

April 8, 2021

The Honorable Bill Ferguson
President of the Maryland Senate
H-107 State House
Annapolis, MD 21401

Dear Mr. President:

Our administration has consistently demonstrated a historic commitment to criminal justice reform. In 2016, we passed and enacted the Justice Reinvestment Act, which represents the most comprehensive criminal justice reform in a generation. This legislation, which was the result of six months of bipartisan discussion, struck an important balance—it holds offenders accountable for their crimes, holds government agencies responsible for administering justice and getting results, and elevates the voice of victims.

I am also a firm believer in second chances and understand that individuals who commit serious crimes, especially as juveniles, are capable of rehabilitation. I was the first governor in 24 years to parole a juvenile serving a life sentence. Since taking office, I have granted 7 paroles, 2 medical paroles, and 4 commutations for juveniles sentenced to life. Additionally, I issued Executive Order 01.01.2018.06, which expressly states that the governor must consider a juvenile offender's age at the time of the crime, demonstrated maturity, and subsequent rehabilitation to ensure they have some meaningful opportunity to obtain release.

Senate Bill 494, however, pertains to juveniles who have committed crimes so heinous that they are automatically charged as adults, including first degree murder, first degree rape, first degree sex offense, manslaughter, and certain offenses with firearms. These are serious crimes that require the most serious of consequences, which is why a judge or jury sentences the individual to a lengthy determinate sentence, life imprisonment, or life imprisonment without parole.

Additionally, portions of this bill are unnecessary and duplicative. In many cases, the state already has procedures to carefully consider the release of incarcerated individuals—the Maryland Parole Commission and the executive commutation process. Senate Bill 494 would upend the current system by allowing the defendant to bypass the parole process and petition the court for resentencing. Rather than create a new, complex system for release, any necessary changes should be contemplated within the current parole framework.

The claim made by this legislation's supporters that 24 other states have adopted similar measures is misleading at best. These jurisdictions have simply eliminated the imposition of life without parole for juveniles. Further, the Court of Appeals Standing Committee on Rules of Practice and Procedure recently considered a proposed rule change that would expand defendants' ability to seek a sentence modification.

Finally, this measure would further contribute to the retraumatization of the victims of these heinous crimes. Defendants have multiple avenues for relief as it pertains to challenging their conviction and sentence, but victims and their families have none. Nothing will bring back the loved one lost, or erase the memories of a brutal rape or violent assault. This legislation would force victims to come to court potentially several more times and subject themselves to living through the nightmare once again, in addition to any future parole hearings. In the case of the murder of Baltimore County Police Officer Amy Caprio, for example, her family would have to endure 13 hearings over 11 years.

For these reasons, and in accordance with Article II, Section 17 of the Maryland Constitution, I have vetoed Senate Bill 494 – *Juveniles Convicted as Adults – Sentencing – Limitations and Reduction (Juvenile Restoration Act)*. In addition, I am attaching for your consideration letters of opposition from several state's attorneys.

Sincerely,

Lawrence J. Hogan, Jr.
Governor