not circumvent. So whenever The Law is precisely shadow it creates Balance and Justice brings peace.

Mr. Attorney General, what you are witnessing in our city streets is the lack of Balance. Mr Brown our goal is to correct misconduct of any kind of the root. So let's continue to work haed to restore our communities. Thank you for all your Support Sir!

your truly
Robert X Crowder 364-717

"Where there No Justice, there No Peace"

Marvin L. Warner
14100 Mcmullen hwy, SW
Cumberland, MD 21502
December 22, 2023

Dear Attorney General Anthony Brown,

Hello sir! My name is Marvin L. Warner. I'm currently incarcerated at North Branch Correctional Institution, serving a life sentence. I'm writing you in reference to (Maryland Second Look Act). I would be remiss in my duties as a reformed man, if I didn't express my gratitude to you and your administration for supporting the second look act. The second look act, ~~the~~ is a great step towards criminal justice reform in the state of Maryland.

I know that the keys to making the state of Maryland a safer environment reside in the hearts of the men at N.B.C.I, with a second chance

and proper Funding, I and many others
will become a great asset to the
communities within the state. Myself
and many other men and women look forward
to benefiting from this. Thank you sir!

Sincerely
Marvin Warner
Mar Warner

Dec 15, 2023

To: Attorney General - Anthony G. Brown

I Am writing you this letter to show my appreciation and admiration towards you, for supporting and advocating for the passing of The Second Look Act that's coming up for a vote next year. I am an individual who fits under the criteria of this Bill. I was arrested at the age of 18 yrs old and convicted at 19 yrs for a murder, and sentenced to a life sentence without the possibility of parole. This Bill will help me greatly in achieving my freedom back giving me the opportunity to make something out of my life on a positive note. And giving back to my community. My family support me and they also support's you, and the advocacy of this Bill. I would like to know who else I need to contact and support with my family to get this Bill passed into law.

Thank you! For listen Sincerely Mr. Jerome Blawie Jr

SI# 1662295 N.R.C.F

Cumberland, MD 21502

14100 McMillen Hwy S.W

(Time of my arrest 1996)

NBCI - 01.31.2024v1.pdf

Uploaded by: MARTINA HAZELTON

Position: FAV

MR. ANTHONY BROWN:

12-22-23

MY NAME IS ERIC CLARK AND I AM CURRENTLY INCARCERATED AT M.B.C. IN CUMBERLAND, MARYLAND. I AM RESPECTFULLY ADDRESSING THIS LETTER TO YOU IN REFERENCE TO YOUR APPRECIATED SUPPORT AND ASSISTANCE WITH THE SECOND LOOK ACT BILL. MR. BROWN, THIS LETTER ISN'T JUST ABOUT ME THANKING YOU ON BEHALF OF MYSELF; SIR, THIS IS A LETTER ON BEHALF OF ALL OF THE MEN AND WOMEN HERE IN MD AND ACROSS THE COUNTRY, WHO ARE ACTUALLY UNABLE TO SAY "THANK YOU". SO MANY MEN AND WOMEN WHO ARE INCARCERATED REALLY DO DESERVE A SECOND CHANCE — A SECOND LOOK AT LIFE. MANY OF US CAME TO PRISON AS LITTLE BOYS AND GIRLS WITH UNDEVELOPED MINDS; MEANING, WITHOUT ANY VALUES OR TRUE GOALS. YET, OVER THE PAST 20, 25, 30 YEARS ALOT OF THESE SAME YOUNG BOYS AND GIRLS HAVE EVOLVED, GROWN AND MATURED INTO MEN AND WOMEN OF AND WITH HONOR, INTEGRITY AND RESPECT. ELEMENTS OF VALUES AND PRINCIPLES THAT DIDN'T EXIST IN OUR EARLIER UN-NURTURED YEARS. THIS IS WHY THE SECOND LOOK ACT BILL IS SO NEEDED, SO IMPORTANT AND SO POWERFUL. THIS BILL GENERATES AN INCENTIVE TO SO MANY TO CONTINUE TO GROW AND TO CONTINUE TO DO GOOD. THIS BILL IS A POWERFUL ENCOURAGEMENT TO MEN AND WOMEN TO CONTINUE TO PROPERLY REHABILITATE THEMSELVES IN A MORE POSITIVE AND MORE STRONGER MANNER. THAT'S MENTALLY, MORALLY, EMOTIONALLY, SOCIALLY AND SO ON. YET; HOW CAN WE DEMONSTRATE OUR TRUE GROWTH FOR SELF AND OTHERS, IF WE AREN'T AFFORDED ~~AN~~ A GENUINE OPPORTUNITY TO BE OUR TRUE REHABILITATED SELF. THAT'S ONE WHO DOESN'T TAKE LIFE OR IT'S BLESSINGS FOR GRANTED. ONCE AGAIN, ON BEHALF OF ALL THE MEN AND WOMEN THIS BILL AND YOUR ACTIONS HELP — "THANK YOU" ⁰⁰⁰ ₀₀₀

ERIC CLARK #188-711

Dear Att. General Brown, I'm writing to you in reference to the Second Chance Act, as well as the traumatic issue being the mass incarceration within our community in our state. I am in full support of the initiative and any necessary actions needed to be taken in the form of programming and rehabilitation. I believe that between the misunderstandings and complexities in the cases of charged and convicted persons and the bias nature in which we are judged in these cases, as well as taking the next steps in remedies within the Honorable Courts and judges not using law to fulfill the requests in such errors is another issue. Judges shouldn't be able to use discretion at the least, when their responsibility is to strictly exercise the law. Sir I believe that everything ties into problems needing to be addressed in the form of mental health aid. I hope that all parties involved can work together to reach the ultimate goal of correcting these matters at hand, and I would like to personally thank you for taking the time to address such matters.

Respectfully submitted,

Quanta' Warrell

~~Doc #~~

492031

Dear Atty. Gen. Anthony Brown,

My Name is Myron X & I'd first like to thank you in advance for taking time to read my letter.

I submit it in Prayer, seeking your assistance or/and instructions as to how I may receive relief regarding an error in my sentence, as it pertains to Md. Rule 4-351(a)(5) governing Commitment Records.

Specifically on Jan. 1998 I was sentence to Double Life + 50 Years. However, during my sentencing, the Judge failed to follow the guidelines established by 4-351(4) In stating when my Sentences were to end & the next was to begin, with multiple consecutive sentences. For simplicity & clarity, I've included a 2 page copy from my transcripts to display for you exactly that which my complaint is in reference to.

Mr. Atty. Gen., I hope & pray that you can offer some insight that'll ultimately sport me relief in this matter. Again, thank you much for your time.

Mr. Anthony G. Brown
Attorney General of Maryland
Office of the Attorney General
Criminal Division
200 - Saint Paul Place
Baltimore, Maryland 21202

Bro. Edward J. X (Ford), Jr. 475837/45189
North Branch Correctional Institution
14100 - Mc Miller Hwy, S.W.
Cumberland, Maryland 21502-5777
December 17th, 2023

RE: THE SECOND CHANCE ACT

Dear, Attorney General Brown

It is with a heavy heart that has been filled with aspiration caused by the introduction of THE SECOND CHANCE ACT. It is with the high hopes of the possibility of acquiring your support and overall endorsement of said legislation, that I am initiating this communication. Not that I am one who is so adept at coining petty phrases, or so gifted with my word usage, however, I do sincerely pray that my words as, herein, will cause you to reflect in thought.

As the State of Maryland has for quite a number of years has not even considered ever granting parole to its prisoners, who had been sentenced to serve (parole-eligible) life sentences. That is, even if over many years of incarceration the prisoners in question had clearly demonstrated their "rehabilitation", which was being done "solely" for political purposes. As the state has a new progress governor now, it is hoped that Maryland will leave that antiquated political way of thinking in the past, as we are now living in the twenty-first (21st) century!

In support my position is this: the prisoners in this category has caused a bottleneck to develop, which has and is the direct cause of prison overcrowding; exorbitant prison budgets;

along with under staffing, etc. But even more to the point, Stanford University conducted a study which clearly demonstrated that older prisoners, who had spent lengthy periods of incarceration were less-likely to return to a life involving criminal activity. And there are mountains of other behavior studies that has arrived at the self-same conclusion. Lastly, crime is the product of poverty; the lack opportunity; racism (in some cases); environment, and of course, many would say "GREED". However, from my personal situation at that juncture in my life, it was "the only" means that I had open to myself to survive!

Only if hind-sight was our fore-sight, none of the life altering mistakes that people make ~~would~~ of ever come about! Even more real and consequential over time, people do change; Thus, the need to belief in reform, redemption, and the possibility of rehabilitation. In closing, let me just say this: the yester in the DMV see out there running amok and those of us who they would willingly listen to, are here warehoused in prison; that is, when we should be out there straighten-out those yester and improving our neighborhoods. I close wishing you and your family continued good health, and a very happy holiday.

Respectfully Yours,
Mrs. Edward J. X (1/01), Jr

Mr. Anthony G. Brown
Attorney General of Maryland
Office of the Attorney General
Criminal Division
200 - Saint Paul Place
Baltimore, Maryland 21202

James Logan
347025/2039203
17100 Mc Mullen Hwy, SW
Cumberland, Md 21502
December 19th 2023

RE: The Second Chance Act

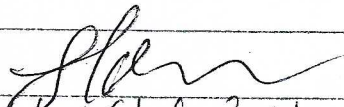
Dear, Attorney General Brown

After learning about the Second Chance Act and the possibility of acquiring your support and overall endorsement I had to write this letter. The Second Chance Act is not only a great thing for the Maryland Prisoner, but also for the Maryland Justice Prison System. Mass incarceration is becoming a big problem for the United States. The Maryland State Prison system alone is overcrowded. Most incarcerated individuals after spending a substantial amount of years say 8 years are really trying hard not to return to prison or a criminal lifestyle for that matter. Many men and woman in the Maryland State Prison System are serving life sentences and have spent more than 25 years incarcerated. Majority of these individuals have been rehabilitated and ready for a Second Chance. It is my sincere prayer and hope that you endorse this Second Chance Act and give these men and women a Second Chance.

Sincerely,
James Logan

12-20-2023

to Whom this letter is concern I AM
LLOYD Walters at North branch Correctional
Institution doing life +20+20. the second
Chance act is in need of pushing from A body
of people in power and people of Control and
people of influence. the second Chance
act is what people like me need but the prob
lem is there is know one pushing for it behind
the second Chance act. the problem is know
one is concern like the people that need it the
most like me. I AM sorry for the individual
that got the chance to do right but did wrong.
the second Chance act need pushing need
ever one in power to be pushing for the second
Chance act. I LLOYD Walters is in need of the
second Chance act because I have A son that
is seven that need is daddy and mommy to grow
him up right and not wrong. to Whom this
letter is concern please push for the second
Chance act please.


LLOYD Walters

Peace & Blessings

12-22-23

Dear Sir

My name is Thomas D. Cook I'm sending you this letter thanking you for supporting the second look act giving someone like myself hope of not having to spend another 15 years in prison.

I don't have the best adjustment history and I've been lock up for over 25 years. Now,

I've been able to grow and come to an understanding of who I am and my worth. I have completed some programs while being housed here at N.B.C.I.

When you spoke about mass incarceration, I see the men and women who look like myself.

I don't proclaim to be innocent, but I will say that everytime I broke a rule, a penalty was to be paid. So when the judge says that he would use my sentence as a deterrent for other. Never once did he say anything about Rehabilitation being apart of my sentence. This is a real issue that should be address.

So again thank you for not only speaking on this but putting action behind your words.

Sincerely
Thomas D. Cook #283-827

From: North Branch Correctional Institution
Incarcerated Individuals

To: General Assembly of Maryland (2024)

Re: "With my signature, I declare the need
AND my support for Maryland Second
Look Act (2024):"

	Print Name	Sign Name	Age of II.	Years Served
1.	Abram Morrison	Abram Morrison	52	32
2.	Dajuan Marshall	Dajuan Marshall	42	16
3.	THOMAS W. COOK	Thomas W. Cook	48	26
4.	Travis Thaniel	Travis Thaniel	43	20
5.	Eric Athinson Jr	Eric A. Athinson	36	20
6.	Nasiruddin Bey	Signature	46	25
7.	Daniel Sullivan	Daniel Sullivan	43	12
8.	Roberto A Murillo	Signature	40	16
9.	Danny McGee	Danny McGee	67	27
10.	Andre Lawson	Andre Lawson	40	23
11.	John Falkenstein	John Falkenstein	67	10
12.	Eugene James	E. J.	30	5
13.	Signature	Signature	53	21
14.	DaQuan Dickerson	DaQuan Dickerson	27	7
15.	John Garcia	John Garcia	56	21
16.	Donald Peoples	Signature	32	12
17.	Bill Phillips	Signature	38	3
18.	Marvin Warner	Signature	37	13

	Print Name	Sign Name	Age of I.I.	Yrs. Served
19.	Keith Jones	Keith A Jones	48	18 yrs
20	Forbes B	Forbes B	48	24 years
21.	Alvaro Hernandez	Hernandez	41	14
22.	Lamont Brown	Lamont Brown	50	18 years
23	Ernest Rivers	Ernest Rivers	56	17 years
24.	Andre Chavis	Andre Chavis	64	21 years
25	FREDERICK VAUGHN	F. Vaughn	35 35	20
26.	Garry Qualls	Garry Qualls	33	16
27.	Nathaniel Appleby	N. Appleby	72	50
28.	David Hunter	D. Hunter	36	12 1/2
29.	Demetrius Thompson	Demetrius Thompson	28	5 1/2
30.	Dominic Daniel	Dominic Daniel	31	7
31.	Douglas Starlip	Douglas Starlip	44	23
32.	Tron Johnson	Tron Johnson	22	15 1/2 months
33.	Wycliff Butler	Wycliff Butler	33	
34.	Antonio Davis	Antonio Davis	28	7
35.	Cordell Chase	Cordell Chase	38	18
36.	Wanken Taylor	Wanken Taylor	43	13
37.	Anthony Smith	Anthony Smith	40	18
38.	Garry Qualls	Garry Qualls	33 33	16
39.	DERRICK DAVIS	Derrick Davis	53	30
40.	Dominic Webster	Dominic Webster	64	15
41.	D. Lewis	Derrick Davis	32 32	10
42.	Frederick Christian	Frederick Christian	44	14
43.				
44.				
45.				

From: North Branch Correctional Institution
 Incarcerated Individuals

To: General Assembly of Maryland (2024)

Re: "With my signature, I declare the need
 AND my support for Maryland Record
 Look At (2024):"

Print Name	Sign Name	Age of I.I.	Years Behind
1. ABRAS MORRISON	Abras Morrison	52	32
2. Robert Bryant	Robert Bryant	47	24
3. Quinton Heard	Quinton Heard	47	8 1/2
4. AVON TULL	Avon Tull	29	6 1/2
5. Nathaniel Nelson	Nathaniel Nelson	43	22
6. TEDDY SHANNON	Teddy Shannon	35	7
7. Gregory Barber	Gregory Barber	39	17
8. Lanie Walker	Lanie Walker	44	16
9. Devin Lee	Devin Lee	32	8
10. Corey Thomas	Corey Thomas	34	12
11. RUSSELL HARDEN	Russell Harden	41	15
12. Tremayne Lewis	Tremayne Lewis	35	10
13. Rodney Holloman	Rodney Holloman	43	8
14. Jason Herring	Jason Herring	42	7
15. Mark Canty	Mark Canty	51	25
16. Adrian Outten	A. Outten	37	17
17. Martin Harris	M. Harris	39 II	12
18. Robert Hanna	Robert Hanna	43 II	23

	Print Name	Sign Name	Age of I.I.	Yrs. Served
19.	Elgin Phelps	Elgin Phelps	FI 58	21 YRS
20.	Ryan Holden	Ryan Holden	II 26	6 years
21.	Ricardo Henriquez	Ricardo Henriquez	IF 57	32/YRS
22.	Anthony Bowers	Anthony Bowers	II 38	6 years
23.	Miguel Duke	Miguel Duke	II 27	6 years
24.	Irvn Brown	Irvn Brown	II 41	22 yrs
25.	Sean Jenkins	Sean Jenkins	II 29	11 years
26.	ERIC CLARK	Eric Clark	II 55	36 years in
27.	Mark Hemphill	Mark Hemphill	46	27 yrs
28.	Michael Wallace	Michael Wallace	FI 38	17 years
29.	Shawn Clark	Shawn Clark	II 49	30 years
30.	George Murray	George Murray	II 43	11 years
31.	Yasamin Vann Sheed	Yasamin Vann Sheed	II 49	20 yrs
32.	Jamal Chapman-Bey	Jamal Chapman-Bey	II 46	15 yrs
33.	Lateef Mapp	Lateef Mapp	II 35	3 yrs
34.	JAVON SANDS	Javon Sands	II 42	23 yrs
35.	Red Cannon	Red Cannon	ID 50	24 yrs
36.	Donta Matthews	Donta Matthews	33	14 yrs
37.	Russell Cole	Russell Cole	41	20 yrs
38.	T. Webb	T. Webb	27	14 yrs
39.	Dayvin Cooper	Dayvin Cooper	18	6 years
40.	Dayvin Cooper	Dayvin Cooper		
41.	George Skights	George Skights	49	29
42.	JISHUA EDWARDS	J. Edwards	36	16
43.	Warren X Stuckey	Warren X Stuckey	52	31
44.	GREG LAMBERT MASTER GX	Greg Lambert	49	20
45.	Robert X Crowder	Robert X Crowder	44	15

From: North Branch Correctional Institution.
Incarcerated Individuals

To: General Assembly of Maryland (2024)

Purpose: "With my signature, ~~and~~ I declare the need and my support for Maryland Second Look Act."

Print Name	Signature	Age of II	Years served
ABRAHAM MORRISON	Abram Morrison	52	32
Enrique Gonzalez	Enrique D. Gonzalez	48	30
Dominick Simons	Dominick Simons	33	Since 2014
Ryan Johnson	Ry Johnson	23	4 years
DAVON MARKHAM	Davon Markham	35	50
Richard D. Mose D. Mose	Ran D. Mose	39	7
Tyrrell Bogden	Tyrrell Bogden	38	25 years
Derrick Sellman	Derrick Sellman	36	30 years
Korey Stevenson	Kory Stevenson	38	43 years
DWAYNE HARRIS-EL	D. Harris-El	54	33
JOHN C JOHNSON	John C Johnson	48	29
Donald Vaughan	Don Vaughan	40	26
James F. Young III	J. Young III	29	7
ERIC V. POOLE	Eric V. Poole	55	22 years
Nicholas Colman	Nick Colman	29	13

1.

Maryland Catholic Conference_FAVHB853_.pdf

Uploaded by: Michelle Zelaya

Position: FAV



MARYLAND
CATHOLIC
CONFERENCE

February 18, 2025

HB853

Criminal Procedure - Petition to Reduce Sentence (Maryland Second Look Act)
Judiciary Committee
Position: Favorable

The Maryland Catholic Conference offers this testimony in support of **House Bill 853**. The Maryland Catholic Conference is the public policy representative of the three (arch)dioceses serving Maryland, which together encompass over one million Marylanders. Statewide, their parishes, schools, hospitals and numerous charities combine to form our state's second largest social service provider network, behind only our state government.

The Maryland Second Look Act allows individuals who have served at least 20 years of their confinement to petition the court for a sentence reduction. If the individual has previously petitioned, at least five years must have passed before filing a new petition. The court may reduce the sentence after a hearing if it determines that the individual is not a danger to the public, with a rebuttable presumption in favor of the petitioner under specific conditions. This legislation promotes justice and fairness by providing an opportunity for individuals to demonstrate their rehabilitation and reenter society after long periods of incarceration.

Catholic social teaching emphasizes the dignity of every human person, including those who have committed crimes. The Maryland Second Look Act reflects the Catholic principles of redemption, mercy, and restorative justice. The Catechism of the Catholic Church reminds us that "society pursues social justice, which is linked to the common good and to the exercise of authority, when it provides the conditions that allow associations and individuals to obtain what is their due." ("Compendium of the Catechism of the Catholic Church."). Demonstrating repentance and rehabilitation, aligning with the Church's belief in the transformative power of grace and human resilience. Additionally, this Act embodies the preferential option for the poor and vulnerable by addressing systemic inequities that often disproportionately affect marginalized groups in the criminal justice system. Supporting this legislation is a moral imperative to recognize the potential for redemption and to foster a just society that offers second chances to those who seek to rebuild their lives. It encourages a culture of hope, compassion, and healing while ensuring accountability and safety for all.

House Bill 853 can benefit communities by offering individuals who have demonstrated growth and rehabilitation an opportunity to reintegrate into society. It reduces the burden on the state's correctional system while fostering public safety through careful review processes. By prioritizing fairness and second chances, the Act can strengthen families and communities, reduce recidivism, and allow formerly incarcerated individuals to contribute to the economy and

society. Furthermore, it acknowledges that human beings are capable of change and can positively impact on their communities when given the opportunity.

For these reasons, the Maryland Catholic Conference urges a favorable report on **House Bill 853**.

Warren Allen Testimony Supporting House Bill 853 (

Uploaded by: Nicole Porter

Position: FAV



In Support of House Bill 853,
The Maryland Second Look Act

Warren Allen, Campaign Associate
The Sentencing Project

Submitted to the Maryland House
Judiciary Committee

February 14, 2025

Established in 1986, The Sentencing Project advocates for effective and humane responses to crime that minimize imprisonment and criminalization of youth and adults by promoting racial, ethnic, economic, and gender justice.

I am Warren Allen, Campaign Associate at The Sentencing Project. I was among the first recipients of a second look remedy under D.C.'s Incarceration Reduction Amendment Act, also known as Second Look. I was sentenced to life imprisonment and am one of the people deemed beyond repair or forgiveness.

The Sentencing Project supports House Bill 853. The measure could be an important tool in making meaningful opportunities for persons sentenced to Maryland prisons. Currently, incarcerated people in Maryland can only petition courts for modification within 90 days of sentencing, severely limiting any potential sentence modifications.¹

MY JOURNEY FROM A LIFE SENTENCE TO ACTIVISM

During my time inside, I studied at Georgetown University. I became a leader inside the walls, someone who kept the peace; I was referred to as Black Love. I became a man of devout spirituality. I spent time and grew up with people who have benefited from D.C.'s Second Look Act, which allows people who committed crimes under the age of 25 to petition for resentencing after serving 15 years. Under the Juvenile Restoration Act Marylanders convicted of offenses committed under the age of 18 and who have served at least 20 years for that conviction can request a sentence reduction.

It is an honor to submit written testimony on behalf of the nearly 200 people released on Second Look in DC. We are violence interrupters, elected officials, youth mentors, key staffers for organizations fighting for a better city and world, religious leaders, parents, and good neighbors. We are the ones best able to turn young people around when they are heading down the wrong path.

If you want that for the state of Maryland, then House Bill 853 is common sense legislation.

I can tell you for a fact that this is not a get out of jail free card. Gaining a second look is hard earned. Everything about persons seeking a second look, including their institutional record, is scrutinized. We made ourselves worthy of a second chance in an environment that is antithetical to rehabilitation.

Second look is for those who have put in decades of hard work to better themselves and take responsibility. It is for those who are ready to come back and atone with their commitment to making the community better.

¹ Maryland Rule 4-345

MARYLAND'S EXTREME SENTENCES

Maryland incarcerates approximately 15,000 people in its state prisons, of which 21% are aged 51 or older.² The overuse of extreme sentences, limited mechanisms for reviewing these sentences, and ineffectual parole systems have resulted in a large number of aging people with no meaningful process for release. Of the 3,628 people serving life, life without parole, and sentences over 50 years in Maryland, 36% are 55 years old or older.³

Given that Maryland disproportionately imprisons its Black population, lawmakers should create opportunities to determine whether sentences imposed decades ago remain appropriate. Nearly 72% of Maryland's incarcerated population is Black, compared to 32% of the state population.⁴

Second look laws offer a solution. A judicial review of a person's sentence, after serving 20 years, allows for a robust, meaningful adversarial process to determine who can be safely released. Savings from ending unnecessary incarceration can then be reinvested in community-based programs that directly address crime prevention.

House Bill 853 proposes a judicial review of sentences after serving 20 years. Reviewing the sentences of those incarcerated for 20 years or longer is a data-driven public safety approach. Evidence suggests that most criminal behavior ceases after 10 years, and as people age, they usually desist from crime.⁵ Even people who engage in chronic, repeat offenses that begin in young adulthood usually desist by their late 30s.⁶ A robust body of empirical literature shows that people released after decades of imprisonment, including for murder, have low recidivism rates.⁷ Moreover, recidivism rates are lowest among those convicted of the most serious violent crimes for which people generally serve the longest sentences—sexual offenses and homicide.⁸

200 AGING LIFERS RELEASED FROM MARYLAND PRISONS

Maryland's real-life experience with releasing people from medium and maximum-security prisons, who had been incarcerated for decades for serious crimes, demonstrates that people age out of crime and can be safely released back into the community. As of March 2024, the recidivism rate for new convictions was 3.5% for all 200 individuals eligible for release under *Unger v. State* court

² Maryland Department of Public Safety, Inmate Characteristics Report, FY 2022.

³ Nellis, A., Barry, C. (2025). [A Matter of Life: The Scope and Impact of Life and Long Term Imprisonment in the United States](#). The Sentencing Project.

⁴ Maryland Department of Correction. (2024). [FY 2023 population overview: DOC inmate demographics](#) [Data dashboard].; U.S. Census Bureau. (2022). [Hispanic or Latino Origin by Race. American Community Survey, ACS 5-Year Estimates Detailed Tables, Table B03002](#).

⁵ Komar, L., Nellis, A., Budd, K. (2023). [Counting Down: Paths to a 20-year Maximum Prison Sentence](#), p. 3. The Sentencing Project.

⁶ See Note 5.

⁷ Nellis, A. (2022). [Nothing but Time: Elderly Americans Serving Life Without Parole](#), p. 17. The Sentencing Project.

⁸ Ghandnoosh, N. (2021, May 12). [A Second Look at Injustice](#), p. 10. The Sentencing Project.

decision. This decision held that those convicted at jury trials prior to 1982 were entitled to a new trial based on unconstitutional jury instructions.

From 2013 through 2018, 199 men and 1 woman were released from Maryland prisons as a result of the decision in Unger, which has become known as the Unger Project. All of the releases were convicted of either 1st degree premeditated murder, 1st degree rape, or felony murder. Their ages at the time of release were between 53 - 83 years old. Since release, 14 men have passed away from natural causes without any new violation or conviction. Of the remaining 186 releases, three violated probation based on a technical violation; four were convicted of new misdemeanors, and four were convicted of new felonies.⁹

CONCLUSION

I was once a young man on the wrong path. Today, I am the father of a beautiful daughter. A husband. A taxpayer. A staff member of The Sentencing Project.

Second chances are something we all need. You can offer those safely with a favorable vote for House Bill 853 - Maryland's Second Look Act.

The Sentencing Project applauds Maryland for considering House Bill 853 and encourages its passage as a step towards advancing second chances.

⁹ Staff. (2024). [Second Look Laws Are an Effective Solution to Reconsider Extreme Sentences Amidst Failing Parole Systems](#). The Sentencing Project.

HB 0853 Maryland Second Look Act .pdf

Uploaded by: Nigel Jackson

Position: FAV

**TESTIMONY ON HB 0853
MARYLAND SECOND LOOK ACT
Judiciary Committee
February 14, 2025**

SUPPORT

Submitted by: Nigel Jackson

Chair Clippenger, Vice Chair Barlette and members of the Judiciary Committee:

I, am testifying in support of HB 0853, the Maryland Second Look Act. I am submitting this testimony as a previously incarcerated person that reshaped his life.

Today is my 730th day out of Federal Prison. I made mistakes and repaid my debt to society. I firmly believe that individuals who are able to demonstrate their growth and rehabilitation and are no longer a threat to public safety, should have the opportunity for release.

In the two years that I have been home I have obtained a position with the Mayor's Office, become an AmeriCorp Member, and I have received my community health worker certification as well as numerous behavioral health certification. In my role with the Mayor's Office of Employment and Development in Baltimore City and I have helped over 200 people connect to resources as well as jobs in the community. I am a prime example that an incarcerated person can change their life.

Passage of the Maryland Second Look Act gives other incarcerated individuals a meaningful opportunity for sentence modification after having served 20 years of their sentence. This bill is an important tool in making deserved opportunities for release happen, as currently, incarcerated people in MD can only petition the Court for modification within 90 days of sentencing, severely limiting any potential sentence modifications¹. This bill also has serious racial justice implications, given that of the 2,212 people serving life sentences in MD, 80% are Black², a huge disparity when compared to the only 31% of Black Marylanders in the general population³.

In 2021, the General Assembly made a positive step by passing the Juvenile Restoration Act [SB0494/HB0409](#) which allowed individuals who were minors sentenced as adults the ability to petition the Court for sentence modification after 20 years. The Maryland Second Look Act would extend this ability both to youth sentenced after the JRA went into effect (who were excluded from the bill) and other incarcerated people in Maryland who committed a crime aged 18 and up.

Given the tendency for people to age out of crime and the very low recidivism rate for other individuals released from decades-long sentences, this decision is unlikely to negatively impact public safety. This has been seen with the Ungers, 200 Marylanders serving life sentences, who were released after the landmark case Maryland v Unger, who, five years after the case, had a 1% recidivism rate⁴. We know many more men and women serving decades-long sentences who

have worked hard, hoping for their chance to reenter and succeed in their communities as I have done.

For these reasons, I encourage you to vote **favorably** on the **Maryland Second Look Act HB 0853**.

Thank you.

¹ Maryland Rule 4-345

² [MD DPSCS FY 2022 Q4 Inmate Characteristics Statistics \(2022\)](#)

³ [United States Census Data](#) 2021

⁴ Justice Policy Institute [Fact Sheet: The Ungers](#) (2018)

HB0853-JUD-SUPP.pdf

Uploaded by: Nina Themelis

Position: FAV



BRANDON M. SCOTT
MAYOR

*Office of Government Relations
88 State Circle
Annapolis, Maryland 21401*

HB0853

February 18, 2025

TO: Members of the House Judiciary Committee

FROM: Nina Themelis, Director of Mayor's Office of Government Relations

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

POSITION: Support

Chair Clippinger, Vice Chair Bartlett, and Members of the Committee, please be advised that the Baltimore City Administration (BCA) respectfully requests a **favorable** committee report on House Bill (HB) 853.

HB 853 authorizes incarcerated individuals convicted of a crime to petition for a reduced sentence subject to certain conditions in the circumstance that the individual can prove in a hearing that they have rehabilitated and do not pose a danger to the public. These conditions include serving in excess of 20 years of a sentence, not having made a petition within five years, and not having made more than three petitions to reduce sentence. Additionally, after serving an excess of 30 years or being above 60 years of age, HB 853 sets a rebuttable presumption in the aforementioned petitions that the defendant is not a danger to the public.

HB 853 marks a momentous step toward rehabilitative justice and ameliorating systemic inequities for Black Marylanders found in the state's criminal justice system. Notably, as of fiscal year 2023, the percentage of Maryland's incarcerated population who were black was 72.4%, the highest of any state and over double that of the national average. This is despite Black Marylanders representing less than one-third the total state population. Additionally, nearly 8 in 10 people who have served 10 years or more and were sentenced between the ages of 18-24 are Black. As a result, Black Marylanders have been disproportionately burdened with excessive sentencing and punitive incarceration. HB 853 would help to relieve over-incarceration and incentivize rehabilitation efforts among convicted individuals so they may one day reintegrate as contributing members of society.

For the above reasons, the BCA respectfully requests a **favorable** committee report on HB 853.

O. Moyd Testimony - HB 853 - Second Look Act.pdf

Uploaded by: Olinda Moyd, Esquire

Position: FAV



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.

Director, Decarceration and Re-Entry Clinic

American University Washington College of Law

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.¹ 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.

¹ 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.

Olinda Moyd

American University Washington College of Law

4300 Nebraska Ave., NW

Washington, DC 20016

moyd@wcl.american.edu

Resident: District 23

Support HB 853- Second Look Act.pdf

Uploaded by: Philip Caroom

Position: FAV

Support HB 853 - Second Look Act

MARYLAND ALLIANCE FOR JUSTICE REFORM
Working to end unnecessary incarceration and build strong, safe communities



TO: Chair Luke Clippinger and House Judiciary Committee

FROM: Phil Caroom, MAJR Executive Committee

DATE: February 18, 2025

Md. Alliance for Justice Reform ([MAJR-www.ma4jr.org](http://www.ma4jr.org)) supports HB 853 that would permit sentencing judges to consider possible modification of sentences under limited circumstances.

This is not a new concept that would create a crisis for the Judiciary. Quite the contrary, prior to a 2004 modification of Maryland Rule 4-345, Maryland judges regularly considered sentence modifications without a 5-year cap. Thus, SB 291, in its central provision, would restore this discretion that judges previously could exercise throughout earlier Maryland court history. (See revisor's notes to Maryland Rule 4-345.)

In effect, there is a backlog of cases created by Rule 4-345's amendment that the Courts could work through much as was done with the Unger cases and Justice Reinvestment reconsiderations after retroactive modification of mandatory sentence provisions.

One procedural difference between the current sentence modification Rule and HB 853 is the requirement for a hearing in a qualifying motion. Because of the 20 year qualification under HB 853, the hearing is especially appropriate because it is likely that the original sentencing judge will have retired and that a new judge will need to familiarize herself or himself with the case, the defendant and the victim. It also is desirable because sentencing judges, under current law, very rarely ever will see inmates who have been impacted by sentences after 5 years have passed and who have had decades to work on their rehabilitation. Judges should have this opportunity to see, in person, the impact and possible results of our lengthiest sentences.

HB 853 also is consistent with the policy of Maryland's Justice Reinvestment Act (JRA), permitting judges to grant retroactive reduction of sentences in recognition of new sentencing policies. Thus, Maryland courts, prosecutors, Public Defenders and other defense counsel have gained substantial experience in how to process a high volume of such requests.

Particularly, state prison population and expenses may be reduced via reductions for inmates with lowest-risk status—and successful applicants for HB 853 sentence modifications likely would be low risk in light of their aging, deteriorating health, and such individuals' self-rehabilitation achievements. These savings, as provided by JRA, would serve to provide more grant funding to assist with drug treatment, reentry and other rehabilitation programs for younger, higher risk offenders.

For all these reasons, Md. Alliance for Justice Reform (MAJR) urges a favorable report on HB 853.

PLEASE NOTE: Phil Caroom offers this testimony for Md. Alliance for Justice Reform and not for the Md. Judiciary or any other unit of state government.

R.Mukherjee Written Testimony in Support of House

Uploaded by: Rianna Mukherjee

Position: FAV

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

To: Delegate Luke Clippinger, Chair, and Members of the House Judiciary Committee

From: Rianna Mukherjee, Student Attorney, Youth, Education and Justice Clinic, University of Maryland Francis King Carey School of Law (admitted to practice pursuant to Rule 19-220 of the Maryland Rules Governing Admission to the Bar)

Date: February 13, 2025

I am a student attorney in the Youth, Education, and Justice Clinic (“Clinic”) at the University of Maryland Francis King Carey School of Law. The Clinic represents children who have been excluded from school through suspension, expulsion, or other means, as well as individuals who have served decades in Maryland prisons for crimes they committed as children and emerging adults. The Clinic supports House Bill 853, which would, *inter alia*, allow an incarcerated individual who has served at least 20 years of their sentence to petition a court for a reduction of sentence.

Research shows that recidivism drops at high rates as people age.¹ In a 2021 study, the United States Department of Justice’s Bureau of Justice Statistics (“BJS”) examined data from 24 states between 2008 and 2018.² BJS found that released individuals aged 24 or younger were substantially more likely to be arrested than those aged 40 or older.³ Consistent with this research, in 2021, the Maryland General Assembly passed the Juvenile Restoration Act, allowing individuals who received life sentences as minors to petition a court for a reduction of sentence.⁴ While the Juvenile Restoration Act has been successful,⁵ Maryland continues to deny people who were convicted for crimes committed when they were at least 18 years of age and who have been incarcerated for decades the opportunity to petition a court for a reduction of sentence—failing to fully recognize that people change over decades.

¹ MD. DEP’T OF PUB. SAFETY AND CORR. SERVICES, RECIDIVISM REPORT 14-15 (Nov. 15, 2022) (demonstrating that recidivism rates in Maryland decrease dramatically with older age and when individuals have served longer sentences) https://dpscs.maryland.gov/publicinfo/publications/pdfs/2022_p157_DPSCS_Recidivism%20Report.pdf.

² LEONARDO ANTENANGELI & MATTHEW R. DUROSE, U.S. DEP’T OF JUST., BUREAU OF JUST. STAT., RECIDIVISM OF PRISONERS RELEASED IN 24 STATES IN 2008: A 10-YEAR FOLLOW-UP PERIOD (2008-2018) 1 (2021), https://bjs.ojp.gov/BJS_PUB/rpr24s0810yfup0818/Web%20content/508%20compliant%20PDFs.

³ *Id.* at 2.

⁴ Md. Code Ann., Crim. Proc. § 8-110.

⁵ *See generally* MD. OFF. OF THE PUB. DEF., THE JUVENILE RESTORATION ACT, YEAR ONE – OCTOBER 1, 2021 TO SEPTEMBER 30, 2022 (Oct. 2022), https://opd.state.md.us/_files/ugd/868471_e5999fc44e87471baca9aa9ca10180fb.pdf.

Our incarcerated clients, who have all served decades in prison, have changed and grown dramatically as they have aged. They have earned high school diplomas and college degrees. They have had meaningful careers, including training service animals to aid individuals with disabilities and building furniture for state institutions. They have earned myriad certificates and awards. They have nurtured family relationships, mentored youth and adults, and positively benefited people inside and out of the prison system. They are deeply remorseful for the crimes they committed decades ago and dedicated to positively impacting and enhancing public safety in our communities if released. They, and many others, deserve the opportunity to be considered for sentence reconsideration.

Also, passing HB 853 is a crucial step in decreasing the disproportionate incarceration of Black people in Maryland. Here, over 70% of incarcerated people are Black, even though Black people make up 31% of the population.⁶ Notably, disparities are the highest for people incarcerated as “emerging adults” (18-24) serving long sentences. According to the Justice Policy Institute, “[n]early [8] in 10 people who were sentenced as emerging adults and have served 10 or more years in a Maryland prison are Black. That is the highest rate of any state in the country.”⁷ Understanding the racialized mass incarceration crisis in Maryland, the Maryland Attorney General and the Maryland Public Defender have forged a historical collaboration—the Maryland Equitable Justice Collaborative (“MEJC”)—that is committed to addressing these disparities.⁸ Notably, the MEJC recommends that the Maryland General Assembly “[e]xpand access to Second Look laws that empower judges to reduce or modify sentences”⁹

Moreover, incarcerating people for decades is an expensive use of taxpayer dollars. At a time when legislators, other elected officials, and Marylanders are increasingly concerned about the State’s structural budget deficit, HB 853 offers a means for Maryland to be fiscally responsible. Maryland spends on average \$862,096,200 every year incarcerating people.¹⁰ These incarceration costs only increase as people age.¹¹ Thus, allowing people who have rehabilitated the opportunity to petition a court for sentence reconsideration that could lead to their release will reduce the financial burden on Maryland taxpayers.

⁶ JUST. POL’Y INST., RETHINKING APPROACHES TO OVER INCARCERATION OF BLACK YOUNG ADULTS IN MARYLAND 1, 2 (Nov. 2019), https://justicepolicy.org/wp-content/uploads/2022/02/Rethinking_Approaches_to_Over_Incarceration_MD.pdf.

⁷ *Id.* at 4.

⁸ MD. EQUITABLE JUST. COLLABORATIVE, <https://mej-c-maryland-gov-maryland.hub.arcgis.com/> (last visited Jan. 24, 2025).

⁹ MD. EQUITABLE JUST. COLLABORATIVE, HISTORY MADE: MARYLAND EQUITABLE JUSTICE COLLABORATIVE (MEJC) PASSES RECOMMENDATIONS TO ADDRESS MASS INCARCERATION OF BLACK MARYLANDERS IN STATE PRISONS AND JAILS 1,3 (Dec. 12, 2024), <https://www.marylandattorneygeneral.gov/press/2024/121224.pdf>.

¹⁰ MARYLAND MANUAL ONLINE, MARYLAND AT A GLANCE (in FY 2023, the monthly cost of room and board, and health care per incarcerated individual was \$4,970, and the average daily number of sentenced incarcerated individuals in Maryland was 14,455) <https://msa.maryland.gov/msa/mdmanual/01glance/html/criminal.html>.

¹¹ Emily Widra, *The Aging Prison Population: Causes, Costs, and Consequences*, PRISON POL’Y INITIATIVE (Aug. 2, 2023), <https://www.prisonpolicy.org/blog/2023/08/02/aging/>.

For these reasons, the Clinic respectfully asks the House Judiciary Committee to issue a favorable report.

This written testimony is submitted on behalf of the Youth, Education, and Justice 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.

Testimony in support of HB0853 - Criminal Procedur

Uploaded by: Richard KAP Kaplowitz

Position: FAV

HB0853_RichardKaplowitz_FAV

02/18/2025

Richard Keith Kaplowitz
Frederick, MD 21703-7134

TESTIMONY ON HB#0853 - POSITION: FAVORABLE
Criminal Procedure - Petition to Modify or Reduce Sentence (Maryland Second Look Act)

TO: Chair Clippinger, Vice Chair Bartlett, and members of the Judiciary Committee

FROM: Richard Keith Kaplowitz

My name is Richard Kaplowitz. I am a resident of District 3. I am submitting this testimony in support of/ HB#/0853, Criminal Procedure - Petition to Modify or Reduce Sentence (Maryland Second Look Act)

Maryland is facing a moral and racial justice crisis in our criminal justice system. Our incarceration rates reflect that bias against Black and Brown and low-income populations that occurs at every stage of our criminal legal system. From racial profiling by the police to arresting to sentencing the disproportionate effects fall on these groups. It is made visible by the 71% of the prison population in Maryland being Black, a rate that is twice the national average.

This bill makes the promise of criminal justice, rehabilitation, front and center in how we deal pragmatically with prisoners by offering incentives for good behavior. This bill will help create paths to the reduction of prison overcrowding and threats of violence in our prisons. Maryland can create meaningful avenues for release for Marylanders who have transformed their lives based on demonstrated rehabilitation. It offers prisoners with extreme sentences who have served at least two decades an opportunity to petition the court to modify or reduce their sentence and return them to their communities to make positive contributions within our communities.

The only path available for persons serving an extreme sentence to have that sentence reviewed is challenging the constitutionality of the conviction itself. Maryland removed the discretion of judges to review sentences which might be extreme in 2004. Parole and its administration is handicapped and restricting in ways that reflect a “lock them up” attitude. People lack due process rights and legal representation in parole hearings. This bill will let courts, with attendant legal rights for prisoners seeking parole, make decisions about release from extreme sentences under controlled criteria.

I respectfully urge this committee to return a favorable report on HB0853.

FINAL 2025 MD HB853 Testimony - Robert Melvin.pdf

Uploaded by: Robert Melvin

Position: FAV



1411 K Street N.W.
Suite 900
Washington, D.C. 20005
202-525-5717

Free Markets. Real Solutions.
www.rstreet.org

Testimony from:
Robert Melvin, Northeast Region Director, R Street Institute

Testimony in Support of MD HB 853: “Criminal Procedure – Petition to Reduce Sentence (Maryland Second Look Act).”

February 18, 2025

Maryland House Judiciary Committee

Chairman Clippinger and members of the committee,

My name is Robert Melvin, and I am the Northeast region director at the R Street Institute. The R Street Institute is a nonprofit, nonpartisan public policy research organization. We engage in policy analysis and outreach promoting free markets, and limited, effective government in a variety of policy areas, including criminal justice reform and civil liberty issues. This is why we have a strong interest in House Bill 853, also known as the “Maryland Second Look Act.”

When done well, second look laws can save taxpayer dollars and better prioritize prison resources, without compromising public safety. HB 853 permits a defendant to request a sentence reduction after serving at least 20 years of their sentence.ⁱ To avoid frivolous filings, the measure limits a defendant to three petitions and requires a five-year wait between filings.ⁱⁱ The bill also grants a State’s Attorney ability to file a motion for a sentence reduction with broader discretion.ⁱⁱⁱ

Most importantly, it establishes a hearing process where the court considers defendant, prosecutor, and victim testimony.^{iv} During the hearing, certain factors are considered by the court, including the individual’s age at the time of the offense, nature of the offense, participation in educational and rehabilitation programs, statements from victims, and circumstances at the time of arrest.^v These precautions help ensure a system where courts examine if incarceration remains prudent from both public safety and economic angles.

With many states, including Maryland, facing issues with prison overcrowding, correctional officer (CO) staff shortages, and the growing costs to incarcerate individuals, Second Look laws provide a fiscally responsible solution to these growing economic challenges.^{vi} In Maryland, the current inmate population statistics show that there are approximately 15,000 individuals incarcerated in state facilities.^{vii} The number of prisoners has been growing, and in 2023, the prisoner population increased by 641 and continues unabated.^{viii} Coupled with the problem of hiring an adequate number of correctional officers, with CO vacancy rates growing from 11.1 percent to 12.7 percent, it creates a considerable issue with ensuring that there are appropriate levels of staff to supervise the inmate population.^{ix} That

being said, there are substantial costs related to prisoner retention that must be factored into this equation as well.

In Maryland the state spends around \$114,000 annually per prisoner.^x The growing costs are also exacerbated by a prison population that increasingly requires more medical care as they age.^{xi} By adopting HB 853, the state could experience significant savings by shrinking the inmate population, and it would help decrease the pressure on the Department of Public Safety and Correctional Services with respect to hiring of correctional officers. While economic concerns are an important factor, we must not overlook the public safety considerations.

This proposal would also encourage better prisoner behavior and their participation in rehabilitation programs by providing these individuals with the prospect of sentence reconsideration if they make progress.^{xii} This approach helps reduce the chances of reoffending after an individual is released, while excessive sentences have the opposite effect.^{xiii} Most importantly, research demonstrates that recidivism rates contract by large margins with age, with most “criminal careers, concluding within 10 years.”^{xiv} Moreover, individuals who are incarcerated for long durations as they tend to age out of participating in criminal activity by their late 30s.^{xv} This is even true of individuals who engage in violent crime. In Maryland, reports have found that out of 188 prisoners serving life without parole, those released after serving 30 years or more, only five were found six years later to have returned to prison for either violating parole or committing a new crime.^{xvi} This evidence proves that public safety is maintained even when Second Look laws are adopted, but it’s not without its detractors and allows for victim input in the reconsideration process.

One of the more noteworthy provisions of this legislation is that it offers prosecutors discretion to offer reconsideration of a sentence. Prosecutors are uniquely positioned to evaluate case histories, gather victim input, and account for current trends when reviewing. While critics may argue that this allows rogue prosecutors to be lenient, the court always retains final judgment, so that ensures that there are safeguards in place from any potential abuse.

If Maryland adopts HB 853, it would not be the first state to do so. The District of Columbia and at least 11 other states have enacted Second Look laws, with five states also authorizing prosecutor-led efforts.^{xvii} Almost all stipulate that a large chunk of the sentence has already been served to be eligible.^{xviii}

House Bill 853 carefully balances economic and public safety considerations. It will alleviate the issues related to continued growth in prisoner numbers and rising costs of housing inmates, thereby helping Maryland rein in this growing fiscal challenge. Additionally, it’s done with appropriate guardrails that don’t jeopardize safety of the public. For these reasons, we respectfully urge a favorable report for HB 853.

Thank you,

Robert Melvin
Northeast Region State Government Affairs Director
R Street Institute
rmelvin@rstreet.org

ⁱ Maryland General Assembly, 2025 Legislative Session, House Bill 853, Last Accessed February 6, 2025: <https://mgaleg.maryland.gov/mgaweb/legislation/details/HB0853>

ⁱⁱ Ibid.

ⁱⁱⁱ Ibid.

^{iv} Ibid.

^v Ibid.

^{vi} Erica Bryant, “Corrections Staffing Shortages Offer Chance to Rethink Prison: A Staffing crisis has created dangerous conditions in prisons. To create safety, reduce the number of people entering prison, and release people who can safely return home,” Vera Institute, November 1, 2024: <https://www.vera.org/news/corrections-staffing-shortages-offer-chance-to-rethink-prison#:~:text=Prisons%20across%20the%20country%20are,lockdowns%20are%20becoming%20the%20norm.>

^{vii} Maryland Department of Legislative Services, “Department of Public Safety and Correctional Services Overview Fiscal 2025 Budget Overview,” Analysis of the FY 2025 Maryland Executive Budget 2024, page 5, January 2024: <https://mgaleg.maryland.gov/pubs/budgetfiscal/2025fy-budget-docs-operating-Q00-DPSCS-Overview.pdf>

^{viii} Maryland Department of Legislative Services, “Department of Public Safety and Correctional Services Overview Fiscal 2025 Budget Overview,” Analysis of the FY 2025 Maryland Executive Budget 2024, pp 3-4, January 2024: <https://mgaleg.maryland.gov/pubs/budgetfiscal/2025fy-budget-docs-operating-Q00-DPSCS-Overview.pdf>

^{ix} Maryland Department of Legislative Services, “Department of Public Safety and Correctional Services Overview Fiscal 2025 Budget Overview,” Analysis of the FY 2025 Maryland Executive Budget 2024, page 3, January 2024: <https://mgaleg.maryland.gov/pubs/budgetfiscal/2025fy-budget-docs-operating-Q00-DPSCS-Overview.pdf>

^x USA Facts team, “How much do states spend on prisoners?,” USA Facts, April 17, 2024: <https://usafacts.org/articles/how-much-do-states-spend-on-prisons/>

^{xi} Matt McKillop, and Alex Boucher, “Aging Prison Populations Drive Up Costs,” Pew Charitable Trust, February 20, 2018: <https://www.pewtrusts.org/en/research-and-analysis/articles/2018/02/20/aging-prison-populations-drive-up-costs>

^{xii} JaneAnne Murray, et al., “Second Look=Second Chance: Turning The Tide Through NACDL’s Model Second Look Legislation,” National Association of Criminal Defense Lawyers, 2021: <https://www.nacdl.org/getattachment/c0269ccf-831b-4266-bbaf-76679aa83589/second-look-second-chance-the-nacdl-model-second-look-legislation.pdf>

^{xiii} Gordon B Dahl, and Magne Mogstad, “The Benefits of Rehabilitative Incarceration,” National Bureau of Economic Research, April 6, 2020: <https://www.nber.org/reporter/2020number1/benefits-rehabilitative-incarceration>

Hilde Wermink, et al., “Short-Term Effects of Imprisonment Length on Recidivism in the Netherlands,” Sage Journals, January 2017: <https://pmc.ncbi.nlm.nih.gov/articles/PMC5971372/#:~:text=Findings%20indicate%20that%20length%20of,and%20economic%20costs%20of%20imprisonment.>

^{xiv} Alex R. Piquero, et al., “Study Group on the Transitions between Juvenile Delinquency and Adult Crime,” U.S. Department of Justice Office of Justice Programs, July 2013: <https://www.ojp.gov/pdffiles1/nij/grants/242932.pdf>

^{xv} Liz Komar, et al., “Counting Down: Paths to a 20-Year Maximum Prison Sentence,” The Sentencing Project, February 15, 2023: <https://www.sentencingproject.org/reports/counting-down-paths-to-a-20-year-maximum-prison-sentence/>

^{xvi} Families Against Mandatory Minimums, “The Older You Get: Why Incarcerating the Elderly Makes us Less Safe,” Last accessed January 28, 2025: <https://famm.org/wp-content/uploads/2021/10/Aging-out-of-crime-FINAL.pdf>

^{xvii} Becky Feldman, “The Second Look Movement: A Review of the Nation’s Sentence Review Laws,” The Sentencing Project, May 15, 2024: <https://www.sentencingproject.org/reports/the-second-look-movement-a-review-of-the-nations-sentence-review-laws/>

For the People, “Frequently Asked Questions about Prosecutor-Initiated Resentencing,” Last accessed January 28, 2025: <https://www.fortheppl.org/faqs>

^{xviii} Ibid.

FreeState_Justice_HB0853_FAVORABLE.pdf

Uploaded by: Ronnie Taylor

Position: FAV



2601 N HOWARD ST
BALTIMORE, MD 21218
TEL 410) 625-LGBT (5428)
FAX 410) 625-7423
www.freestate-justice.org

Judiciary Committee
100 Taylor House Office Building
Annapolis, Maryland 21401

Friday, February 14, 2025

HB0853 – Criminal Procedure - Petition to Reduce Sentence (Maryland Second Look Act)

Position: **FAVORABLE**

Chair Clippinger, Vice Chair Bartlett, and Esteemed Members of the Judiciary Committee:

My name is Ronnie L. Taylor, and I serve as the Community Advocacy Manager at FreeState Justice, a nonprofit organization dedicated to addressing legal and systemic inequities affecting Maryland's LGBTQ+ community. I am here to testify in strong support of **HB0853**, the Maryland Second Look Act, which provides a mechanism for individuals who have served significant portions of their sentences to petition for sentence reduction.

HB0853 addresses the pressing issue of lengthy incarcerations that often fail to consider individual growth, rehabilitation, and the evolving understanding of justice. Maryland incarcerates approximately 15,000 people in its state prisons, with 21% aged 51 or older. This significant aging prison population underscores the need for mechanisms like the Second Look Act to reassess long-term sentences.

The Maryland Second Look Act allows individuals who have served at least 20 years of their sentence to petition the court for a sentence reduction. This process acknowledges the potential for personal transformation and the importance of evaluating sentences in light of current circumstances. Notably, the Act includes provisions to ensure public safety, such as requiring the court to determine that the individual is not a danger to the public before granting a sentence reduction.

Research indicates that long-term incarceration does not necessarily correlate with increased public safety. In fact, studies have shown that individuals who have served extended sentences and are released at an older age have lower recidivism rates. For instance, a report by the Maryland Department of Public

LEADERSHIP TEAM

Phillip Westry, Esq.
Executive Director

Lauren Pruitt, Esq.
Legal Director

BOARD

Lindsey Young
President

Brianna January

Andrew Adelman, Esq.

Lee Carpenter, Esq.

Brenda Dorsch

Amanda Peskin

Bonnie Smith

Adam Farra

Diana Philip

Tina Jones

Miller Douglas

Lauren Fleming

Andrew Ansel

Safety and Correctional Services found that three-year recidivism rates among inmates aged 45 and above at release were lower compared to younger cohorts.

In my role at FreeState Justice, I have witnessed the profound impact of lengthy incarcerations on individuals, particularly within the LGBTQ+ community. Many have demonstrated remarkable personal growth and a commitment to contributing positively to society. The Second Look Act offers a pathway for these individuals to have their rehabilitation recognized and to reintegrate into the community as productive members.

In closing, I respectfully urge the committee to issue a favorable report for **HB0853**. This legislation not only addresses the critical need for sentence reevaluation but also reinforces Maryland's commitment to justice, rehabilitation, and the humane treatment of incarcerated individuals.

Best,

Ronnie L. Taylor

Ronnie L. Taylor

Sources:

1. [*MD ranks among worst states for long term incarceration / Public News Service*](#)
2. [*Maryland profile | Prison Policy Initiative*](#)
3. [*Locked Away for Life: New Report from The Sentencing Project Unveils Alarming Data on Long-Term Imprisonment – The Sentencing Project*](#)
4. [*2022 Recidivism JCR*](#)
5. [*Data Resource Guide Fiscal Year 2023 - Section V: Recidivism Rates and Outcome Measures*](#)
6. [*Austin-2020. Safely-Reducing-Prison-Populations-FINAL-2.22.21.pdf*](#)

HB0853 Testimony FAV JSexton.pdf

Uploaded by: Serena Lao

Position: FAV

IN SUPPORT OF HB 853; Maryland Second Look Act

House Judiciary Committee

February 18, 2025

Testimony by: John Sexton

Chair Clippinger, Vice Chair Bartlett, and members of the Judiciary Committee:

Greetings and good day to you! I would like to share a perspective with you about HB 853. As a threshold matter, it needs to be emphasized that this bill is NOT against victims of crime. It is not. Indeed, HB 853 is all about the atoning and accountability process. It is about expiation and the capacity of human beings to be overwhelmed with remorse and contrition for the harm that they have done and the people, families, and communities they have hurt.

Can you imagine a state of being where God deprived us of the ability to repent for our sins? Without that Grace and Mercy, we would all be done for. And yet, as human beings, we all too often have an insatiable hunger for never ending retribution and vengeance.

There exists an unrelenting power in the guilt, shame, and remorse that consumes a person as they grow, mature and - in the vast majority of cases - get out of the drug addiction that afflicted them - and come to understand the devastation that their transgressions have had. Not only their transgressions, but the entirety of the ripple effects reverberated therefrom. It is a power that intensely drives most of us who have committed such devastating crimes to actively engage in undertakings that diminish particularly young people from going down pathways which lead to crime and victimization. Just look at the incredibly meaningful and positive impact most of those who have received a second chance are having on their community:

<https://www.youtube.com/watch?v=nEy4PVRxGtI> (link to the docuseries Life After A Second Chance). Those that this bill would apply to will have very similar impacts. I dare say, contributions these formerly incarcerated individuals are making monumentally outweighs the vengeance sought by the opposition's leaders. Especially

considering the staggering amount of time these individuals have spent in a retributive state.

The reason HB 853 is needed is because there are no straightforward pathways for atonement, repentance, and restoration. None. As the states' attorneys leading the opposition have continually pointed out through their misleading references to mechanisms (which are extremely limited in scope) available to challenge unconstitutional convictions – it's all about challenging the convictions. None of the mechanisms they cite embody notions of repentance, remorse, atonement, or making amends. Principles of godliness, morality, and integrity call upon all of us to repent and make amends for our transgressions. HB 853 encourages such repentance, expiation, and making amends, rather than challenging convictions.

Incredibly, you will find that the state's attorneys leading the charge of the opposition to this bill are in opposition to *any* process that encourages repentance, expiation, or the ability to make amends within our community. Indeed, they oppose all parole processes—any notion of modifying a sentence based on demonstrated maturity and rehabilitation. They speak about truth in sentencing while totally ignoring a sentencing court's decision or intent to provide an errant with a future opportunity to redeem their lives. In the opposition's view, all prisoners are incorrigible. That notion is dispelled by the profound goodness that so many who have been given a second chance are giving back to their communities right now. The opposition leaders would have opposed their release too. The Life After A Second Chance Docuseries illustrates some of these stories: <https://www.youtube.com/watch?v=nEy4PVRxGtI>

Thank you for considering my testimony, and I urge you to vote **favorably** on the **Maryland Second Look Act HB 853**.

Thank you,

John Sexton

sextonj783@gmail.com

HB0853 Testimony FAV SLao.pdf

Uploaded by: Serena Lao

Position: FAV

House Bill 853 (Maryland Second Look Act)
House Judiciary Committee
February 18, 2025

Position: FAVORABLE

Chair Clippinger, Vice Chair Bartlett, and members of the Judiciary Committee:

I, Serena Lao, am testifying in support of HB 853, the Maryland Second Look Act. I am a longtime Maryland resident with a loved one who is incarcerated. “Loved one” is a broad term, so let me specify the nature of our relationship a bit more.

There is this Celtic notion of *anam cara*, which is Gaelic for “soul friend.” Irish philosopher John O’Donohue describes it: “When you had an *anam cara*, your friendship cut across all convention, morality, and category. You were joined in an ancient and eternal way with the ‘friend of your soul.’ The Celtic understanding did not set limitations of space or time on the soul. There is no cage for the soul.” My *anam cara*, or soul friend, John, has been incarcerated for 36 years in Maryland.

To claim that this bill is a “get-out-of-jail-free card” is simply false; the system has never worked in straightforward ways. John’s case highlights the arduous process of any mechanism for release. Despite being young when he was convicted, having a parole-eligible sentence, overwhelming evidence of maturity and rehabilitation, and a court finding that he was not a danger to the public, he is still in prison. He has not had a single infraction in over three decades. He is the most mentally stable person I know. Passing this bill only increases the *likelihood* that deserving people can get their second chance. But just increasing that probability makes a huge impact. It gives hope for souls to be reconnected without barriers, after decades of deprivation. And that kind of hope has real power.

Last summer I had the great privilege of sitting down with the father of the deceased victim in John’s case. I had the opportunity to listen as he described his confusion in the days of the crime and the great heartbreak that he and his family suffered in the aftermath. This father told me about the boy he lost—about the beautiful soul that this world lost 36 years ago. And he was able to express his anger that John never reached out to apologize or make amends with his family in all these years. I explained to him the DPSCS policy that offenders could not make contact with their victims and that the state’s attorney should have made him aware of his rights (to initiate contact if he wanted) a long, long time ago. Every one of John’s attempts to make amends had been blocked over the decades. I even reached out to the victim services unit at the state’s attorney’s office to see what was possible in terms of a mediation dialogue; as soon as I specified that it was John’s case, they stopped responding. The father had no idea that John had true remorse for what he had done. He told me that learning this new information gave him a completely different perspective and finally some peace. Of course, I am not attempting to speak for him, but this is the kind of blockage of healing and understanding that occurs for some victims who have never been given real agency to pursue healing in the ways that they need.

There are so many others serving long sentences who have contrition and remorse for their actions but have no way to express it to those they have harmed. If healing requires that there is

change—improvement over time—then we should be able to recognize that an incarcerated person’s growth and a victim's healing are intertwined in many ways. And to get in the way of restorative healing for some, by weaponizing the experiences of a select few, would be a deep injustice to all involved.

At a certain point in someone’s excessively long sentence, there is a shift in the purpose of incarceration from accountability and public safety to punishment and retribution. When someone has engaged constantly in self-reflection about the harm that they’ve caused and committed themselves to a path of rehabilitation rather than destruction, it is only harmful to our society to keep them away from others who can learn directly from their lessons. One thing I’ve noticed in being around so many returning citizens is that they are all filled to the brim with gratitude. I believe they are so well-versed in gratitude because the practice of gratitude becomes essential when you are deeply deprived for so long and still need to survive. Those who deserve a second chance are incredibly resilient souls, and those very souls translate into strengthening the resilience of our communities out here. Our society and their soul friends need them.

Thank you for reading, and I urge you to vote **favorably** on the **Maryland Second Look Act, HB 853**.

Sincerely,

A handwritten signature in cursive script that reads "Serena Lao".

Serena Lao
serenalao16@gmail.com

S. Varghese Testimony - HB 0853 - Petition to Redu

Uploaded by: Shaina Varghese

Position: FAV



AMERICAN UNIVERSITY

WASHINGTON, D C

Clinical Program

February 18, 2025
House – Judiciary Committee

Testimony In SUPPORT of HB – 853– Petition to Reduce Sentence
(Maryland Second Look Act)

Submitted by: Shaina Varghese
Student Attorney, Decarceration and Re-Entry Clinic
American University Washington College of Law

My name is Shaina Varghese, and I am a third-year law student at the American University Washington College of Law testifying as a student-attorney on behalf of the Decarceration and Re-Entry Clinic in support of House Bill 853. Our clinic represents men and women who have served decades in Maryland prisons before the courts and before the Maryland Parole Commission.

It is well known that the United States of America is the world’s leader in mass incarceration, with our country’s prison population increasing by 500% over the last forty years.¹ This phenomenon exists despite the fact that crime, in particular violent crime, has been significantly declining over the past several decades.² This mass increase in incarceration is a direct result of sentencing law rather than the reality of crime rates in the community. Maryland is a national leader in perpetuating mass incarceration. Maryland’s prison rates have increased drastically over the last 40 years³, with the state incarcerating a higher percentage of its citizens than almost any democratic country on earth.⁴

The most obvious drawback of this phenomenon is the financial strain Maryland’s incarceration rate has on Maryland taxpayers. Maryland has one of the highest costs per incarcerated individual in the country, spending approximately 114,000 dollars per incarcerated individual per year, which is one of the highest rates in the country.⁵

¹ The Sentencing Project, *Trends in U.S. Corrections*, at 2 (June 2019),
<https://www.ala.org/sites/default/files/aboutala/content/Trends-in-US-Corrections.pdf>.

² John Gramlich, *What the Data Says About Crime in the U.S.*, Pew Research Center (Apr. 24, 2024)
<https://www.pewresearch.org/short-reads/2024/04/24/what-the-data-says-about-crime-in-the-us/> (reporting that per the Bureau of Justice statistics, the U.S. violent and property crime rates each fell 71% between 1993 and 2022).

³ *Maryland's Prison and Jail Incarceration Rates, 1978-2022*, Prison Policy Initiative (April 2024)
https://www.prisonpolicy.org/graphs/jails2024/MD_incarceration_rates_1978-2022.html.

⁴ Department of Public Safety and Correctional Services Operating Budget Analysis (2024),
<https://mgaleg.maryland.gov/Pubs/BudgetFiscal/2024fy-budget-docs-operating-Q00B-DPSCS-Corrections.pdf>;
Emily Widra, *States of Incarceration: The Global Context 2024*, Prison Policy Initiative (June 2024)
<https://www.prisonpolicy.org/global/2024.html>.

⁵ Bruno Venditti, *Mapped: U.S. States by Cost Per Prisoner*, Visual Capitalist (June 9, 2024)
<https://www.visualcapitalist.com/cost-per-prisoner-in-us-states/>.

An even more troubling result of Maryland’s mass incarceration crisis is its perpetuation of racism. The racial disparity in Maryland in prisons is higher than any other state and double the national average, with more than 70 percent of Maryland’s prison population composed of Black individuals.⁶ In comparison, the national average of Black individuals incarcerated is 32 percent, and Black individuals make up only 31 percent of Maryland’s population.⁷ These racial inequalities have a disproportionate effect on individuals serving long sentences; nearly 8 in 10 people who were incarcerated between the ages of 18 to 24 years old and have served 10 or more years in a Maryland prison are Black.⁸

House Bill 853 is a promising solution to Maryland’s mass incarceration crisis.⁹ This bill provides an individual who has served at least 20 years in prison a pathway to request judicial review of their sentence. The bill is not a “get out of jail free card”; rather, the bill allows for individuals who have been rehabilitated and have transformed their lives after decades in prison to have a meaningful avenue for release. Currently in Maryland law, a judge can only consider a motion for reconsideration of a sentence for 5 years from the sentencing date before issuing a decision. As a result, there is currently no mechanism for individuals serving lengthy sentences to petition for judicial sentence review based on demonstrated, long-term rehabilitation. As a result, not only will House Bill 853 address Maryland’s mass incarceration crisis, but it will also incentivize individuals to demonstrate personal growth and rehabilitation with this new pathway for well-deserved sentence reduction.

House Bill 853 is supported by the success of Maryland’s Juvenile Restoration Act, along with data from the *Unger* population. In 2021, Maryland’s legislature passed the Juvenile Restoration Act.¹⁰ The statute allows for individuals who have served at least 20 years of a sentence for a crime that occurred when they were under the age of 18 to file a motion for reduction of sentence. 24 individuals were released through the Juvenile Restoration Act in its first year; as of October 2022, none of these 24 individuals were charged with a new crime or found to have violated probation.¹¹

In addition, the *Unger* population is particularly instructive here.¹² After the Maryland Court of Appeals held that improper jury instructions invalidated the life with parole sentences of 235 people, 192 of them were released. The average age of these individuals when sentenced was 24, and they spent an average of 40 years behind bars. Since their release, less than 4 percent have returned to prison; in addition, it is estimated that the release of these individuals has saved Maryland 185 million dollars. This is a real-life case study, proving individuals who have served

⁶ *Rethinking Approaches to Over Incarceration of Black Young Adults in Maryland*, Justice Policy Institute, at 3 (Nov. 2019), https://justicepolicy.org/wp-content/uploads/justicepolicy/documents/Rethinking_Approaches_to_Over_Incarceration_MD.pdf.

⁷ *Id.*

⁸ *Id.*

⁹ H.B. 0853, 2025 Gen. Assemb., Reg. Sess. (Md. 2025).

¹⁰ Md. Code, Crim. Proc. § 8-110.

¹¹ See Maryland Office of the Public Defender, *The Juvenile Restoration Act Year One — October 1, 2021 to September 30, 2022* (Oct. 2022), https://opd.state.md.us/_files/ugd/868471_e5999fc44e87471baca9aa9ca10180fb.pdf.

¹² The Justice Policy Institute, *The Ungers, 5 Years and Counting: A Case Study in Safely Reducing Long Prison Terms and Saving Taxpayer Dollars* (Nov. 2018), https://justicepolicy.org/wp-content/uploads/2021/06/The_Ungers_5_Years_and_Counting.pdf.

lengthy sentences have low rates of recidivism; rather, releasing them is in the best interests of the state of Maryland in both promoting justice and saving taxpayer dollars.

With both Maryland's Juvenile Restoration Act and the *Unger* population proving the positive benefits of sentence review for individuals who have served lengthy sentences, the relief requested in this bill is not based on theory. Rather, it is based on concrete data with proven success with individuals in our state. As a result, we implore the legislature to vote in favor of House Bill 853 to make this vision of justice and second chances a reality.

Shaina Varghese
(904)-629-4884
sv6564a@american.edu

WRITTEN TESTIMONY HOUSE SECOND LOOK ACT 2025.pdf

Uploaded by: Sharon Blake

Position: FAV

**TESTIMONY ON HOUSE BILL 853
MARYLAND SECOND LOOK ACT**

House Judiciary Committee
February 18, 2025

SUPPORT/FAVOR

Submitted by: Sharon Y. Blake

Chair Clippinger, Vice Chair Bartlett and honorable members of the House Judiciary Committee:

I, Sharon Y. Blake am testifying in support of House Bill 853, Maryland Second Look Act. I am submitting this testimony as a Baltimore County resident in District 10, having had no one in my family impacted by an extended sentence of twenty years of incarceration in the Maryland penal system, I believe, as a citizen and educator I have sufficient interest in this matter.

Professionally I served as President of the Baltimore Teachers Union. Moreover, I served 43 years as an educator in the Baltimore City Public School System, with the large majority of my career having being dedicated as a teacher of History at the high school level. In this role, I saw students enter high school as freshmen with their glasses half empty and four years later graduate with their glasses half full. This analogy can apply to the Maryland prison system population as well...young people, committing violent crimes; enter the prison system with half empty glasses. Often the half empty glass is that of anger, homelessness, disappointments, poverty, hopelessness, ignorance and despair. However, twenty years later, these very same young people are now adults who have demonstrated intellectual advancement, spiritual development, remorse, rehabilitation and no longer are a risk or danger to society. To that end, twenty years later, these are very different people. These are now mature persons who tend to have “aged out of crime” and are very unlikely to impact public safety in an undesirable manner. Twenty years later, these are very different people who now see their glass as half full... half full of hope, demonstrated intellectual advancement, spiritual development, remorse, and rehabilitation. Moreover, this is evident with the landmark case Maryland vs. Ungers. The two hundred (200) Marylanders serving life sentences, who were released, had less than a four percent (4%) recidivism rate. In addition, with the release of the Ungers, it was projected the state saved \$185 million dollars that would have been spent on keeping them incarcerated.

More importantly, this bill also has very serious racial justice implications. The general population of Black Marylanders is only thirty one percent (31%); however, of the two thousand two hundred twelve (2,212) people serving life sentences, appallingly eighty percent (80%) are Black Marylanders. It is disgraceful that Maryland also is the frontrunner in our nation in sentencing young Black men to the longest prison terms, at a rate twenty-five (25%) higher than the state of Mississippi.

Please note, there are many men and women serving decades-long sentences who have worked extremely hard to demonstrate intellectual advancement, spiritual development, remorse, and rehabilitation who are yet yearning for their opportunity to reenter and become value added in their communities.

Therefore, I urge this honorable committee to vote in favor of House Bill 853, Maryland Second Look Act!

Thank you.

JPI Second Look Testimony.2025 FINAL.pdf

Uploaded by: T. Shekhinah Braveheart

Position: FAV



TESTIMONY BY T. SHEKHINAH BRAVEHEART

Advocacy Associate, Justice Policy Institute

HB 853

Judicial Proceedings

Maryland Second Look Act

Chair Clippinger, Vice Chair Bartlett, and members of the Judicial Proceedings Committee thank you for the opportunity to submit testimony in strong support of HB 853. I am Shekhinah Braveheart with the Justice Policy Institute (JPI), a national nonprofit organization founded in 1997 dedicated to developing practical solutions to problems plaguing juvenile and criminal legal systems.

The Second Look Act aims to reduce inefficiencies in Maryland's judicial and parole systems while helping Maryland move towards a more just criminal legal system that balances public safety with the recognition that rehabilitation is possible. It promotes fairness and supports public safety by focusing on individuals unlikely to re-offend.

When there is harm, There Needs to Be Repair. Currently, judges may only hold a motion for reconsideration of a sentence for 5 years from the sentencing date before issuing a decision. This limitation has prevented many long-sentenced individuals from asking the court to reconsider their sentence after a lengthy period of demonstrated rehabilitation. No other mechanisms in Maryland law allow an individual to go back into court for judicial sentence review based on demonstrated rehabilitation.

JPI's recent publication, [*Safe at Home: Improving Maryland's Parole Release Decision Making*](#), offers a comprehensive assessment of Maryland's parole system, delving deep into the systemic issues that have plagued release decision-making processes for decades. Between 2017 and 2021, the average parole grant rate was 39.7 percent. However, these rates sharply decline as the "time served" and the petitioner's age

increase. For instance, after 20 years of incarceration, the grant rate plummets to 22 percent, further dropping to 5.6 percent after 50 years of time served.

This trend of imposing stricter release criteria on older individuals with lengthy prison terms contradicts well-established research indicating that criminal activity tends to decline significantly after the age of 40, leading to reduced recidivism rates. Despite rehabilitative success and program completion, long-sentenced individuals eligible for parole often face bureaucratic delays and repeated recommendations for "re-hearings," enduring 3 to 8 parole hearings throughout their incarceration. This situation highlights the dysfunctionality of the parole system, characterized by inefficiencies and a lack of responsiveness to rehabilitation efforts.

Reasons to Support Second Look

HB 853 allows individuals to showcase their personal growth and transformation. It also offers the opportunity to address deeply entrenched racially biased incarceration and parole denial patterns while posing minimal risks to public safety and fostering community strength. Additionally, there is substantial public support for releasing individuals deemed low risk for reoffending.

Despite these facts, the Maryland Parole Commission (MPC) has persistently obstructed the path to exit for deserving individuals, a practice that is incongruent with the realities outlined above. This underscores the urgent need for the state to explore and implement alternative options.

JPI reported in [Rethinking Approaches to Over-incarceration of Black Young Adults in Maryland](#) that nearly 50 percent of people serving the longest prison terms in Maryland were initially incarcerated as emerging adults. People who committed crimes when they were under the age of 25 have a greater capacity to change and grow over time. Most people who commit serious crimes naturally grow out of that behavior as they mature and become less likely to re-offend. Continuing to incarcerate people unnecessarily wastes taxpayer money that could otherwise be spent on things that prevent crime and protect public safety.

This bill also has serious racial justice implications, given that of the 2,212 people serving life sentences in MD, 80% are Black¹, a huge disparity when compared to the only 31% of Black Marylanders in the general population. Maryland also leads the nation in sentencing

young Black men to the longest prison terms, at a rate 25% higher than the next nearest state, Mississippi.

This bill has profound racial justice implications as Maryland leads the nation in sentencing young Black men to the most extended prison terms. At a rate 25 percent higher than the next most racially disparate state, Mississippi, Maryland's restrictive release policies for this specific population are an obstacle to remedying this situation. It exacerbates the long-standing disparities in the prison system. According to data collected in 2020, of the men over 60 years old in Maryland's prison system who have served at least 20 years, 54 percent were Black – HB 853 could correct this wrongdoing by allowing judges to have the option to consider resentencing.

Nationally, people who have been released through Second Look Laws have extremely low rates of reoffending, and many are now working to improve their community's safety by working as mentors with the highest at-risk youth. We have experienced this in Maryland with the passage of the Juvenile Restoration Act (JRA). Those granted a re-sentencing are thriving as community members; to date, none have recidivated. Washington DC's Incarceration Reduction Act (IRAA/SLAA) resulted in 225 individuals being released with just under 6 percent recidivism measured as re-arrest/violation.

Under the D.C. Second Look Amendment Act (2021), Ned McAllister was released after 27 years. His case highlighted his transformation, training as a carpenter, mentoring younger inmates, and maintaining strong family connections. His release demonstrated how long-term sentences often fail to account for personal growth and diminishing returns of incarceration over time. Studies show that [long sentences are not only costly but ineffective](#) in deterring crime compared to investments in rehabilitation and community support.

The Act would require that victims receive notice of a resentencing hearing and obligate the Judge to consider the victim's input if the victim or their representative chooses to offer a statement. Importantly, victims would not be required to return to court or participate in any way if they decide not to. Additionally, victims prefer, by a ratio of 2 to 1, a criminal justice system that emphasizes rehabilitation for those who commit crimes over punishment.

According to a 2022 poll conducted by political and public affairs survey research firm Public Opinion Strategies, American voters supported “Second Look Laws” by a two-to-one margin, and by more than two-to-one, voters believe people should be considered for early release if they are unlikely to commit future crimes. Thus prioritizing public safety over prolonged “punishment.”

For these reasons, I encourage you to vote **favorably** on the **Maryland Second Look Act HB 853**.

ⁱ [MD DPSCS FY 2022 Q4 Inmate Characteristics Statistics](#) (2022)

_HB 0853 MARYLAND SECOND LOOK ACT Testimony (Writ

Uploaded by: Terry Speaks

Position: FAV



OUT FOR JUSTICE

TESTIMONY ON HB 0853

MARYLAND SECOND LOOK ACT

Judiciary Committee

February 14, 2025

SUPPORT

Dear Chair Clippenger, Vice Chair Barlette and Honorable Members of the Judiciary Committee:

My Name is Terry Speaks, and I am the Leadership Development Organizer at Out for Justice. Out for Justice, Inc. (OFJ) is an organization led by individuals who are both directly and indirectly impacted by the criminal justice system. We advocate for the reform of policies and practices that adversely affect successful reintegration into society. We accomplish our mission through the three E's: 1) **ENGAGE** formerly incarcerated individuals, families and friends through grassroots outreach and community events; 2) **EDUCATE** our member base and communities on the policies and practices impacting our communities and navigating the legislative process for reform; 3) **EMPOWER** those impacted by the criminal justice system to utilize their voices and experiences to enact tangible change.

I am writing in support of **HB 0853 MARYLAND SECOND LOOK ACT**. Passage of the Maryland Second Look Act would create a meaningful opportunity for sentence modification for incarcerated people after having served 20 years of their sentence. I firmly believe that those individuals who are able to demonstrate their growth and rehabilitation, such that they are no longer a threat to public safety, should have the opportunity for release.

One in seven incarcerated individuals are serving a sentence for 50 years or more. These years of incarceration weigh heavily on our communities and our state budget. Many of our neighbors, friends and family members were given excessive sentences due to past "tough on crime" policies that have proven ineffective, and many more clearly pose no risk to society if they were released. These individuals deserve an opportunity to be with their families, pursue their dreams, and invest in their communities.



OUT FOR JUSTICE

I am urging this committee to help pass a law that allows incarcerated people to petition the court for a review and modification of their long sentence. Passing this law will:

- 1) allow individuals to submit a petition for sentence review if they have been sentenced to incarceration for 20 years or more and their last sentence review was at least 5 years ago,
- 2) grant the right to legal counsel and provide a public defender if they cannot afford it,
- 3) require a hearing for this sentence review,
- 4) give notice to any victims about the hearing, and
- 5) require judges to reduce sentences when confinement is no longer necessary for public safety, especially if an individual was convicted of a crime they allegedly committed as a minor.

For these reasons, I encourage you to vote **favorably** on the **Maryland Second Look Act HB 0853**.

Thank you.

Sincerely,

Terry Speaks
Leadership Development Organizer
Out for Justice, Inc.

SWASC Testimony HB 853.pdf

Uploaded by: UM SWASC

Position: FAV

TESTIMONY IN SUPPORT OF HOUSE BILL 853

Maryland Second Look Act
House Judiciary Committee
February 18, 2025

Social Work Advocates for Social Change (SWASC) strongly supports HB 853, the Maryland Second Look Act, which will allow Marylanders who have been incarcerated for 20 years or more to apply for resentencing. Second look policies allow for critical reexamination of sentences for people currently serving extreme sentences of incarceration, and provide the opportunity for people with few other options for release to return to their communities. SWASC strongly believes that people who have demonstrated growth and rehabilitation should have this opportunity to petition for release from prison and contribute meaningfully to their communities.

HB 853 will improve safety for all Marylanders. There is broad evidence that long prison terms run counter to public safety. Recidivism rates for people who have been released after decades of incarceration are low, and rates are lowest for those with the most serious convictions.¹ Further, incarceration is disruptive and harmful to individuals and their broader communities. Neighborhoods that lose a large number of members to incarceration may see increases in crime because of the loss of these community ties.² Prison itself can be so destabilizing that it increases the likelihood of future crime.³ **Enacting the Second Look Act would also have the potential to save the state significant money in the cost of incarceration that could be invested in community-based programs that foster health and safety for all Marylanders.**

HB 853 promotes racial equity and justice. People sentenced to ten years or longer make up over two-thirds of the prison population in Maryland, and nearly 20 percent of people incarcerated in Maryland are serving a life or virtual life sentence, one of the highest rates in the nation.⁴ These punitive sentencing policies have resulted in deeply racially disproportionate impacts: nearly eighty percent of people sentenced as emerging adults who have served ten or more years in prison in Maryland are Black, the highest rate in the country.⁵ The Second Look Act is a critical step toward addressing these racial disparities and providing relief from inequitable sentencing practices.

¹ The Sentencing Project, *Second Look Laws Are an Effective Solution to Reconsider Extreme Sentences Amidst Failing Parole Systems* (2024).
<https://www.sentencingproject.org/fact-sheet/second-look-laws-are-an-effective-solution-to-reconsider-extreme-sentences-amidst-failing-parole-systems/>

² Vera Institute of Justice, *A new paradigm for sentencing in the United States* (2023).
<https://vera-institute.files.svdcn.com/production/downloads/publications/Vera-Sentencing-Report-2023.pdf>

³ Vera Institute of Justice (2023).

⁴ The Sentencing Project, *Still life: America's increasing use of life and long-term sentences* (2023).
<https://www.sentencingproject.org/reports/still-life-americas-increasing-use-of-life-and-long-term-sentences/>

⁵ Justice Policy Institute, *Rethinking approaches to over-incarceration in Maryland* (2019).
https://justicepolicy.org/wp-content/uploads/justicepolicy/documents/Rethinking_Approaches_to_Over_Incarceration_MD.pdf

HB 853 builds on Maryland's efforts to address the harms and injustices of long-term incarceration. Maryland's Juvenile Restoration Act (JRA) of 2021 enacted second look legislation for people who were convicted as minors.⁶ After the first year of implementation, none of the people released under the JRA were charged with a new crime or found to be in violation of their conditions of release.⁷ The Maryland Second Look Act is a natural expansion of this policy that has already been safely implemented.

HB 853 centers rehabilitation over continued punishment, recognizing the diverse perspectives of survivors of harm. Policymakers in Maryland and across the U.S. have begun to recognize that the rise of mass incarceration has caused significant harm, and that change is necessary to promote community well-being and safety. Many victims of crime are also aligned with reforms that address excessive sentences: 60 percent of crime victims prefer shorter prison sentences and more spending on rehabilitative services over lengthy incarceration, and victims prefer methods of accountability through options outside of just prison by a margin of 3 to 1.⁸ Extreme sentencing also does not improve well-being for survivors of violent crime.⁹ Further, existing services for victims are often inadequate and exclusionary, leaving many people without any support after experiencing harm.¹⁰ Investing money saved on the cost of incarceration in crucial programs that promote safety, healing, and support for victims will help to improve these services in Maryland. By allowing resentencing for those who have demonstrated rehabilitation and readiness for release, HB 853 offers a vital opportunity to foster safer and healthier communities for all Marylanders.

HB 853 will align Maryland with other states and national organizations recommending and adopting second look legislation. Second look laws are recommended by many national expert organizations including the American Law Institute, the Fair and Just Prosecution Network, and the National Association of Criminal Defense Lawyers.¹¹ In passing HB 853, Maryland can join Connecticut and the District of Columbia in implementing second looks laws that allow people sentenced as adults to petition for resentencing, aligning with these expert recommendations.¹²

Social Work Advocates for Social Change urges a favorable report on HB 853.

Social Work Advocates for Social Change is a coalition of MSW students at the University of Maryland School of Social Work that seeks to promote equity and justice through public policy, and to engage the communities impacted by public policy in the policymaking process.

⁶ Equal Justice Initiative, *Maryland bans life without parole for children* (2022).

<https://eji.org/news/maryland-bans-life-without-parole-for-children/>

⁷ Maryland Office of the Public Defender, *The Juvenile Restoration Act: Year One - October 1, 2021 to September 30, 2022* (2022).

https://opd.state.md.us/_files/ugd/868471_e5999fc44e87471baca9aa9ca10180fb.pdf

⁸ Alliance for Safety and Justice (ASJ), *Crime Survivors Speak 2022: National Survey of Victims' Views on Safety and Justice* (2022).

<https://allianceforsafetyandjustice.org/wp-content/uploads/2022/09/Alliance-for-Safety-and-Justice-Crime-Survivors-Speak-September-2022.pdf>

⁹ Sered, D. (2019). *Until We Reckon*, The New Press.

¹⁰ Office for Victims of Crime, *Vision 21: Transforming Victim Services: Final Report* (2013).

https://ovc.ojp.gov/sites/g/files/xyckuh226/files/media/document/Vision21_Report.pdf

¹¹ The Sentencing Project, *The Second Look Movement* (2024).

<https://www.sentencingproject.org/app/uploads/2024/05/Second-Look-Movement.pdf>

¹² The Sentencing Project (2024).

HB853_Mitchell_FAV.pdf

Uploaded by: William Mitchell

Position: FAV

Testimony for the House Judiciary Committee

February 18, 2025

HB 853 - Criminal Procedure - Petition to Reduce Sentence (Maryland Second Look Act)

FAVORABLE

My name is William Mitchell. I am a lifelong Marylander, a devoted son, a community activist, peer mentor, and a returning citizen. I write in support of House Bill 853, the Maryland Second Look Act.

In April 2023, after serving 18 years in prison, I was granted my release. I returned home to my community a changed man. I had entered prison as a 23-year-old, struggling with drug addiction and entangled in a life of crime. I was completely lost, looking for validation in all the wrong places. In the midst of a drunken, drug-induced argument with my wife, I accidentally shot her in the hand and the leg. I was sentenced to 65-years' incarceration for a combination of charges including attempted murder and a slew of gun charges.

Upon entering prison, things looked hopeless. It would have been easy to lean into this hopelessness. But I did the opposite. I got sober and got a job. I found support within a network of men who had committed themselves to rehabilitation and growth through Christianity. I began a journey to better myself while inside. I took almost every course available to me. Many of them focused on personal growth, unlearning behaviors, and unpacking past decisions and thought patterns. Additionally, I delved deeper into my spiritual growth. I joined the church welcoming committee, the prayer team, and eventually led youth ministry. During my incarceration, I became a spiritual leader within the facility and a mentor to others. The church not only nourished my relationship with God, it allowed me to step into my own and find my purpose as a mentor and man of faith.

Additionally, after realizing the impact of addiction in my own life, I decided to attend NA meetings. I attended these meetings for three years, eventually becoming the Chairman of the group, leading meetings. After becoming the Chairman of the group, I decided to take a course from Stratford Career Institute on Drug and Alcohol Counseling. I earned a 4.0. I continued to counsel inmates through their recoveries. During COVID, when people were prevented from moving freely throughout the prison, I requested, and was allowed, to hold NA meetings on individual tiers to ensure that the pandemic did not derail peoples' recovery.

I began to examine my case – looking for potential routes for release. I knew that, if released, I would be a successful and productive member of society. I had committed myself to bettering my community inside prison walls. I knew I could do the same on the outside if given the opportunity. I had some small victories along the way as I worked to secure my eventual release. I became an expert on pro se litigation, filing various motions in different jurisdictions. However, my sentence remained intact. I contacted lawyers around the state, building relationships and explaining the circumstances around my case. Additionally, I had made amends

with my victim. My ex-wife – the victim in my case – had fully recovered and had written the judge asking for leniency. I rebuilt a friendship with her and helped her get sober, over the phone, from inside prison walls.

After many years, attorneys at Brown Law felt compelled to take my case on – pro bono. They knew that securing my release would be a daunting task. I had filed numerous motions and raised issues in multiple jurisdictions. The case was incredibly complicated. Finally, one of the attorneys working my case noticed a technical error in my sentence – one of my gun charges had been filed under the wrong statute, making my sentence on that count illegal. This error was enough to get me back into court. The judge agreed with our motion - my sentence on this count was illegal. We waited for the imposition of a new sentence.

Once the new sentence was handed down, I had 90 days to file a motion to reduce the sentence. We were able to present 15 letters from people who spoke of my accomplishments and growth in prison. In some instances, prison officials even endorsed my early release. Two of these letters, including a letter from the victim in my case, are included in my testimony submission. The judge agreed with our petition stating, “If William Mitchell did not deserve a sentence reduction, he did not know who did.” He reduced my sentence by 40 years, leaving a remaining term of 25 years. With diminution credits, this was the equivalent of time served. I was freed shortly after.

Since returning home, I have made good on my promise to better the community. In the last 22 months, I have taken the necessary training and have started a job at the University of Maryland as a Peer Recovery Specialist. Specifically, I assist overdose patients that come into the hospital. In Harford County, I help them get their lives back in order so they can become productive members of society. I have received two awards - one from the head of the Behavioral Health Unit and one from the Vice President of the UMD Medical Center. I now work closely with overdose patients, helping them as they navigate through the path and process of recovery. I have spoken at events around the East Coast. I have spoken at recovery events through the group called All Paths. I have spoken at New Points Recovery Center in Bel Air Maryland. I'm also involved with Jesus Be Jumping Ministries. I have taught many Bible studies and I've gone out into the community to minister to those who are less fortunate. I also fed the homeless for Thanksgiving. I completed Peer Recovery Specialist training. I'm involved in numerous Criminal Justice reform groups. I have spoken on panels to educate others about the need for prison reform. I also speak as an adviser to Project 6, a non-profit which provides legal resources to those who do not have them. I have my drivers' license. I am a homeowner. I have also taken time to delve into positive hobbies, like rebuilding motorcycles. After never touching a motorcycle a day in my life, I was able to rebuild it from the ground up.

Under my conviction, I would have only been eligible for parole consideration after about 35 years. But, because of the technical errors with my original conviction, I was able to get a second look at my confinement. There are many, many people on the inside that I am confident are as fit for release as I was. However, without this law, they will have to wait decades before they can even make their case for parole. Life expectancy in prison is shorter than on the outside. Time is of the essence for incarcerated people. For each year lived behind bars, a person can expect to

lose two years off their life expectancy. According to one study, five years in prison increased the odds of death by 78% and reduced the expected life span at age 30 by 10 years.¹

20 years in prison is more than enough time for an individual to rehabilitate themselves, grow, learn, and change. I have seen – and data supports- that rehabilitation is the norm, not the exception.² This is true across age categories but is especially true in populations serving longer sentences. In fact, those serving long sentences tend to recidivate at lower rates than those serving shorter sentences. Expanding opportunities for release not only benefits the state's decarceration initiatives, but it also creates safer prison environments and incentivizes good behavior while inside.

I ask that the committee consider my story and the stories of other returning citizens and submit a favorable report on HB 853.

¹ https://www.prisonpolicy.org/blog/2017/06/26/life_expectancy/

² https://dpscs.maryland.gov/publicinfo/publications/pdfs/2022_p157_DPSCS_Recidivism%20Report.pdf



Department of Public Safety and Correctional Services

DIVISION OF CORRECTION Eastern Correctional Institution

30420 REVELLS NECK ROAD • WESTOVER, MARYLAND 21890
(410) 845-4000 • FAX (410) 651-9585 • TTY USERS 1-800-735-2258 • www.dpscs.maryland.gov

MEMORANDUM

STATE OF MARYLAND

LARRY HOGAN
GOVERNOR

BOYD K. RUTHERFORD
LT. GOVERNOR

ROBERT L. GREEN
SECRETARY

RACHEL SESSA
CHIEF OF STAFF

CHRISTINA LENTZ
ACTING
DEPUTY SECRETARY
ADMINISTRATION

VACANT
DEPUTY SECRETARY
OPERATIONS

CAROLYN J. SCRUGGS
ASSISTANT SECRETARY

TO: Whom it may Concern

FROM: MAJOR MATTHEW MITCHELL

DATE: JANUARY 4, 2023

RE: Mitchell, William #2115632 [Click here to enter text.](#)

FYI FOR YOUR APPROVAL RESPOND FORWARD HANDLE OTHER:

This letter is written in recommendation of Incarcerated Person Mr. William Mitchell #2115632. Mr. Mitchell has been incarcerated at ECI during my tenure at the Institution. During this time I have had numerous encounters and conversations with Mr. Mitchell for a variety of positive reasons and outcomes. Mr. Mitchell has exemplified his role at becoming a reformed human being. Mr. Mitchell has dedicated his time under incarceration not just for self-improvement but for improvement throughout the Institution. He has been influential in developing peer programs, facilitating peer improvement programs and bettering himself and his peers in order to return as a resourceful member of the community. Mr. Mitchell is adamant about his life on the outside of the Institution and his ability to continue that life on the outside and be a productive citizen to his neighborhood and society. Mr. Mitchell always portrays a positive attitude, is respectful and courteous to those around him, is jovial in his dealings with staff and always presents himself in an approachable manner. I have no inclinations of Mr. Mitchell's ability to interact within the community in a positive manner as a citizen of his peers while providing services to his community.

The Honorable Judge Emory Plitt
20 Courtland St
Bel Air, MD 21014

Dear Judge Plitt:

Last year I was contacted by the attorneys representing William Mitchell. They explained to me that William would be requesting a hearing in which he could possibly have his sentence reduced, and they wanted to know how I felt about this. That is why I am writing this letter.

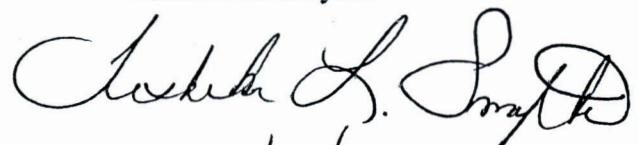
With almost eight years having passed since William was convicted of crimes against me, I have had a lot of time to think about what happened and the punishment rendered to him. As you know, your Honor, I have battled with drug addiction. Everything negative that has ever happened to me has involved drugs and alcohol. While battling with my own addiction, I have realized that the cliché of a "second chance" is not a realistic thing. In order to arrest my addiction, I needed at least ten to fifteen second chances, but it was when I truly hit rock bottom that I was able to change. While going through this transition stage in my life, I contacted William myself. After speaking to him, it was obvious that William has made the decision to change for himself. He actually encouraged me to strive for greatness, to seek God, and to continue forward on the road to recovery. Repeatedly, William has expressed his remorse for what he accidentally did to me. During the trial, I had testified that my right arm was numb and unusable. Since that time, I have regained all feeling and complete mobility and use of my arm.

I bring all this to your attention, your Honor, so you can weigh whether or not you will give William the opportunity to return to society in the near future. As the victim in this case, I am satisfied with the time that William has served, and it is my request that you would show him mercy and drastically reduce his sentence or set him free. We are all guilty of something, but once we repent and change our ways, we should have a shot at a new life.

Thank you for your time, your Honor. If you should need to reach me, William's attorneys have my current contact information.

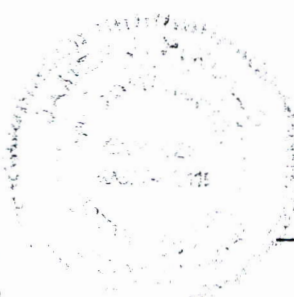
Sincerely,

Teshka L. Smythe



5/11/12

James Pirolo 5/11/2012
NOTARY



James J. Pirolo
Notary Public
#2011082400003
Commission expires 8/24/15

Favorable Testimony for HB 853.docx.pdf

Uploaded by: Willie Mae Hill

Position: FAV

**TESTIMONY ON HB853
MARYLAND SECOND LOOK ACT**

**House Judiciary Committee
February 18, 2025**

SUPPORT

Submitted by: Pastor Willie Mae Hill

Chair Clippinger, Vice Chair Bartlett and members of the Judiciary Committee:

I, retired Pastor Willie Mae Hill am testifying in support of HB853, the Maryland Second Look Act. I am submitting this testimony as an impacted family member, with a deeply personal connection to this bill. My son, Louis Hill III, a Morehouse College Graduate, has been incarcerated since the age of 25. Now 57 years old, he has already served 32 years of a sentence that include two life sentences without parole, plus an additional 80 years.

Passage of the Maryland Second Look Act would create a meaningful opportunity for sentence modification for incarcerated people after having served 20 years of their sentence. I firmly believe that those individuals who are able to demonstrate their growth and rehabilitation, such that they are no longer a threat to public safety, should have the opportunity for release.

Despite the Judge's statement in his OPINION that it was NOT proven that my son was the PRINCIPLE in the case. And that this case was an ANOMLY based on my son's background, Despite the fact that my son did NOT have a jury of his peers in Harford County....The Sentencing rested a lot on the testimony of the Ballistic Expert who had fraudulent Credentials. He later resigned and then Committed Suicide. Despite all of that the Judge still rendered a sentence that ended with the pronouncement of "**for the rest of your natural life**".

But it wasn't until my son sought God's forgiveness and the forgiveness and the forgiveness of all those that he knew was disappointed in him. He said that God's

mercy and God's love overtook him like nothing ever had before. From that point on, he was determined to make that mercy count. It was at that time that he knew that if the men in prison were going to survive successfully, they needed to know God's mercy in the same way he did.

It was God's mercy that turned my son around. He was clear that he did not deserve mercy, but when he read in his Bible that mercy is "undeserved favor," he began to understand. Who would give someone something so great knowing they don't deserve it? He said, "Only God, and my family."

From that day, he became fully committed to preparing men to return to society as all God "purposed" them to be, before they were incarcerated. Most of these men didn't even know they had worth, let alone purpose. My son became their teacher, both spiritually and practically. He taught them how to become men—fathers, husbands, and real sons to their parents. He showed them how to interview for jobs, how to present themselves to a world they hadn't been a part of for 20, 30, 40, even 50 years.

Most importantly, my son was ordained to lead a church of men who respected and trusted him enough to follow him. My son, Louis Hill III, did that.

He taught them to pray and believe that God Himself would "create a way" and send someone with a divine plan. That someone was State's Attorney Aisha Braveboy—a female "King Cyrus" (in the Bible) who not only had a plan, but had a heart. She was a believer in second chances.

But my son, their teacher and pastor, remains incarcerated, serving out his sentence of two life sentences without parole plus 80 years, while he waits for someone to give him a second look. In the meantime, he continues his work as an administrative clerk in the Tag Shop, preparing each new group of young men who enter the prison system—men who, too often, are condemned to die behind the walls.

I ask you: Does a man who has accomplished these things, whose prison adjustment records attest to his success with 32 years free of infractions, not deserve a second chance?

The Second Look Act (HB853) is not just about what someone did in the past, but about how they've changed. It's about how they sought forgiveness and rehabilitated themselves after decades of incarceration. A redeemed man should no longer be a condemned man.

This bill is about a personal soul-searching, about aligning our hearts with the principles of God—the true Judge of us all. Every one of our lives includes a "mercy clause." *Blessed are the merciful, for they shall obtain mercy.* To receive mercy, we must be willing to give mercy—without conditions.

Mercy is a favor none of us deserves, yet God has made it available to all of us. This bill is not about the wrongs that were done, but about the changes that have taken place. It's about seeing the heart change in men and women who have spent decades in the "chambers of rehabilitation." The Bible calls this being "on the potter's wheel"—a process of being turned, pressed, beaten, and crushed, but now emerging as a different person.

The Second Look Act is as much for you as it is for those incarcerated. It shines a light on where we are in our faith, our hearts, and our relationship with God. We all need second chances—whether we've had them already or will need them before we leave this earth.

When you were at your lowest—when you made a mistake with a spouse, a child, or loved one—you begged for another chance. You begged them to see your change. When they refused, when they denied you that opportunity, your heart sank. You felt hopeless, helpless, and maybe even scared. You knew you couldn't undo what you did, but you hoped they could see the change in you.

Second chances are about witnessing the heart change in those who have spent years in rehabilitation. They are no longer the people they once were. They've endured the pain, the consequences, and have become something new.

This bill, HB853, gives you the opportunity to offer the same chance you would want for your children, your grandchildren, or even for yourself. It's about offering mercy to someone who has paid their dues and now only waits to grow old, sick, and die in prison.

If you can look up toward heaven and say your heart is okay with seeing someone who has changed suffer in prison for the rest of their life—after 20, 30, or 40 years—then that's between you and God. But if you can offer them another chance, then we take a step closer to the heart of God.

My son's name is Louis Hill III. He is not a monster; he is a man who has been redeemed.

Thank you for your time and consideration. For these reasons, I encourage you to vote **favorably** on the **Maryland Second Look Act HB853**.

Thank you,

Pastor Willie Mae Hill

HB853_FAV_Amanuel.pdf

Uploaded by: Yanet Amanuel

Position: FAV



Testimony for the House Judiciary Committee

February 18th, 2025

HB 853 – Criminal Procedure – Petition to Reduce Sentence (Maryland Second Look Act)

FAVORABLE

YANET AMANUEL
PUBLIC POLICY
DIRECTOR

AMERICAN CIVIL
LIBERTIES UNION
OF MARYLAND

3600 CLIPPER MILL
ROAD
SUITE 350
BALTIMORE, MD 21211
T/410-889-8555
F/410-366-7838

WWW.ACLU-MD.ORG

OFFICERS AND
DIRECTORS
Corey Stottlemeyer
PRESIDENT

DANA VICKERS
SHELLEY
EXECUTIVE DIRECTOR

ANDREW FREEMAN
GENERAL COUNSEL

The ACLU of Maryland supports HB 853, which seeks to give people serving extreme sentences who have served at least 20 years of their sentence the opportunity to petition the court to modify or reduce their sentence based on their demonstrated rehabilitation. The bill allows a circuit court judge to modify a sentence if it is in the interests of justice and the petitioner poses no danger to the public, based on the court's consideration of several factors that include "the nature of the offense" and any statement offered by a victim or victim's representative (CP 8-501(c)(2), (3)).

The need for a comprehensive Second Look Act in Maryland is evident. Maryland incarcerates the highest percentage of Black people in the country, at 71 percent of our prison population, and 76 percent of those serving life sentences, which is more than twice the national average.¹ Shamefully, Maryland also leads the nation in sentencing young Black men to the longest prison terms, at a rate 25 percent higher than the next nearest state – Mississippi.² Additionally, Maryland ranks among the states with the highest rates of life sentences for women, with more than one in six women in prison serving life.³

¹ See demographic data compiled by the Prison Policy Initiative, <https://www.prisonpolicy.org/profiles/MD.html#visuals>; Barry, Ashley Nellis and Celeste. "A Matter of Life: The Scope and Impact of Life and Long Term Imprisonment in the United States." *The Sentencing Project*, 17 Jan. 2025, www.sentencingproject.org/reports/a-matter-of-life-the-scope-and-impact-of-life-and-long-term-imprisonment-in-the-united-states/.

² "Rethinking Approaches to over Incarceration of Black Young Adults in Maryland." *Justice Policy Institute*, 28 Oct. 2021, <https://justicepolicy.org/research/policy-briefs-2019-rethinking-approaches-to-over-incarceration-of-black-young-adults-in-maryland/>.

³ Barry, Ashley Nellis and Celeste. "A Matter of Life: The Scope and Impact of Life and Long Term Imprisonment in the United States." *The Sentencing Project*, 17 Jan. 2025, www.sentencingproject.org/reports/a-matter-of-life-the-scope-and-impact-of-life-and-long-term-imprisonment-in-the-united-states/.

The status quo does not afford meaningful opportunities for release for people serving extreme sentences

Due to the devastating “lock them up and throw away the key” mentality from the last thirty years that led to harsh changes to law and policy, Maryland’s prison system is filled with Black people who were excessively sentenced or denied parole based on the “superpredator” mythology. Similarly, for more than a quarter of a century, Maryland’s parole system was not available to lifers, contributing to the bloated prison system and its extreme racial disparities. Although the Governor has finally been removed from the parole process, this is not enough to remedy decades of wrongful denials nor provide relief to those whose sentence structure may prevent timely parole consideration.

AMERICAN CIVIL
LIBERTIES UNION
FOUNDATION OF
MARYLAND

For many years, Maryland judges retained a broader ability to review sentences, ensuring an important safety valve for extreme sentences.

Unfortunately, ever since these revisory powers were limited by a rule change in 2004⁴, the main way for someone in Maryland serving an extreme sentence to have their sentence reviewed is by challenging the constitutionality of the conviction itself. There is currently no statutory mechanism for their sentence to be changed solely because they have been rehabilitated, or because the sentence was excessive, disproportionate, or biased. Thus, the current legal framework incentivizes people serving extreme sentences to challenge the conviction and avoid ever conceding guilt because doing so might jeopardize any future chance of release. As a result, people who have been harmed by serious crimes may never hear an explanation or expression of the remorse the person feels. A “Second Look” provision would change this dynamic, ensuring that people are able to express their genuine remorse and maintain focus on their transformation without worrying that conceding guilt would eliminate any hope of resentencing.

Parole is not enough

Parole is not available to people before they reach eligibility or to those who are never eligible. For example, someone with an extreme sentence may not be eligible for parole for 40 years—not because they are more culpable, but because of how the sentence was imposed. And unlike court hearings, parole is an administrative proceeding, where people have very limited due process guarantees and no right to access legal representation to prepare a strong presentation.

The purpose of the Maryland Second Look Act is to establish an opportunity for people’s sentences to be reconsidered based on their demonstrated rehabilitation. The parole commission does not have the authority to change any sentence and is generally bound by the original conviction and sentencing.

⁴ Court’s Standing Committee on Rules of Practice and Procedure. “RULES ORDER.” Maryland Courts, COURT OF APPEALS OF MARYLAND, 2004, www.courts.state.md.us/sites/default/files/import/rules/rodocs/ro158.pdf.

Furthermore, judges are especially well positioned to review sentences that the court was responsible for imposing. Unlike parole, petitioners have the opportunity to present evidence and witnesses with the assistance of counsel, giving judges a better understanding of the factors that led to the individual's incarceration and the likelihood that they can safely return to the community.

HB 853 increases accountability in the criminal justice system

Bias in the criminal legal system against indigent defendants and Black people has been widely documented at every stage. These disparities are evident when examining life without parole (LWOP) sentences, specifically. Nationally, Black people are significantly overrepresented among LWOP sentence servers.⁵ In Maryland, an estimated 69 percent⁶ of those serving LWOP sentences are Black, despite Black people making up roughly 30 percent of Maryland's population.⁷ These racial disparities result from disparate treatment of Black people at every stage of the criminal legal system, including stops and searches, arrests, prosecutions and plea negotiations, trials, and sentencing. In Maryland, there is no specific criteria for when LWOP sentences should be handed down. Rather, it is at the discretion of prosecutors to seek these sentences. The degree of discretion in LWOP sentencing has resulted in a situation where the severity of one's sentence is highly dependent on the individual proclivities of prosecutors which vary from jurisdiction to jurisdiction. For example, just as it did with the death penalty, Baltimore County imposes LWOP at an estimated higher rate than other jurisdictions.⁸ When examining LWOP sentences compared to total population, there are more people serving LWOP sentences as a result of Eastern Shore sentences than areas with historically higher murder rates.⁹

For eligible individuals who may have faced bias by law enforcement, the courts, or corrections, the Second Look Act would lead to more just outcomes by taking a second look to ensure their sentences were correctly decided. For members of the public who already distrust the justice system, it would provide additional assurance that the state is taking steps to recognize and correct past instances of bias and is committed to ensuring that people in its custody receive fair treatment.

⁵ "Written Submission of the American Civil Liberties Union on Racial Disparities in Sentencing." ACLU, American Civil Liberties Union, 27 Oct. 2014, www.aclu.org/sites/default/files/assets/141027_iachr_racial_disparities_aclu_submission_0.pdf.

⁶ Per estimates compiled by the Prison Policy Initiative based on data from the US Census Bureau, the Bureau of Justice Statistics, and unpublished data provided by the Maryland Second Look Coalition.

⁷ See <https://business.maryland.gov/plan-your-move/demographics/>.

⁸ Per unpublished Maryland Division of Corrections data provided to Prison Policy Initiative by the Maryland Second Look Coalition.

⁹ Per unpublished Maryland Division of Corrections data provided to Prison Policy Initiative by the Maryland Second Look Coalition.

HB 853 will lead to safer prison environments and cost savings

The potential opportunity for individuals to reduce their sentences is a compelling incentive to comply with facility rules and maintain good behavior. Good conduct credits are a behavioral incentive and a means of reducing prison overcrowding.¹⁰ This in turn lowers the threat of violence and other risks and challenges faced by people living and working inside correctional facilities, including officers and staff.

Maryland spends over \$59,616 annually per incarcerated individual, with costs rising significantly for aging prisoners due to increased healthcare needs.¹¹ By creating a pathway for sentence reconsideration for those who pose little to no public safety risk, HB 853 allows the state to reallocate funds toward initiatives that enhance public safety, such as reentry programs and mental health services. For example, an analysis of the release of over 200 individuals under the *Unger* decision projected state savings of \$185 million.¹²

People age out of crime

There is a large body of evidence showing a rapidly declining likelihood to commit violent crimes (including murder) with age. Dozens of studies have found that the typical ages at which people are most likely to engage in violence fall dramatically beginning in one's mid-to late-twenties.¹³ This is consistent with understandings of psychosocial development in emerging adults.

Additionally, recent Bureau of Justice Statistics studies on 400,000 individuals released in 30 states in 2005 found that those convicted of violent offenses are less likely to be re-arrested within three years for any offense compared to their nonviolent counterparts.¹⁴ This underscores the potential for rehabilitation and successful community reintegration among individuals who have committed violent offenses.

¹⁰ *Stouffer v. Staton*, 152 Md. App. 586, 592 (2003).

¹¹ HB0209 2022-01-21 Testimony to House Judiciary, http://mgaleg.maryland.gov/cmte_testimony/2022/jud/1BxSiD13nGr4LdKt2m4dYOa4Hw2nboPrP.pdf.

¹² "Building on the Unger Experience: A Cost-Benefit Analysis of Releasing Aging Prisoners." OSI Baltimore, JFA Institute and The Pandit Group for Open Society Institute Baltimore, Jan. 2019, www.osibaltimore.org/wp-content/uploads/2019/01/Unger-Cost-Benefit3.pdf.

¹³ Ashley Nellis, Ph.D. and Niki Monazzam. "Left to Die in Prison: Emerging Adults 25 and Younger Sentenced to Life without Parole." *The Sentencing Project*, 15 May 2024, www.sentencingproject.org/reports/left-to-die-in-prison-emerging-adults-25-and-younger-sentenced-to-life-without-parole/.

¹⁴ Alper, Mariel, and Joshua Markman. "2018 Update on Prisoner Recidivism: A 9-Year Follow-up Period (2005-2014)." BJS, U.S. Department of Justice Office of Justice Programs Bureau of Justice Statistics, May 2018, <http://bjs.ojp.gov/content/pub/pdf/18upr9yfup0514.pdf>.

All the available evidence we have in Maryland also supports the fact that people serving extreme sentences are the least likely to reoffend. In the 12 years since the Maryland Supreme Court held in *Unger* that improper jury instructions invalidated the life with parole sentences of 235 people, 96% have remained in the community without incident.¹⁵ These young adults, 90 percent of whom are Black, spent an average of 40 years behind bars but could have been contributing to our communities' decades earlier. In the last two years, the dozens of people to return to the community through parole or the Juvenile Restoration Act have shown similarly compelling success rates.

The Maryland General Assembly has recognized the need to reform the justice system and allow incentives for better behavior

By passing the Justice Reinvestment Act, “ban the box,” Juvenile Restoration Act and expungement bills, the Maryland General Assembly has repeatedly recognized the need and expressed the desire to provide individuals in the justice system with second chances. As demonstrated by the limited number of releases granted under the Juvenile Restoration Act thus far,¹⁶ additional mechanisms for sentence review simply offer a pathway home for deserving individuals, rather than opening any floodgate for indiscriminate release. This bill would not release anyone from their responsibility for their crime. It would simply provide to those who meet the eligibility requirements the small gesture in this bill's title: a second look.

For the foregoing reasons, we urge a favorable report on HB 853.

¹⁵ “The Ungers, 5 Years and Counting: A Case Study in Safely Reducing Long Prison Terms and Saving Taxpayer Dollars.” *Justice Policy Institute*, 19 Jan. 2024, justicepolicy.org/research/reports-2018-the-ungers-5-years-and-counting-a-case-study-in-safely-reducing-long-prison-terms-and-saving-taxpayer-dollars/.

¹⁶ Per unpublished data from the Maryland Office of the Public Defender compiled in November 2024.

2025 HB0853 Testimony Against 2025-02-18.pdf

Uploaded by: Alan Lang

Position: UNF

Testimony Against HB0853

Honorable Delegates

Please enter an unfavorable report against HB0853.

I am against:

- authorizing an individual to file a petition with the court to reduce the sentence if the individual has served at least 20 years of the term of confinement and at least 5 years have passed since the court decided any previous petition filed by the individual under the Act;
- authorizing a court, after a hearing, to reduce a sentence if the court finds that the individual is not a danger to the public; and
- providing a rebuttable presumption that a petitioner is not a danger to the public under certain circumstances.

This Bill adds yet another post-conviction review to an already long list of post-conviction remedies that will force victims to court and prevents any finality to a criminal case. Right after a jury or Judge finds a Defendant guilty, Maryland law currently permits numerous ways for a Defendant to challenge their conviction and sentence.

Here are the current rights:

1. Motion for new trial
2. Motion to modify or reduce sentence (motion can be held for five years)
3. If the modification is based upon illegal sentence, fraud, mistake or irregularity, there is no time limit
4. Three Judge panel to reduce or modify
5. Appeal to the Court of Special Appeals
6. Ask for appeal to the Supreme Court
7. Post-Conviction (sometimes they get more than one)
8. Writ of Corum Nobis
9. Writ of Habeas Corpus
10. Writ of Actual Innocence
11. Motion to vacate judgement (passed last year)
12. Post-Conviction DNA testing
13. The parole system which can review a sentence more than once

Based on the above list, this Bill would add yet another post-conviction remedy. When does it end for victims of crime? When can one look at the victims of a crime and tell them that it is finally over? It never ends and this bill would add one more event over which the victim has no control and perpetuates never achieving closure for their loss.

Testimony Against HB0853

There already is a perception by the public that the Legislature favors the criminal more than the law-abiding citizens of Maryland who have been victimized by these criminals. This bill would be additional evidence that supports this perception.

Many of these criminals have had numerous chances to turn their lives around, especially when they were juveniles committing crimes. Now that they have finally been punished and received jail time, this bill wants to give them another “second chance”.

Perhaps if more had received jail time earlier in their criminal careers, they would not have the perception that there are no real consequences for their actions and continue their criminal activities.

Please enter an unfavorable report against HB0853.

Alan Lang
45 Marys Mount Road
Harwood, MD 20776
Legislative District 30B
410-336-9745
Alanlang1@verizon.net

February 18, 2025

Angela Fulton Written Statement-hb853.pdf

Uploaded by: Angie Fulton

Position: UNF

Bill: HB-853

Position: Unfavorable

Contact: Angela Fulton

Warren Steven Slayman.....that is the name of my deceased brother. Murdered by someone that thought he was gay. Before I said my name, I wanted you to hear his. I wish I could put an image with the name. The image that pops into my head every time a bill gets introduced to lessen the sentence of a criminal is that of my brother laying in a culvert slowing succumbing to the three fatal gunshot wounds to his chest and head. Laying there for hours clinging to life, most likely hoping and praying to be found. When will the lawmakers in the state of Maryland start to pay attention to victim's rights? My thought is never. By the looks of the last several weeks that two different bills have been trying to go through, one in the Senate and now this one in the house. I wholeheartedly oppose HB853! What is the point of parole hearings if you're going to keep trying to lessen sentences other ways? My name is Angela Fulton. 31 years, that is how long ago my brother Stevie was murdered. It seems like yesterday to my sister Gretchen Bridendolph and I. If this bill were to pass not only will we have to relive the most horrific time in our life but our faith in the lawmakers and the justice system will be forever lost. As I stated above the day he was murdered he was shot three times once in the chest and two times in the head and left in a culvert for dead. I ask you, will my brother get a second chance at life? Will you give him a second look and a chance? I can answer my own question, and most likely the answer would be no. The problem is none of you or maybe some, which I doubt, have experienced the loss of a loved one due to murder. It's not the same as someone dying of cancer and it definitely is not the same as somebody getting old and dying in nursing home or just dying of natural causes. The image of them is continuously in your head forever even though you want to remember them the way they used to be the image is of what you imagined they look like when they were murdered. I personally never saw the crime scene photos and was told that I don't ever want to see that. But I wish you all would have to. Maybe if you had first hand account of what we had to go through you would think differently about wanting to lessen the sentence of these criminals. We have had to go to parole hearings, modification hearings, post conviction hearings. And now you want to try to add another hearing on top of all of that and possibly trying to pass the second look act as well. I don't quite understand why this continues. This is the absolute worst torture I have ever been through next to losing my brother to murder. I promised my parents before they passed that I would always fight for Stevie and victims like him. So I am here to tell you.....you haven't heard the last from me. Murder victims families matter. Our sanity and faith in justice matters! Please do not go forward with HB 853!!!! Thank you.

Testimony - Dawn Collins (1).pdf

Uploaded by: Dawn Collins

Position: UNF

Dawn Collins Testimony - Oppose HB0853(UNF) – dawnrickc@aol.com

My name is Dawn Collins. I am a wife and mother to two children. I am an American, I am a patriot, and my son, Richard, was a third-generation service man.

My son, 2LT Richard Collins III, became a man at Bowie State University, a Historically Black College and University producing exceptional scholars, educators and dedicated service men and women.

My son, 2LT Richard Collins III, was murdered at a predominantly white institution by Sean Urbanski - a student at the University of Maryland, and a follower of white supremacist ideals.

I am urging representatives to oppose HB0853 and the “no limits” approach of this bill in how it would benefit mass murderers, serial rapists, child sex offenders, and those who have committed hate crime murderers - like the one that took my son.

There are a number of things that didn't make the process of grieving our son any easier or any less painful. At the time of Richard's murder, hate crime laws were inadequate, there were no victim or survivor-centered conversations, there wasn't any compensation considerations for supporting families involved in these tragedies, statewide definitions of hate-crimes didn't always trickle down to the local level, and my son did not receive his full military honors because of a technicality.

When my son 2nd Lieutenant Richard Collins III told me that *the world would know his name*, his murder by way of hate crime, was not the legacy he or our family wanted to be left with, but here we are - doing what we can to stand up, speak up, and call out injustice.

God has been gracious in the midst of grief, along with the help of many legislators, civil rights organizations, and community leaders, who have helped shape the work and impact of the 2nd Lt. Richard Collins III Foundation, created in honor of our son.

This bill would undermine the small justice that's been given in the case of our son's murder. Uplifting my son's legacy means keeping the convicted murderers behind bars to complete their sentences as the least bit of consolation for the upheaval, grief, and violence that my family has had to endure since 2nd Lt. Richard Collins murder.

Please, for the sake of families across the State of Maryland, still grieving, recovering, and trying to make meaning out of the events that forever changed our familys' lives, oppose HB0853.

Opposition to HB 853.pdf

Uploaded by: Joanna Mupanduki

Position: UNF



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

☎ 877-VICTIM-1 (877-842-8461)

✉ mail@mdcrimevictims.org

🌐 mdcrimevictims.org

1001 Prince George's Blvd, Suite 750
Upper Marlboro, MD 20774
301-952-0063 (Phone)
301-952-2319 (fax)

1 North Charles Street, Suite 700
Baltimore, MD 21201
410-234-9885 (phone)

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.

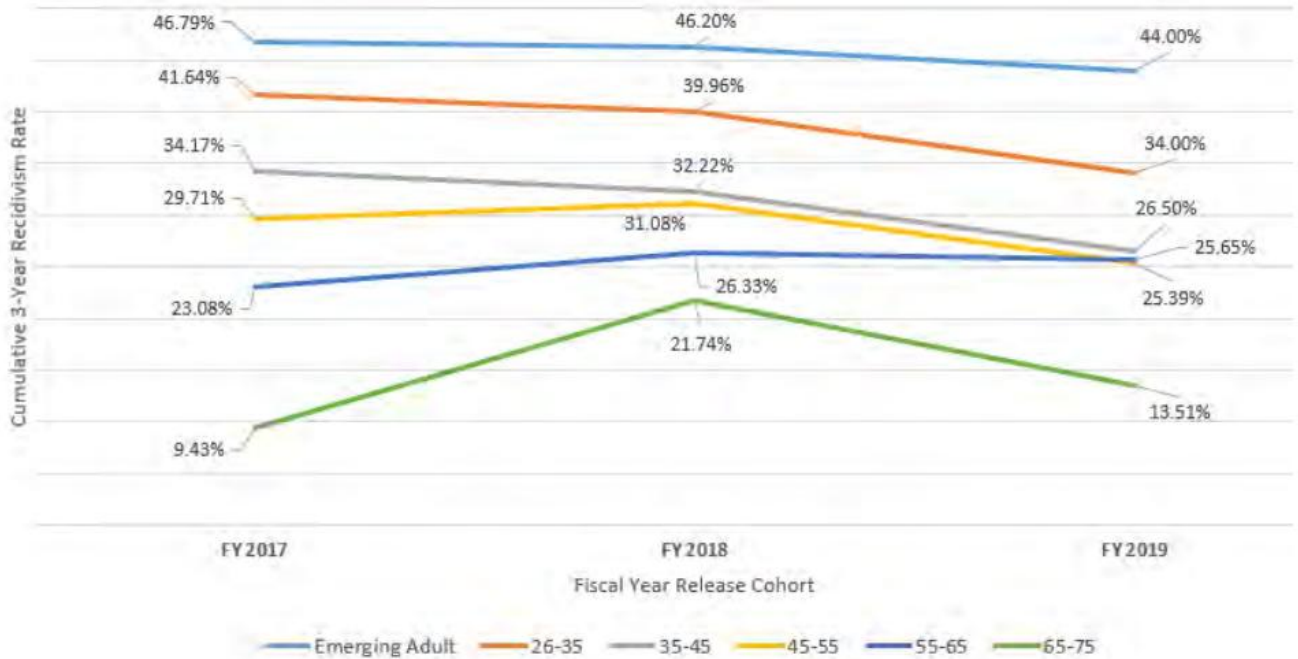
The release of convicted murderers from prison poses significant dangers to society. While it is true that older offenders often exhibit lower recidivism rates, it is misleading to assume this equates to a negligible risk. According to the Department of Public Safety and Correctional Services (DPSCS), 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

Joyce Conyers HB-853 Written Statement .pdf

Uploaded by: Joyce Conyers

Position: UNF

Bill: HB-853

Position: Unfavorable

Contact: Joyce Conyers

Good afternoon,

Thank you for taking the time to hear our side for the non-treatment of victims in Maryland. My name is Joyce Conyers. I am the mother of Willie Herman Baskerville Jr, age 23 who was assassinated by Desmond Perry in December 2001 only a couple of days after Christmas. My son, Willie, had no knowledge of Perry or that his life was endangered for merely celebrating the Christmas holiday.

I am before you today to remind you of how victims have been treated by Maryland's State Attorney's office. To be clear, they have aggravated victims' pain and sorrows. Furthermore, our voices have been cut off without representation.

In many cases victims have been neglected and kept in the dark, while murderers and criminals that committed unspeakable crimes get numerous hours with the States Attorney's office to plead their cases.

In my case, I found it absurd that at least two other State attorneys - which had previously represented our family in this case, were denied the opportunity to speak on the case and were not allowed to speak with the lead detective and chief of police. In fact, the prosecuting attorney told our victims of crime representative attorney that he had no place in the courtroom and really could not speak.

This was not only unfair to the people that are trying to live a decent life and work for a living just to be struck down by the rhetoric of the Progressive Party telling us that after a few years we should be able to cope with whatever has happened and allow these murderers to continue with their lives and to be a part of society.

Then I am left with my beautiful grandson having to look a young man in the eye and say forget the person who assassinated your father only because he spent 20 years in a prison box as a model citizen. Because this is basically what was told to me.

We have murderers testifying in court for other murders that have been rehabilitated inside four walls for a few years. So, they should be giving 2nd, 3rd, 4th and 5th chances while all the while they have done one thing to a better society.

I want to thank you for your time and your patience. I know that you have a hard job and a hard decision. Just like law enforcement staff spend countless hours away from their families so that these criminals can go to court and their pathetic cries and plead for release. While victims' cry falls on deaf ears. Hear us, we are here, and you need to hear us.

In addition to the devastation these heinous criminals have already caused, an overwhelming 90% of them never pay back the restitution they owe—a clear and blatant violation of their parole. Yet, this critical requirement is overlooked 99% of the time, as if it were a mere suggestion rather than a court-ordered obligation. It feels like a slap on the wrist, with offenders catching break after break while victims are left to pick up the pieces. The Second Look Act only adds fuel to this

injustice, serving as yet another gateway for defendants to be released early—only for many of them to walk free without following parole conditions or repaying the restitution that was supposed to provide victims with some measure of justice.

I challenge State Delegate Clippinger to put himself in the victims' place and feel the intense pain of sorrow. Furthermore, Delegate Sandy Bartlett is a mother of two, therefore she is in a perfect position to deeply reflect on, and experience the unbearable pain of losing a son. My son will never receive reconsideration to return to life, therefore a criminal should not receive reconsideration to enjoy freedom.

Finally, I pray that you get the support that is required to bring justice back to the blind eye which it was instituted.

Very Respectfully,

Joyce M Conyer

Justim Murphy Story 1.pdf

Uploaded by: Kurt Wolfgang

Position: UNF

Police: Man who served time in 2004 slaying charged with killing girlfriend in Hagerstown



Dave Rhodes

The Herald-Mail

A Hagerstown-area man is charged with first-degree murder in the Christmas night shooting death of his girlfriend at a home on South Burhans Boulevard in Hagerstown, according to Washington County District Court records.

Justin Kyle Marshall, 34, was arrested around 2:45 a.m. Sunday by the sheriff's office in Berkeley County, W.Va., in the death of 37-year-old Tristen Shifflett, Hagerstown Police spokeswoman Lt. Rebecca Fetchu said.

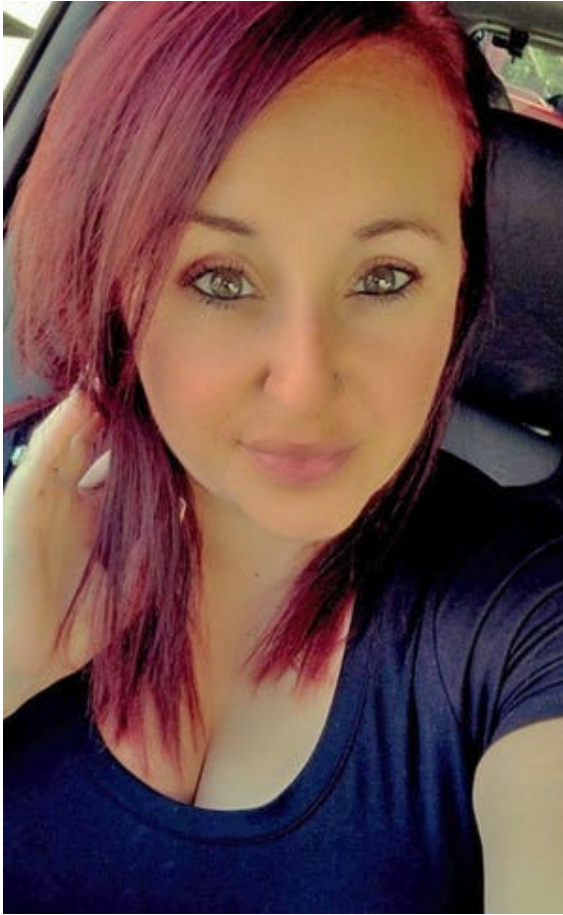
In West Virginia: Tractor-trailer driver charged with murder in road-rage death of fellow trucker

More: Hagerstown teen returned from Florida to face murder charges in Mulberry Street shooting

Marshall was being held Sunday in the Eastern Regional Jail in Martinsburg, W.Va., without bail, the jail's website shows.

He had been released from prison about two years ago after serving time for a 2004 murder in Hagerstown, and at the time of Saturday's shooting he was wanted on a warrant charging him with assaulting Shifflett in Pennsylvania, Fetchu said.

Shifflett had been staying in Greencastle, Pa., at the time of her death, police said.



Police responded around 6:30 p.m. Saturday to the home owned and occupied by members of Marshall's family and found Shifflett with gunshot wound to the neck. She succumbed to her injuries at Meritus Medical Center east of Hagerstown, Fetchu said.

Police allege that Marshall shot her with a handgun during a dispute and then fled the scene, according to Fetchu.

About 10 people were present in the home when the shooting occurred, including the couple's young son. Washington County Child Protective Services made arrangements for the boy's care, Fetchu said.

Further details about the shooting and Marshall's arrest were not immediately available Sunday.

Marshall and Larry Wayne Shriner, formerly of Maugansville, were sentenced to 25 years in prison in the Nov. 3, 2004, beating death of a Hagerstown man, according to earlier Herald-Mail reports.

Both pleaded guilty in 2005 to second-degree murder in the death of 46-year-old Curtis Eugene Hill Sr. Other charges against them, including first-degree murder, were dismissed as a result of their plea agreements, court records show.

Both men petitioned the court to have their sentences modified. On Dec. 29, 2010, Washington County Circuit Judge Donald E. Beachley denied Shriner's motion but granted Marshall's, reducing his sentence to 21 years.

Beachley's order stated that Marshall must serve at least half of his sentence before being eligible for parole. Court records show the start date of the sentence as Nov. 4, 2004, when Marshall was ordered held without bail.

Marshall was 17 at the time of the murder and Shriner was 20, according to court records.

Hill was found dead near an alley beside what was then Russo's RX Pharmacy on North Cannon Avenue in Hagerstown, court records show.

Shriner and Marshall had confronted Hill in the alley at about 12:30 a.m., punched and kicked him in the face and chest, and dragged his body under a tree, court records show.

Shriner checked twice over the course of the night to see if Hill was still alive. Marshall accompanied him on one of those occasions, according to court records.

A woman found Hill's body at about 7 a.m., court records show.

Justin Marshall Story 2.pdf

Uploaded by: Kurt Wolfgang

Position: UNF

Man Who Went to Prison for Murder Now Accused of Fatally Shooting His Girlfriend in Neck

ALBERTO LUPERON Dec 27th, 2021, 3:47 pm

8_comments_

Share



Justin Kyle Marshall, and Tristen Shifflet.

A man is accused of fatally shooting his girlfriend—the mother of his son—in the neck on Christmas Day, but officials say it is not the first time he was behind bars for killing someone. **Justin Kyle Marshall**, 34, was arrested Sunday for murdering **Tristen Shifflet**, 37, according to [the Hagerstown Police Department in Maryland](#).

Officers said they responded to 320 S. Burhans Blvd. about a reported gunshot victim at about 6:30 p.m. on Saturday. They found Shifflet wounded. She was taken to the Meritus Medical Center, but she died from her injuries, they said.

Investigators said they discovered that Marshall, a resident of Greencastle, Pennsylvania, shot her in the neck during a dispute. He fled, but deputies in Berkeley County, West Virginia arrested him, they said.

“Additionally, Marshall had an active arrest warrant through Pennsylvania State Police for assault in a separate incident involving Shifflet,” they said.

Not a lot of people get out of prison for murder, let alone when there are still young, but police say Marshall has been out of prison for approximately two years for his conviction in a 2004 second-degree murder out of Hagerstown.

“The couple shared a young child together,” cops said. “Washington County Child Protective Services took custody of the boy and made further arrangements for his housing.”

Marshall faces first-degree murder and other charges, officers said. Online records show that he remains jailed in West Virginia as of Monday.

[Images via Hagersville Police Department]

Letter re SB 291 Attachment 1.pdf

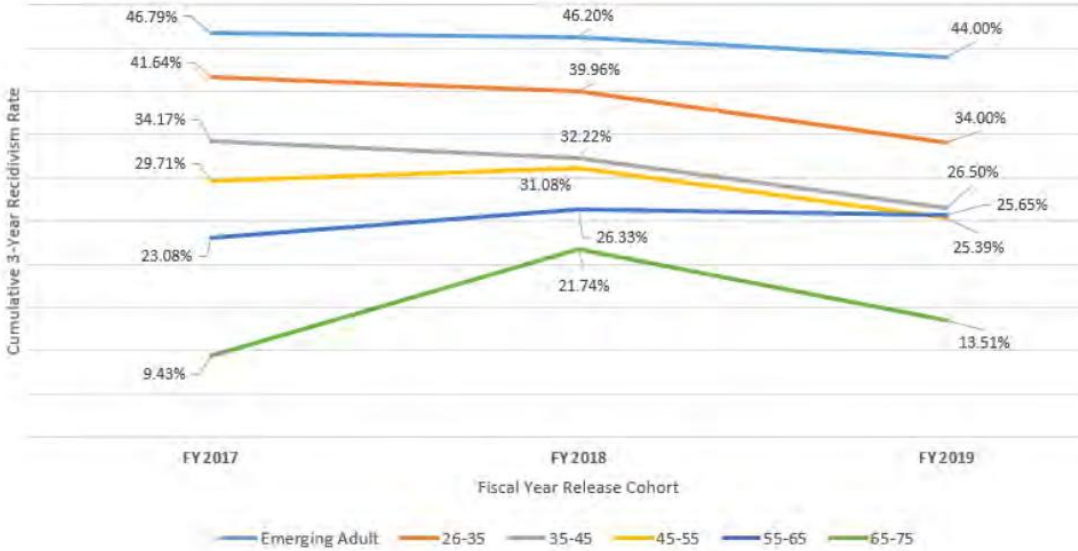
Uploaded by: Kurt Wolfgang

Position: UNF

Attachment 1

DPCS ANNUAL RECIDIVISM REPORT - 2022

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



list of means to shorten sentence.pdf

Uploaded by: Kurt Wolfgang

Position: UNF

CURRENTLY EXISTING MEANS TO DIMINISH A CRIMINAL SENTENCE IN MARYLAND

(Sixteen “LOOKS”, Making SB 291 the
SEVENTEENTH LOOK)

1. 3 judge panel to revise sentence
2. Appeal of illegal or unconstitutional sentence
3. Rule 4-345 revision of sentence
4. Good conduct credits
5. Work tasks credits
6. Education Credits
7. Special Project credits
8. Patuxent Institution
9. Post conviction proceedings
10. Release to home detention
11. Parole
12. Medical parole
13. Geriatric parole
14. Health General 8-505 reduction/ reconsideration
15. Commutation / Pardon
16. Juvenile Restoration Act (some offenders)

NOTE: This list is not exhaustive. There are, for example, several means to convert some incarceration time to home detention/gps monitoring. There may also be other means that have escaped our review.

Opposition to HB 853.pdf

Uploaded by: Kurt Wolfgang

Position: UNF



Maryland Crime Victims' Resource Center, Inc.
Continuing the Missions of the Stephanie Roper Committee and Foundation, Inc.
Email: mail@mdcrimevictims.org • Web Page: www.mdcrimevictims.org
Toll Free: 1-877-VICTIM 1 (1-877-842-8461)

Headquarters

1001 Prince George's Blvd
#750
Upper Marlboro MD
20774
301-952-0063 (phone)
877-842-8461 (toll free)
240-929-0526 (fax)

Baltimore

1 N Charles Street
Suite 700
Baltimore MD 21201
410-234-9885 (phone)
410-234-9886 (fax)

Carroll; Howard;

Baltimore Counties

Oakland Manor
5430 Vantage Pt. Rd
Columbia, MD 21044

Eastern Shore

Frederick and

Montgomery Counties

Prince George's Family

Justice Center

(partnership)

14757 Main Street
Upper Marlboro, MD
20774
301-780-7767 (phone)

Western Maryland

59 Prospect Square
#006
Cumberland MD 21502

Opposition to House Bill 853

Introduction

House Bill 853, which mandates new sentencing hearings for individuals who have been incarcerated for more than twenty years, is a contentious piece of legislation. It raises several significant concerns that warrant a thorough examination. This document outlines the primary arguments against the bill.

Existing Avenues for Sentence Reduction

Maryland already provides numerous mechanisms through which sentences can be reviewed and diminished. These include parole, clemency, pardon, a myriad of diminution credits, home detention programs, Special programs such as Patuxent Institution, appeals with free legal representation, post-judgment proceedings with free legal representation, and other judicial reviews. Introducing another layer of potential sentence modification is unnecessary and complicates an already comprehensive system. One client whose aging mother was brutally stabbed to death has been to court 23 times in order to ensure that her murderer remains incarcerated. It is heartless to have a system indifferent to imposing that cruelty on him. Please do not extend the cruelty by adding a 24th, 25th, and 26th occasion. Remember, if an applicant under this bill is unsuccessful in his or her bid to gain release, they may renew their demands every three years. Every three years would come another nightmare for our client, Brittony, who at age 8 slept peacefully with her mother in bed. Until someone stabbed her mother many times, causing her to bleed to death in Brittony's arms. Brittony is now in her mid twenties, and has gone to court many times already. She is aware that our bizarre justice system will require her a lifetime more of appearances to relive and tell her horrors. Attached is a list of sixteen different mechanisms already available to diminish a prison sentence in Maryland. This bill is wrongly named. It should be named *Seventeenth Look*.

Exclusion of Original Criminal Justice Personnel

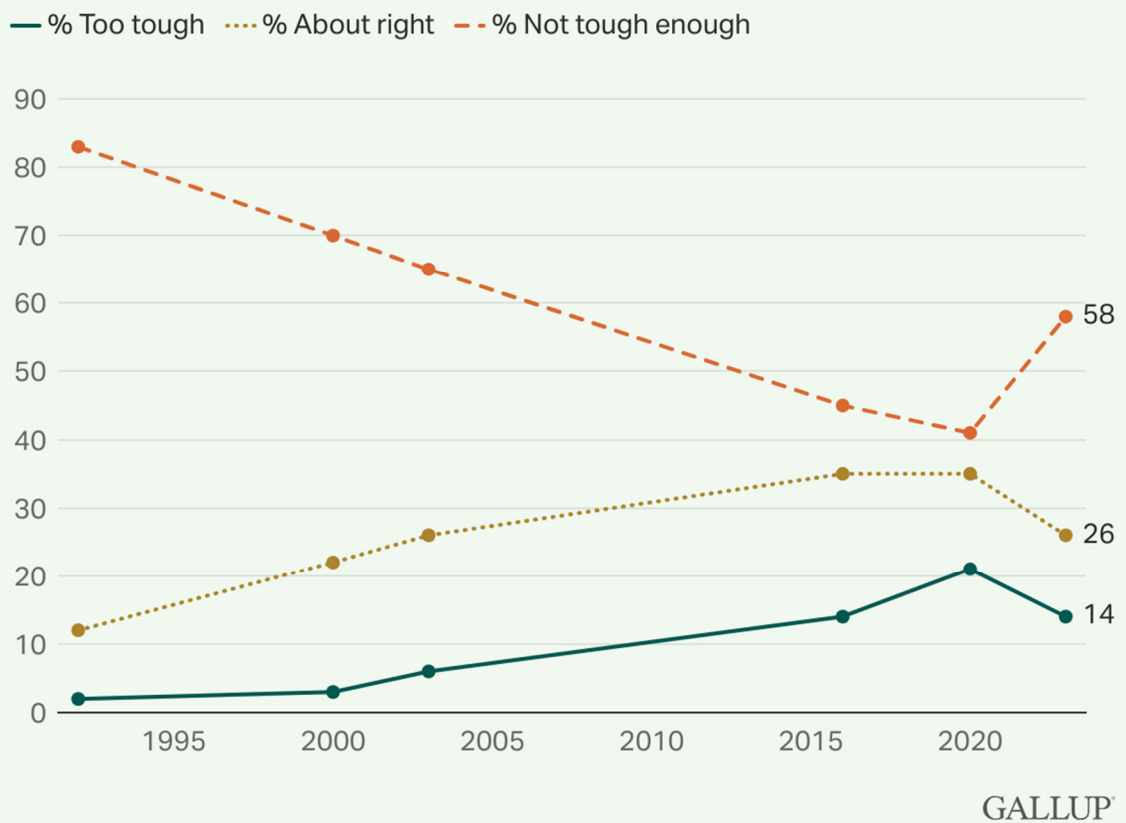
Resentencing many years after the original sentence poses practical challenges. The original judge, prosecutor, and investigators, who were intimately familiar with the case, are likely no longer serving. This absence can lead to inconsistencies and a lack of continuity in the judicial process, which is detrimental to the integrity of the justice system. Our organization already represents crime victims in "second look" cases generated by the juvenile corollary to this bill. In many of those cases, we find that the offender presents a fantasy story about the original crime, knowing that the new judge will not be familiar with the facts, and will not engage in a new fact-finding hearing to dispute the fantastic allegations of the offender. Neither will the prosecutor be prepared to refute the facts in detail.

Public Opinion

The public sentiment is clear: there is a strong opposition to allowing convicted criminals to request new sentencing procedures or to be released early from their sentences. This opposition is founded on the fear and discomfort that many citizens feel about the possibility of serious offenders being reintegrated into society prematurely. The notion of finality in sentencing brings a sense of security and justice to the public, which this bill threatens to undermine. A recent Gallup Research poll indicates the strong trend in public opinion toward the need for stronger sentencing.

Americans' Calls for Tougher Criminal Justice System Increase

In general, do you think the criminal justice system in this country is too tough, not tough enough or about right in its handling of crime?



Finality of Sentences

There is a critical need for finality in the sentences handed down to convicted criminals. This finality serves multiple purposes:

- **Public Assurance:** It reassures the public that justice has been served and that the societal order held as a systemic imperative, and is maintained.
- **System Integrity:** The justice system relies on the stability and predictability of its rulings to function effectively. It also relies on the cooperation of victims, who often must initiate investigations and charges, and who almost always are crucial witnesses. Diminishing victims' satisfaction with outcomes, and therefore diminishing victim participation has serious detrimental effects.
- **Victim Survivors' Well-being:** For those who have suffered due to the serious offenses, the finality of the sentence brings closure and a sense of justice. Reopening cases can retraumatize these individuals and disrupt their healing process. They are often afraid of the offender if he is released, whether a rational belief or not. Sometimes, they have been threatened by the offender, such as in courtroom encounters. Even if they are not afraid, they often are repulsed by the thought of encountering the murderer of their loved one in the grocery store, or the pharmacy, or at their child's school. Our society should account more for their peace of mind, their mental well-being, and their satisfaction. In the past three years, I have had two survivor families move from Maryland because of the callousness of releasing the murderer of their loved ones. These were wonderful people, excellent citizens, and taxpayers, and yet we lost them to bend over backwards for those who committed heinous acts against their loved ones. Maryland's Supreme Court, as well as the U/S. Supreme Court have acknowledged the cruelty inflicted on victims by the endless lack of finality and the heartless cycle of forcing them to return to court repeatedly to ensure that justice is served.

Impact on Crime Victim Survivors

One of the most compelling arguments against this bill is the undue burden it places on the survivors of crime victims. These individuals have already endured significant trauma and should not be subjected to additional hearings that reopen old wounds. Key points include:

- **Fear and Retaliation:** Victim survivors often live in fear of the offender, worrying about potential retaliation if the offender is released. These fears, although sometimes perceived as inordinate, are genuine and must be compassionately acknowledged.
- **Emotional Toll:** Attending additional hearings means reliving the trauma, which can have severe emotional and psychological impacts on the survivors.
- **Injustice to Victims:** The original sentencing was a form of justice for the victims. Revisiting and potentially altering this sentence can be seen as an injustice to those who have already suffered immeasurably.

Recidivism

Another critical concern regarding this bill is the issue of recidivism. The risk that individuals who have committed violent crimes may reoffend if released prematurely poses a serious threat to public safety. It is a mathematical certainty that more crimes will be committed by at least some of those released. DPSCS statistics show a recidivism rate of 13% for released offenders older than 75. The rate increases the younger the age of the releasee. I remind you that all recidivism cannot be captured, because all crimes are not solved, and all guilty parties are not captured, tried, and convicted. Whenever you see a recidivism rate, you must know that the true figure is higher, there is a built-in error in that statistic. The DPSCS figures are deceptively low regardless, due to the limited time period (3 years). These individuals will be released permanently, not for three years. A more accurate recidivism period would be ten years, and a longer study period with always reveal a higher recidivism statistic. In addition, the DPSCS figures appear grossly out of alignment with other estimates of recidivism for serious violent offenses. Even using DPSCS questionable statistics the cost in human suffering of additional reconsideration releases is too high.

Recidivism not only endangers the community but also undermines the justice system's role in protecting citizens. By allowing the possibility of reduced sentences, this bill increases the likelihood that repeat offenders will be back on the streets, potentially causing additional harm and suffering. Therefore, maintaining stringent sentencing measures is essential to deter further criminal behavior and to uphold the safety and security of society. According to the Public Defender's Office, there have been fifty-four releases from prison as a result of the 2021 Juvenile Restoration Act. While we have not yet tried to compile data on recidivism, there have already been two serious crimes committed by convicted murderers who were released. Please see the accompanying information regarding Byron Alton Bowie, Jr., a convicted murder, whose crime after release was threatening to burn down a Frederick, Maryland townhouse with everyone inside. The event occurred around Thanksgiving, 2023. The Public Defender's Office secured his release under the Juvenile Restoration Act in May, of 2022. It took him all of eighteen months to be caught for a new serious violent offense.

The second case is that of convicted murderer Keith Curtis. We are in the initial stages of investigating the details of this matter, but it appears that Mr. Curtis was convicted of murder and sentenced to life in 1995. He murdered a beloved Johns Hopkins University professor who suffered from Parkinson's Disease. He was released apparently in 2019, and quickly violated probation, earning a return to prison for four months. His release was earned through another "innovative" release program that is misused by many to exact a resentencing.

His new offense, according to news reports, was robbing a former co-employee at gunpoint. The co-worker was working the cash register of an Ace Hardware Store. Curtis gained one hundred dollars in the robbery.

The third case: In *1999, Christopher Lee Myers tried to murder his ex-girlfriend and her new boyfriend by burning her house down while they were inside. Chris knew that his own helpless infant son was also in the house before he doused it in Gasoline and set it on fire.* Apparently concerned over the safety of the public, the Parole Commission refused Myers request for parole (2013). Undaunted, the Office of the Public Defender filed a motion for him to be released in accordance with the Health General Article, 8-505 (et seq). This provision allows the Court to

resentence an inmate who has completed drug or alcohol treatment. In 2015, Christopher was released.

In **2019, Myers decided to murder his next girlfriend**. This time, he succeeded, apparently fracturing her skull. Heather Caitlin Williams breathed her final breath after he bashed in her 24-year-old skull. Here is a death to count because of early release..

The fourth case: Justin Kyle Marshall started his murder career early. In 2004, when he was 17, he beat an innocent man to death. At one point, he went back hours later to see if his victim had died. He pled guilty to second degree murder, and avoided trial on first degree murder and other charges.

In 2010, five years after his conviction, his sentence was modified, leading to his release in 2019. It took him three years after release to murder again. This time, it was the mother of his child. He shot her in the neck.

The average person cannot help but be stricken by the cheap pricetag that the State of Maryland has placed on the lives of the victims in these examples. The other “takeaway” from these stories is that violent recidivism is an inevitable result of these programs. On this occasion, you get a chance to look into the eyes of someone whose life was cut short because of an early release of a juvenile murderer.

Rebutting The Arguments of Proponents of This Bill

Among the claims made by the proponents of this bill, the victims of Maryland would like to comment on the following arguments:

Proponent statement: “This Bill would Address Racial Disparities” – Not one victim represented by Maryland Crime Victims’ Resource Center has ever espoused any reason other than the guilt of the perpetrator, regardless of that perpetrator’s race, ethnicity, gender or sexual identity for the reason to incarcerate. The need for a victim to see proper justice served has nothing to do with the race of the perpetrator who butchered their mother as she slept, raped and sodomized their sister, or shot their five-year-old son.

Focusing on some perceived inequities for offenders excludes the consideration of the greater inequities to victims. We ask that you not focus on the tree that you see of inequity to the offenders, and fail to see the forest of oppression that plagues victims, who are far more numerous, and far more afflicted than the offenders. Criminologists estimate that for every murder victim, there are twenty friends and relatives who face a life of mental health challenges on the loss of the one victim. We do not deny that there may be too many inequities in the system. The place to combat those inequities is where they occur – within the scope of the segment of the process for determining guilt or innocence. Not after the offender has been identified beyond a reasonable doubt by the fairest system in the world (albeit humanly imperfect).

While all victims face bitter insult and trauma at the hands of governmental actions, people of color are numerically affected much more dramatically due to their rate of victimization. We ask you to save some sympathy for victims. Statistically, the likelihood in Maryland is that the majority of victims of those who are released as a result of this bill, and recidivate, will be people of color. While African Americans comprise about 30% of Marylanders, they make up 50% of murder victims in Maryland. It is reasonable to assume that African American Marylanders will comprise the majority of the victims of those who recidivate upon release under the mechanisms of this bill. There is the forest for you to see. Victims of the past crimes, mostly people of color, get traumatized by the re-victimization foisted upon them by “second look” legislation. Future victims, also majority minority, will suffer as a result of the inevitable and undeniable recidivating offenders released. The only debatable variable is the number who will recidivate. The racial equity note on this bill should be amended to reflect an estimate of the carnage unleashed on people of color by recidivating offenders. Of course, there will be white victims of carnage and other races as well.

Proponent statement: “Not every victim is monolithic in the desire to throw away the key” - This organization has represented more than one thousand murder victims. None of us can remember a victim seeking to aid in the release of their perpetrator after sentencing. Indeed, we would have helped them present that desire in an appropriate forum, such as a Parole hearing.

There is irony in the proponents claiming that the position of victims is not monolithic. The irony is that the proposed legislation ***monolithically applies to all victims***, whether they like it or not. Those who wish their perpetrator to be released or treated leniently have always been free to assist the perpetrator in achieving a diminished sentence. They can have their opinion heard at sentencing, three judge panel reviews, parole hearings, and the many other avenues available already to diminish a sentence.

Proponent statement: “The bill requires that there is a finding that the Defendant is not a danger to the public” - Beyond the fantastic idea that anyone could no longer be a danger to the public after proving their ability to commit heinous acts against their fellow human beings, this premise crashes into reality. Any judge who could determine that someone is “no longer a danger” should earn the Nobel Peace Prize. Meanwhile, science demands that release of violent offenders promises that many more violent crimes will be perpetrated. This is known as recidivism and there are established rates to predict future re-victimization of innocent Marylanders. Attached please find a chart indicating rates of recidivism as calculated by DPSCS, and presented to the Maryland Legislature. In short, even those released at or above age sixty-five recidivate at a 15 percent rate. For every one hundred releasees over the age of sixty-five, expect fifteen more victims, perhaps more if the crime involves more than one victim. The rate of recidivism advances exponentially as the age of releasees decreases. Averaging the recidivism rates for the higher age groups, we must anticipate a recidivism rate of closer to 29%. For every one hundred releasees under this bill, scientifically we can expect and predict 29 more crimes, with more than twenty-nine

victims. There is a fair chance as stated above that most of those victims will be people of color.

In addition, it is highly offensive that the bill shifts the burden of proving that the perpetrator is no longer a danger to the State and the victim to disprove.

Proponent statement: "Regarding Rehabilitation and forgiveness" - Most victims hope, wish, and perhaps pray for their perpetrator to realize and atone for the horrific conduct of their past. This concept of rehabilitation should never be conflated with some sort of obligation to release from confinement. Rehabilitation has merit apart from time of confinement. So does forgiveness. And forgiveness does not mean an offender should not be held accountable to serve their sentence.

There are many reasons, rehabilitation aside, that those who commit heinous offenses need to remain incarcerated.

- **Future crimes and future victims (recidivism).**
- **Placing an appropriate value on the human lives ended, and the ones left in tatters from the actions of the offender.**
- **Making a societal statement regarding what is completely unacceptable.**

Without Taboos, and the societal pressure to refrain from heinous acts, there would be more acts committed. ***Swift certain, stern sentences help establish those societal norms. Eroding them reverses these imperatives.***

- Matching prison release expectations to the public opinion. ***Nothing breeds contempt for the courts or the legislature more than criminal sentencing and releases that are unacceptable in the eyes of the public, based upon the seriousness of the crime.*** Clearly, Marylanders of all races have strong feelings about leniency for serious offenders. Here is an excerpt from a recent WBAL article, citing a Patrick Gonzales poll:

Gonzales- **"What we found statewide, 59% of Marylanders say need we need a strict approach, 35% said a more moderate approach," Patrick Gonzales said.**

"When we looked within the Democrat group ... 62% of black Democrats in Maryland supported tougher penalties for juvenile offenders."

This seems to support the recent annual Gallup poll reflecting that **58% of Americans support tougher sentencing for violent offenders, while only 14% feel that sentencing is too lenient.**

Distaste for current sentencing practice in Maryland is even more acute and critical in crime victims. Indeed, ***crime victim participation in the criminal justice system is crucial to the ability to convict the guilty.*** Yet victims and witnesses will not participate in a system that they view as skewed toward their offender. This effect is progressive and linear. In other words, we can see the development of non-cooperation in existence right now. It is more prevalent in jurisdictions ***where sentencing is too lenient - victims (and witnesses) decide not to participate.*** It is also increasing in crime categories where sentencing is too lenient for the victim to consider that it is worth the pain and risk of participating. The best category example is sexual offenses or child sexual offenses. In the 1980s when I was a prosecutor, I believe that the norm for a sentence in a serious sexual assault would be about 20 years. Now, the average statewide sentence for a second-degree rape is nine years. In one circuit, the average is as low as four years. (Source – 2024 Annual Report – Maryland State Commission on Criminal Sentencing Policy).

Allow me an opinion that I have earned, both as a citizen, a prosecutor, an advocate for Maryland victims, and a member of both the Maryland and US military: these averages are obscene, and dangerous. For a rape victim, this makes a difficult decision harder. We all know that diminution credits can half the original sentence, and other release possibilities can accelerate release even more. Their offender could be back on the street seeking revenge within two to four years and even less if their offender was incarcerated while awaiting trial.

The same calculus applies to those affected by more serious crimes. ***This is more than just a general degradation of the reputation of the courts, legislature, and criminal justice system. The nonparticipation of victims and witnesses, who feel that sentencing is treated cavalierly, can cripple the system.***

Proponent statement: “This bill will result in cost savings” - I must convey the comment of one victim after hearing yesterday’s comment in response to how releases under this provision would provide cost savings. He was insulted, and commented how the concept proved that the focus was not on the victims as proponent claimed it to be. I have asked for years that you as our legislators consider also what it costs to release people.

Let me address the fiscal note on this bill. Having worked in Legislative Services myself, I know that these things are difficult to quantify. The fiscal note addresses only one entity in government: the Public Defender's Office's need for additional staff to pursue these re-sentencings (minimum of \$538,100.00). It overlooks the cost of additional prosecutors, and staff in the State Attorney's Offices. Perhaps the most serious governmental omission is that of precious court time. Our organization has participated in many reconsideration proceedings that would be similar to those generated by this bill. They generally require one to two days of court time.

For direct governmental expenses, I suggest that ***a more accurate annual expense would be between three and six million dollars.***

However, there are more important, albeit indirect costs that dwarf the direct costs.

Consider the fiscal requirements to identify, catch, retry and re-incarcerate the recidivating perpetrators.

If you happen to be an accountant, your consideration might focus on those meager expenses. They are meager indeed compared to the human suffering that will result from the inevitable new crimes committed.

Witness, if you will, one Byron Alton Bowie, Jr., who was determined by a judge under the Juvenile Restoration Act to "no longer pose a danger". Apparently Byron did not agree. Eighteen months after his release, he threatened to burn down a townhouse and kill everyone in it. Fortunately for the victims, he announced his intentions in advance. He was arrested and reincarcerated. But this event could have led to the murder of many victims in the townhouse he intended to burn as well as the neighboring townhouses.

And another: Keith Curtis, whose first-degree murder charge was reconsidered in 2019. In 2023, he robbed a former coworker at the local Ace Hardware at gunpoint. His reconsideration was under another dubious and duplicative release mechanism that required a judicial finding that he "no longer posed a danger." Before you minimize in your mind that this was only an armed robbery, walk a mile in the shoes of the elderly cashier, suffering from Parkinson's disease. Such an encounter can destroy a fragile psyche, and devastate even a strong one. In addition, please consider that this crime was only a hair's breadth from another murder. When a convicted murderer sticks a gun in someone's face, that is a reasonable assumption. Any small change in circumstance could have changed this statistic to murder. So let's discuss the tangible, but difficult to calculate, economic costs of these two recidivations. These are all estimates:

- New police expenses per case (investigation, files, court time, incidentals): \$25,000 per case.
- New public defender expenses per case: \$15,000 if plea bargained quickly; \$2030,000 if tried in a jury trial.

- Court time and costs per new case, also including violation of probation time:

\$10,000.00 for a quickly plea bargained case; \$25,000-\$50,000 for a one-two week jury trial.

In the two murder cases above as an example, expect a two to four week jury trial and add another \$50,000 to \$100,000 for the PD costs, State's Attorney's costs, expert witness fees, and court time costs. Then there is expense for re-incarceration. As for the victims, we have provided them with altered lives, that can never be properly mended. A lifetime of grief, mental health issues, sleeplessness, paranoia, and a deep, abiding discomfort in their personal security. ***Perhaps the worst feeling is that the system, the judge, government cared less for them and their loved ones than they cared about the criminal who destroyed their lives. Or even worse, that the system valued saving a few dollars on incarceration more than the life of their loved ones.***

Worst of all are the innumerable economic and noneconomic costs to the victim and society: The utter, bone chilling terror of the cashier, already suffering from Parkinson's disease. The potential for long term mental health results. Nightmares, phobias, lost productivity. Many victims in my charge have decided to leave Maryland as a result of similar experiences. Who pays for the mental health counseling for the victim? In worse scenarios, who pays for the hospital bills, the funeral expenses for the victim, and the subsequent mental health counseling for five family members affected by a murder?

- On January 29, 2025, homicide survivors gathered in Upper Marlboro to voice their opposition to this bill. Many more had signed up to testify before you on January 30th, but were unable to do so due to Senate rules. I ask that each of you do them this small courtesy before you vote: go to our website at www.mdcrimevictims.org and watch the YouTube video of this event that pops up when you visit our homepage. Please listen to these victims before you cast your vote on this bill.

Those who wish to express sympathy to violent offenders have many other great causes to fight: make more meaningful programs and work available in prison. Improve prison conditions. Improve the safety of inmates. But this approach of releasing violent offenders wreaks a horrible toll on those who should be most protected by the government, the victims and survivors of outrageous conduct by the offenders. Please, vote unfavorably on this unworthy bill.

Conclusion

In conclusion, this bill presents numerous drawbacks that outweigh its intended benefits. The public's desire and need for stability, the critical need for finality in sentencing, the many existing avenues for sentence reduction, the practical challenges of excluding original vital criminal justice participants, and the undue burden on crime victim survivors collectively make a compelling case against this legislation. Perhaps the strongest reason not to enact this is the additional crimes and victims that will inevitably be committed by those released. It is imperative to prioritize the well-being of the public, the integrity of the justice system, and the compassion due to victims over few the potential benefits of this bill.

PLEASE VOTE UNFAVORABLY

Kurt W. Wolfgang
Executive Director – For All Crime Victims

HB 853 - MSAA Unfavorable.pdf

Uploaded by: Patrick Gilbert

Position: UNF



Maryland State's Attorneys' Association

3300 North Ridge Road, Suite 185

Ellicott City, Maryland 21043

410-203-9881

FAX 410-203-9891

Rich Gibson
President

Steven I. Kroll
Coordinator

DATE: February 14, 2025

BILL NUMBER: HB 853

POSITION: Unfavorable

The Maryland State's Attorneys' Association (MSAA) opposes House Bill 853, and urges this Committee to issue an unfavorable report.

HB 853 permits incarcerated individuals to petition a court every five years, up to three times, for a modification of their sentence after they have served 20 years. The bill requires a court to hold a hearing on an eligible petition.

Legislation like HB 853 is rooted in compassion, and the idea that individuals that have committed heinous offenses deserve, in some circumstances, a second chance. While this is a laudable motivation, what is sometimes lost in the discussion is the effect measures like this have on crime victims and their families, who are at least as deserving of the General Assembly's compassion as the people who have hurt them.

From judicial mechanisms, like a motion to modify their sentence pursuant to Md. Rule 4-345(e), to executive ones, like clemency, parole, or release on mandatory supervision, incarcerated persons have a number of opportunities to secure early release. Just this session, MSAA has supported, with amendment, expansion of some of these mechanisms, and the creation of a new, generally available, geriatric parole process. This Committee has heard from a number of advocates that support these measures, advocates that have shared their personal stories of redemption and change.

But it's important for this Committee to remember the victims, who never get a second chance. If an individual is serving a sentence that has resulted in their incarceration for over 20 years, they have very likely hurt someone else in a grievous and irrevocable way. Every one of these hearings exacts a toll on victims and their families – they have to come to a court and relive the worst day of their lives in front of strangers, hoping the person that permanently altered the course of their life will continue to be held accountable for their crimes.

Maryland's prosecutors must already share with victims the numerous ways in which the supposedly final result of a conviction after trial isn't final at all – adding one more mechanism by which the individual that killed their loved one, or committed a violent sexual act against them, can be released early is unjust, and MSAA urges this Committee to issue an unfavorable report.

HB 853 - Criminal Procedure - Petition to Reduce

Uploaded by: Scott Shellenberger

Position: UNF

Bill Number: HB 853

Scott D. Shellenberger, State's Attorney for Baltimore County

Opposed

WRITTEN TESTIMONY OF SCOTT D. SHELLENBERGER,
STATE'S ATTORNEY FOR BALTIMORE COUNTY,
IN OPPOSITION OF HOUSE BILL 853
CRIMINAL PROCEDURE – PETITION TO REDUCE SENTENCE (MARYLAND
SECOND ACT LOOK)

I write in opposition to House Bill 853, Motion to Reduce Duration of Sentence, as creating yet another post-conviction right that further drags victims to court and prevents any finality to a criminal case.

Right after a jury or Judge finds a Defendant guilty, Maryland law currently permits numerous ways for a Defendant to challenge his conviction and sentence. Here are the current rights:

1. Motion for new trial
2. Motion to modify or reduce sentence (motion can be held for five years)
3. If the modification is based upon illegal sentence, fraud, mistake or irregularity, there is no time limit
4. Three Judge panel to reduce or modify
5. Appeal to the Court of Special Appeals
6. Ask for appeal to the Court of Appeals
7. Post-Conviction (sometimes they get more than one)
8. Writ of Corum Nobis
9. Writ of Habeas Corpus
10. Writ of Actual Innocence
11. Motion to vacate judgement (passed last year)
12. Post-Conviction DNA testing
13. The parole system which can review a sentence more than once.

Based on the above list, this Bill would be another post trial motion a victim or family would have to face.

Let me tell you about one of the Defendants this Bill would benefit. His name is Alphonso Hill.

In 1983 a woman was violently raped in Baltimore City. That woman is Laura Neuman. I use her name because she has been very public about her experiences in the criminal justice system. She went years without knowing who raped her. In 2002 Baltimore City Police reexamined her case and got a link based upon a fingerprint match. Alphonso Hill was the rapist. He was convicted and got 15 years in jail.

With advances in the development of DNA, in 2008 Alphonso Hill was connected to 8 rapes that occurred in the Towson area between 1979 to 1989. He was convicted of those 8 rapes and sentenced to 60 years in jail.

In 2010 another DNA match was found in the rape of a 14 year old from 1989. Hill was convicted and sentenced to 30 years consecutive to his other sentences.

Hill is currently 73 and has been in jail since 2002. He would qualify for a hearing if you pass HB 853. That means at least 10 rape victims will have to come to court to tell the judge why this serial rapist should not be freed.

In 2024 the jail population in the Division of Correction looked and there were 1,105 prisoners over 60. I believe most have been in jail for more than 20 years. That is 1,000 victims and families who will have to come to court.

When does it end for victims of crime?

When can I look at the victim of a crime and say it is over?

It never ends and this bill will add one more event over which the State and Victim has no control.

House Bill 853 is an attempt to create another parole commission. Parole exists' to let Defendants out of jail early if they do all the right things in jail. Why are we creating something that already exists on top of the 12 ways a Defendant can challenge their conviction and sentence through the Judiciary?

I urge an unfavorable report to House Bill 853 as Defendants have so many rights now, they do not need or deserve one more. Especially not Alphonso Hill.

Whitney Gadby testimony.pdf

Uploaded by: Whitney Gadsby

Position: UNF

HB-0853 (UNF)

Whitney Gadsby: w_gadsby@yahoo.com 4910 Lexington LN, Kingsport, TN 37664 Ph: 423.398.5248

Maryland resident 2010-2019

The reasons HB-853 should not be passed should be patently obvious to anyone. As a parent of a murder victim (17) and attempted murder of my other child (19) in Maryland, I wholeheartedly oppose any additional automatic re-sentencing hearings for convicted, incarcerated violent criminals. As written, HB-853 extends to all incarcerated persons, regardless of offense, having served at least 20 years of their sentence; this includes the most violent offenders. If new evidence is uncovered that may exonerate an inmate, then, by all means, it should be brought to light.

It is clear to me the author(s) of HB-853 does not have first-hand experience of the trauma of extreme physical violence and/or murder; if they did, this proposed bill would not exist in its present form. The trauma victims and their families suffer is life-long and can be severe and debilitating. No one truly recovers from a violent attack or the murder of a family member(s). Increasing the number of hearings only serves to ensure a never-ending nightmare for the victims and their families. Not all victims or their families live in the Baltimore metro area and places an undue burden upon them if they choose to travel to make their voices heard in person.

HB-853 attempts a "safeguard" in stating that inmate information is to be reviewed to help prevent the release of inmates who would pose a threat to the public. Perhaps Maryland wants to follow in California's footsteps as Manson Family member and brutal murderer, Leslie Van Houten, was released in 2023. Van Houten was eligible for parole after 7 years, but as can be seen, given enough tries, she eventually got out. HB-853 amazingly states that after serving 30 years of a lengthy sentence or attaining the age of 60 automatically deems such inmates not to pose a public threat; it is ludicrous. HB-853 states that at the 30 or 60 year marks it must be proven the inmate *is* a threat to the public in order to keep them incarcerated. Releasing violent criminals early cheapens the lives of their victim(s) and further traumatizes victims and their families. The fundamental question is why should a person who committed violence upon others be permitted to enjoy freedom early or for some, ever again?

The whole affair I experienced was traumatic and long (5 years and 3 trials). When I travel north, I avoid Maryland and especially Baltimore whenever possible, as it is emotionally very difficult for me. I was permanently altered by the events that took place in 2013 and have thoughts about it every day. My surviving child continues to have serious emotional issues as a result of what he experienced. Having to provide a statement every 3 years (of course, my choice) to relive everything will certainly not do me any good. I can't imagine it would be any different for other victims or their family members.

HB-853 sends a message that you may inflict violence, torture and/or murder and still have a good shot at being free again, adding fear, anger and more pain to their victims and family members. Why are needs of the victims below that of the offender?

I strongly urge the Maryland legislators to defeat HB-853 and move on to matters that will help people rather than hurt.

Respectfully,

Whitney Gadsby

hb853.pdf

Uploaded by: Will Vormelker

Position: UNF

HON. STACY A. MAYER
CIRCUIT COURT
JUDGE
BALTIMORE COUNTY
CHAIR

HON. RICHARD SANDY
CIRCUIT COURT
JUDGE
FREDERICK COUNTY
VICE-CHAIR



KELLEY O'CONNOR
ASSISTANT STATE COURT
ADMINISTRATOR
GOVERNMENT RELATIONS
AND PUBLIC AFFAIRS
P: (410) 260-1560

SUZANNE PELZ, ESQ.
SNR. GOVT. RELATIONS AND
PUBLIC AFFAIRS OFFICER
P: (410)260-1523

MARYLAND JUDICIAL COUNCIL LEGISLATIVE COMMITTEE

TO: House Judiciary Committee
FROM: Legislative Committee
Suzanne D. Pelz, Esq.
410-260-1523
RE: House Bill 853
Criminal Procedure – Petition to Reduce Sentence
DATE: January 30, 2025
(2/18)
POSITION: Oppose, only as to the specific provisions noted below

The Maryland Judiciary opposes House Bill 853, only as to the specific provisions noted below. The Judiciary respects the legislative prerogative to authorize an additional opportunity to petition for a reduction in sentence and takes no position on that policy aim.

The Judiciary's opposition is as to certain provisions, found on page 2, lines 26 through 28, and on page 3, lines 26 through 27, which mandate certain judiciary actions. These actions fall within our core functions and should not be mandated, but rather, more appropriately left to the discretion of the Judiciary.

On page 2, line 26, the bill dictates that the court shall hold a hearing. The Judiciary would request that the word "shall" be amended to "may." A decision as to whether to hold a hearing, and the overall management of court dockets, should remain within the authority of the Judiciary. There are certain instances in which the court may have no intention of modifying a sentence, having concluded that the initial sentence was fair, just and appropriate. Mandating a hearing in such an instance would serve only to deplete docket space, waste state resources transporting the individual to the hearing, and potentially retraumatize a victim or a victim's family by having to face the individual again in court.

Further, on page 3, line 26, the bill requires the court to issue in writing a decision within 90 days after the conclusion of the hearing. This 90 day provision improperly intrudes on the Judiciary's constitutional authority to manage its dockets and should not be specifically mandated.

cc. Hon. Cheryl Pasteur
Judicial Council
Legislative Committee
Kelley O'Connor

Sentence reduction - house testimony - 2025 - HB8

Uploaded by: Lisae C Jordan

Position: INFO



Working to end sexual violence in Maryland

P.O. Box 8782
Silver Spring, MD 20907
Phone: 301-565-2277
Fax: 301-565-3619

For more information contact:
Lisae C. Jordan, Esquire
443-995-5544
www.mcasa.org

Testimony Regarding House Bill 853
Lisae C. Jordan, Executive Director & Counsel
February 18, 2025

The Maryland Coalition Against Sexual Assault (MCASA) is a non-profit membership organization that includes the State's seventeen rape crisis centers, law enforcement, mental health and health care providers, attorneys, educators, survivors of sexual violence and other concerned individuals. MCASA includes the Sexual Assault Legal Institute (SALI), a statewide legal services provider for survivors of sexual assault. MCASA represents the unified voice and combined energy of all of its members working to eliminate sexual violence. If the Committee chooses to move forward on HB853, we urge the Judiciary Committee to amend House Bill 853 to clarify victim participation and to create a presumption for a victim stay away order.

House Bill 853

Crime Victim Participation in Proceedings Regarding Sentence Reduction

House Bill 853 creates a process for reduction of sentences after conviction.

MCASA appreciates the provisions of HB853 incorporating crime victim rights laws requiring notice to a victim and the very specific direction that the State's Attorney has provided crime victim notification as required by law. We note that the current Criminal Procedure §11-403 clearly provides a victim with the right to be heard at a sentencing disposition hearing and that "sentencing disposition hearing" is defined to include "alteration of a sentence" so would encompass the hearing contemplated by HB853 and that the bill further clarifies this in subsection (c)(vi).

However, it could inflict significant trauma on a rape victim to participate in person and, conversely, if a victim does not object to the reduction, it is onerous to require personal appearance. A Washington Post article, <https://www.washingtonpost.com/dc-md-va/2024/01/25/this-law-makes-her-explain-trauma-her-rape-every-few-years/>, describes in vivid detail the harm Second Look legislation can have on rape survivors. If this legislation is enacted in Maryland, it is important to provide the victim with the opportunity to comment not only on the impact of the crime, but also the impact of a potential early release.

We therefore urge the Committee to clarify language regarding victim impact statements and to require the Court to consider the statement, including previously filed statements. We note that the current language might be interpreted to require this but it might not. Therefore, we urge additional language to make the language abundantly clear and to protect a victim from cross examination.

On page 4, insert in line 24 as follows:

(3) (I) A VICTIM MAY SUBMIT A VICTIM IMPACT STATEMENT REGARDING THE IMPACT OF THE CRIME AND THE PROPOSED SENTENCE REDUCTION;

(II) THE COURT SHALL CONSIDER ANY VICTIM IMPACT STATEMENT FILED IN THE CASE AT THE TIME OF SENTENCING OR UNDER THIS SUBSECTION.

(III) A VICTIM SHALL NOT BE SUBJECT TO CROSS EXAMINATION WHEN PRESENTING A VICTIM IMPACT STATEMENT UNDER THIS SUBSECTION.

Additionally, if the Committee chooses to report favorably, we also urge support for an automatic order to stay away from the victim and victim's family as a condition of release unless the victim requests otherwise. On page 4, after subsection (f), insert:

(G) A COURT SHALL ORDER A DEFENDANT TO STAY AWAY FROM AND REFRAIN FROM CONTACT WITH A VICTIM AND VICTIM'S FAMILY IF A DEFENDANT IS RELEASED UNLESS THE VICTIM REQUESTS OTHERWISE. A COURT MAY IMPOSE ANY OTHER CONDITION OF RELEASE NECESSARY TO PROMOTE VICTIM SAFETY AND ENHANCE PEACE OF MIND.

MCASA notes in conclusion that we have grave concerns about the impact of HB853 on victims and are continuing to evaluate our position on the bill.

**The Maryland Coalition Against Sexual Assault urges the
Judiciary Committee to Amend House Bill 853**

TESTIMONY -- HB 0853 HOUSE JUDICIAL PROCEEDINGS CO

Uploaded by: Troy Morgan

Position: INFO

HB 0853 – UNF -- HOUSE JUDICIARY COMMITTEE HEARING 2.18.2025

TESTIMONY by Troy Morgan, 1815 Featherwood St., SS, MD 20904, (301) 622-3809, attytroymorgan@stanfordalumni.org

I have been a Maryland attorney since 1995 and a resident of this State for about 25 years. Because I enthusiastically support the important work of this committee, and because of the too often adversarial nature of debate in this country, I offer for the sake of reflection some traditional principles of conscience that I think are central to consideration of HB 0853. I will also discuss what I think are some weaknesses in the bill's criteria for a Second Look at sentencing.

A psychologist once wrote of a patient who, having suffered neglect and abuse, tended to “act out” when she did not receive nurturing, security, and esteem from family, authority figures, or even strangers. The first principle that I would like to share is that both victims and offenders suffer from the failure of individuals and society to pay our universal debt to deliver on these three obligations owed to every human being. A victim of crime is deprived of these three things by the criminal, and too often has been further denied them by the criminal justice system, which Article 47 of the Maryland Declaration of Rights seeks to correct. As a result, victims experience trauma and struggle to cope with life. Similarly, a convicted and incarcerated individual who does not receive these three things may not be able to rehabilitate or cope with life. Consider for a moment that these three obligations, to nurture, to secure, and to esteem (or value) a person, are a good working definition of Love.

A second principle I would like to share is *phronesis* or the practical application of wisdom, something with which Aristotle was familiar, and that Solomon prayed for, that is, how to govern a people. Socrates might also tell us that wisdom is not an absolute but a process that continually compares ideas and works them into better ideas, only to challenge them again. Seek and we will find. Seek again, and we will find more. Contrary to this pursuit of wisdom, it is sometimes tempting to advocate for the rights of the victim “regardless” of the rights of the convicted, or to advocate for the rights of the convicted “regardless” of the rights of the victim. I urge you, when deliberating on this bill, which focuses on the welfare of convicted persons, to consider just as thoughtfully and soberly the impact the bill will have on victims. By doing so, I trust you will achieve greater wisdom and justice in your deliberations on the Second Look Act, felony murder reform, and other bills you will consider this term.

Let us focus for a moment on “esteeming” or valuing another person in the context of the most violent and permanently traumatizing crimes I can imagine, murder and rape. A criminal, who may or may not be acting out old trauma from abuse and neglect, seeks to exalt herself artificially, by diminishing the victim through oppression and violence. Like a seesaw, the value of one person goes down while the other, mistakenly, feels exalted. To esteem or value each person properly and so begin to deliver on the three practical obligations of love, we must raise up and value the victim, which we achieve in part through a just punishment. To not prevent a crime when we could have or to not justly punish it would be to further diminish the victim by placing her outside the protection of the law and of society.

A convicted person, on the other hand, is appropriately valued not by freedom from punishment (what else can bring her down from her falsely exalted state of mind?), but by fair and equitable treatment before the law, which leaves her with a sober and equal view of her value *vis-à-vis* the victim. Multiplying lookbacks based primarily on passage of time and perceived harmlessness of the offender retraumatizes the victim by depriving her of the support and respect previously conferred by society through the law's assessment of a just punishment. It tilts the seesaw instead of steadying it at a level that respects the rights of victims and convicted persons equally. Those sentenced to life in prison may already be eligible for parole after only 15 years or even less and then have additional opportunities for parole periodically after that. To add an additional lookback, after 30 or 60 years, for example, with a "presumption" in favor of release, diminishes' the victim's right and expectation of justice by arbitrarily taking away the justice previously accorded to the victim at sentencing.

A Second Look is a noble concept, because we know that the justice system has never been and will never be perfect. However, I think passage of time or length of incarceration may not be the best criteria to favor in a lookback, without a further explanation of *why* we are looking back and *what* we are looking to change. I do not think that time alters the balance of justice. Even if a prisoner has fully rehabilitated (in the sense of being safe to release), without more, such a release suggests that the original sentence was not just, or worse, that the justice originally accorded the victim, and therefore the victim herself, does not matter. However, there are at least two salient reasons to look back that do involve principles of justice. One reason to look back is if, as with the legalization of marijuana, there has been a societal consensus that certain acts should not have been criminalized or punishments were too severe, requiring a current change in the law and a look back to reduce or alter sentences where otherwise appropriate. Another reason is to correct past inequitable enforcement of the law. Numerous scholarly books and studies, some taking more than 20 years to complete, indicate, in my opinion, that unfair and inequitable treatment of the poor and people of color throughout the criminal justice system is an established fact. Ensuring equitable treatment before the law is one way of delivering on society's obligation to esteem or value offenders that does not, in my opinion, raise a convicted person above the victim but establishes justice for all. Nevertheless, any attempt to address that issue should minimize the continuing trauma to victims by minimizing the number of hearings, and the issues should be addressed in regular parole hearings whenever possible. It does not seem reasonable to allow a Second Look hearing a week before or after a parole hearing, which could happen under this bill.

People that Society does not value tend to "act out." Therefore, one way to promote rehabilitation and to value people, or categories of people, and to encourage individuals and communities to buy into the system and support it, is through efforts to correct inequitable application of the laws. In my opinion, exploring the possibility of early release on that basis does not diminish victims because it does not undermine the justice that has been accorded to them; it merely perfects that justice. However, even such a bill would not cure the whole problem, which involves inequality at every stage of the criminal justice process, from investigation, to arrest, to plea bargain, to conviction, to sentencing, to probation and parole.

Going forward, the most direct way to address sentences deemed too long or too short or punishments deemed too severe, is to give judges more discretion via a broader range of sentencing options, as some other state legislatures have done. That would give today's sentencing judges more discretion to correct any inequities tainting other areas of the criminal justice process.

In my opinion, there are better reasons to look back than simply to identify additional opportunities for release to people who have served a long time: to ensure *justice* and *balance* in the judicial system and to give every Maryland resident the nurture, security, and esteem owed to every human being. As the bill is currently worded, with, for example, a "rebuttable presumption" that an incarcerated person of a certain age or length of incarceration is harmless, it is not, in my opinion, sufficiently directed toward justice, does not achieve the appropriate balance between the rights of the victim and those of the convicted person, and is not targeted toward the most likely causes of inequality in the justice system, that is, systemic and implicit bias, racial prejudice, and poverty. One could argue that HB 0853 in its current form offers additional opportunities to correct past injustices, but I would counter that because it does not correct injustice *as* injustice, it misses the mark and multiplies opportunities to undermine the justice already accorded to victims, many of whom are also people of color.

HB 0853's current provisions require judges to *contradict* the prior thoughtful decisions of the sentencing judge and the parole board without *correcting* them, causing different decisionmakers to work at *cross purposes* without considering the *why* of prior decisions. The bill does not require the court to examine the transcripts expounding the *reasoning* or *rationale* behind the original sentence or parole reviews, the arguments presented by counsel at prior hearings or reviews, or even *all* the facts and testimony presented in prior proceedings. This bill requires review long after many of the original players might not be available to object, including victims and witnesses. There are at least two provisions that a judge implementing this proposed statute could interpret to mean that the original circumstances of the crime and the victim impact testimony that informed prior decisionmakers no longer matter: C(2)(II) and C(2)(VI). The former requires consideration of only the "nature" but not the *circumstances* of the crime, while the latter only requires consideration of a victim statement that is "offered." A court could interpret this as legislative permission to ignore the original circumstances of the crime as well as prior victim impact statements already in the record, along with any reasoning or rationale of the original sentencing judge or parole board based on those factors.

Ignoring past decision making and some of the factors most relevant to those prior decisions, is like a judge and parole authority who dug a hole in the sand, and the next day a new judge saw the hole and decided to fill it, without inquiring as to all circumstances and reasonings that prompted the others to dig that hole. Not only is it inefficient and costly for government to work at cross purposes to itself in the dark, making decisions "regardless" of what others may have thought, but it fails to adhere to Socrates's sage advice, which has become known as his "method," to consider plainly two positions and either choose one or come up with a better. We ignore traditional notions of wisdom and justice at the peril of contributing to

schism, and perhaps a kind of schizophrenia, rather than the inclusive consideration needed for the wholesome development of the culture and conscience of our State and nation.