



To: The Honorable Luke Clippinger
 From: Maryland Youth Justice Coalition
 Re: Senate Bill 494: Juvenile Restoration Act
 Date: March 25, 2021
 Position: Support

Dear Delegate Clippinger and Members of the Committee.

The Maryland Youth Justice Coalition (MYJC) supports Senate Bill 494: Juvenile Restoration Act (SB 494). MYJC coalition members include the ACLU of Maryland, Advocates for Children and Youth (ACY), Campaign for Youth Justice, CLIA, Human Rights for Kids, the Maryland Catholic Conference, the Maryland Office of the Public Defender, and NARAL – Pro-Choice Maryland.

The U.S. Supreme Court has consistently ruled that life without parole for children under eighteen (18) years of age is unconstitutional in the vast majority of cases because of their “diminished culpability and heightened capacity for change.” Unfortunately, Maryland continues the antiquated practice of sentencing children to life without parole. Twenty-four other states, including neighboring states, such as Virginia, West Virginia, the District of Columbia, and New Jersey, have abolished this sentencing practice for a more complete approach at punishment, deterrence, and rehabilitation when sentencing a juvenile. More alarming, the practice of sentencing juvenile offenders to life without parole disproportionately impact children of color. Nationally, Black children are serving life without parole at a per capita rate ten times that of White children.

Senate Bill 494 seeks to end this antiquated sentencing practice in Maryland. Under the bill, juveniles sentenced as adults to life in prison will receive a sentencing review after serving twenty (20) years in prison. At this hearing, the Court, when determining whether to grant release or continue incarceration, must consider the child’s family and home environment at the time of the offense, the extent of the child’s participation in the crime, the child’s potential for rehabilitation, and his or her demonstration of maturity and reform while incarcerated.





Opponents of the bill will contend that it makes Maryland less safe and that a sentence review “revictimizes” the injured party and/or his or her family. This hyperbole is simply untrue. The bill will not make Maryland less safe as research shows that incarcerating youths for longer than fifteen (15) to twenty (20) years has diminished public safety returns. A 2020 study from Montclair State University found that individuals sentenced to life without parole as children in Pennsylvania who were released in the last five years saw a recidivism rate of approximately 1 percent (1%), a stark comparison to Maryland’s overall recidivism rate of that remains around forty percent (40%). As for the victim, SB 494 maintains the same judicial process that welcomes and encourages victim participation.

In closing, children are capable of profound positive transformation. When a person can demonstrate rehabilitation, society must, in turn, give him or her an opportunity for a second chance. Therefore, for all the reasons stated above, MYJC asks the committee for a favorable report on SB 494.

Should you have any questions about this testimony, please contact Mariama Boney, Interim Executive Director for Advocates for Children and Youth (ACY), at mboney@acy.org.

