

Dear Members of the Senate Judicial Proceedings Committee,

This testimony is being submitted by residents of District 46 who are also community leaders in Showing Up for Racial Justice Baltimore. SURJ is a group of community members working to move white folks as part of a multi-racial movement for greater racial justice in Baltimore and the State of Maryland. We are also working in collaboration with Out for Justice (OFJ). We are testifying **in support of Senate Bill 494**.



For decades now, medical professionals have been presenting research that demonstrates the scientific reality of what our common sense already told us: adolescents do not have fully developed brains and are more prone to impulsivity and less capable of making sound decisions as adults. A series of Supreme Court cases over the past 15 years- *Roper v Simmons*, *Graham v Florida*, *Miller v Alabama*, and *Montgomery v Louisiana*- have held that juveniles should not be punished in the same way as adults, both because they may not be as culpable for crimes committed when their brains were immature, and because they present a strong possibility of rehabilitation due to their youth.

Maryland's complex system of juvenile justice attempts to balance rehabilitation against other criminal justice goals in determining whether juveniles should be tried as adults or as children. Unfortunately it's somewhat all or nothing: if a juvenile is tried in adult court and found guilty, they are bound by the same sentencing scheme as adults. This means that they are still subject to the possibility of life without parole sentences as well as mandatory minimums. These laws bind the hands of judges who may feel that based on the specific circumstances of the juvenile and their crimes, a different sentence is warranted than the one provided for adults.

Senate Bill 494 would untie the hands of judges by allowing them to skirt mandatory minimums for juveniles convicted as adults if they deem it appropriate, and to reconsider the sentences of those who have been incarcerated for twenty years or more on offenses committed as juveniles. In addition, it would bring us in line with the 25 jurisdictions (24 states plus the District of Columbia) which have banned life without parole sentences for juveniles entirely, recognizing that it is unfair and inhumane to condemn someone under the age of 18 to die in prison without giving them any chance of redemption.

Furthermore, in a legislative year when the racial biases of the criminal justice system are at the forefront of all our minds, it is worth noting that there is a vast racial disparity in criminal sentencing generally, and life without parole sentencing in particular. In 2009, a whopping 69.8% of prisoners serving life without parole in Maryland were Black¹, despite the Black population of Maryland being about 30% (as of the 2010 US Census). The same data shows that Black youth comprised 78.9% of the

¹ Ashley Nellis and Ryan S. King, *The Sentencing Project No Exit: The Expanding Use of Life Sentences in America*, 14-15, table 5 (2009).

<https://www.sentencingproject.org/wp-content/uploads/2016/01/No-Exit-The-Expanding-Use-of-Life-Sentences-in-America.pdf>

juvenile life without parole population.² Unfortunately, history has proven that facially race-neutral policies like life without parole sentencing end up being applied more often to Black folks and other people of color. Structural racism can only be taken on by striking down the disproportionately-applied policies themselves. Ending juvenile life without parole is thus one way to attack racial bias within the criminal justice system.

It is for these reasons that I am encouraging you to **vote in support of Senate Bill 494**. Thank you for your time, service, and consideration.

Sincerely,

SURJ District 46 Community Leaders

Lindsay Keipper

Sarah Goldman

Christina Pham Linhoff

Ben Goldberg

Liz Simon-Higgs

Brian Seel

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² *Id.* at 22-23, table 9.