



Testimony to the Senate Judiciary Proceeding Committee

Senate Bill 0771 — Petition to Modify or Reduce a Sentence: The Maryland Second Look Act

Justicepolicy.org

Founded in 1997, the Justice Policy Institute (JPI) is a nonprofit organization developing workable solutions to problems plaguing juvenile and criminal justice systems. For over 25 years, JPI's work has been part of reform solutions nationally, with an intentional focus on Maryland. Our research and analyses identify effective programs and policies, in order to disseminate our findings to the media, policymakers, and advocates, and to provide training and technical assistance to people working for justice reform.

JPI supports Senate Bill 0771, which would permit individuals currently serving a term of confinement to petition the court for release opportunities after serving a term of at least 20 years.

[When There Is Harm, There Need to Be Repair](#)

Maryland's parole system does not work as the decarceration mechanism it should. The 2016 [Justice Reinvestment Coordinating Counsel](#) revealed that only 37 percent of offenders released in Maryland are released through parole, and of that 37 percent, individuals served an average of nine months past their parole eligibility date. As a result of bureaucratic delays and perpetual recommendations for "re-hearings", long-sentenced, parole-eligible individuals are often subjected to 3- 7 parole hearings throughout their incarceration, despite rehabilitative success and program completion. *That* is a broken parole system.

State and local discriminatory tactics of past eras continue to effect Maryland's criminal justice system today. The residual effect of racist-now obsolete- practices like "Key-Man jury selection" are evident. In 2020, the Maryland prison population included 680 Black men over the age of 60, accounting for 59% of the entire 60+ prison population. The Maryland Second Look Act would allow judges to consider individuals' post-conviction conduct, including their disciplinary record and participation in rehabilitative programming before determining that their sentence reduction and/or release poses little to no risk to public safety. The Maryland Second Look Act does *not* guarantee anyone will get out early. Instead, it just gives incarcerated people an opportunity to show the original sentence no longer fits.

[Adding Years, And Years, And Years to Sentences Has Not Made Us Safer](#)

Nationally, people who have been released through Second Look Laws have extremely low rates of re-offending, and many are now working in their communities to help young people avoid a life of crime. This runs contrary to the narrative that longer more punitive sentencing increases public safety. In Maryland, ex-offenders who have been released through Maryland's Juvenile Restoration Act (JRA) are now thriving, contributing members of their communities. *No one has reoffended.*

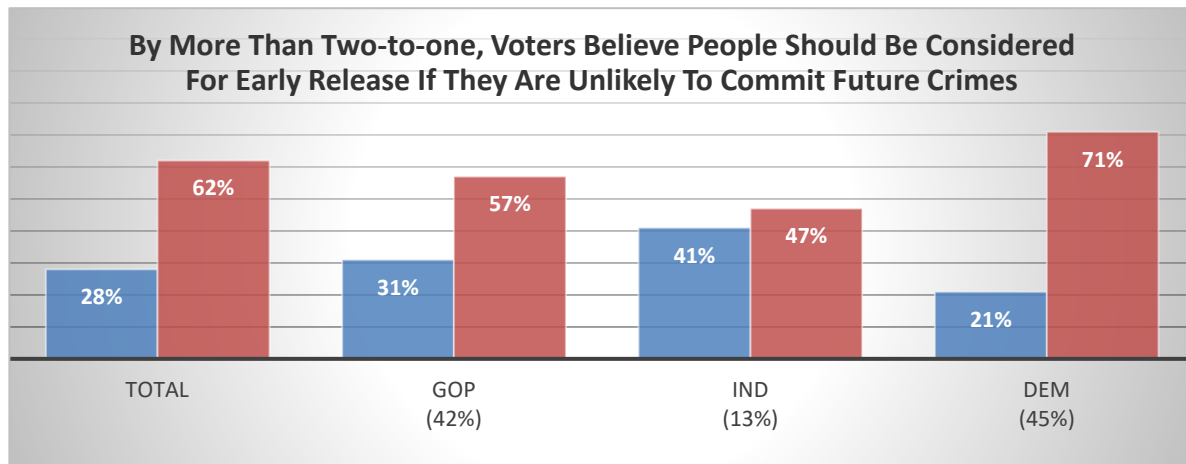
Former juvenile offender, Sara had not incurred any disciplinary infractions throughout her 27-year imprisonment. At nearly 50-years old, it was evident that she had "aged out of violent crime". She had a supervisory position at the same correctional job she had held for over 20 years, had no psychological history, and had completed every rehabilitative program available. Yet her two attempts at parole release failed. ""The parole process completely failed me, a 'meritorious inmate'. Can you imagine what happens to ordinary inmates? Far worse... people going up [for parole] a half dozen times. I got lucky...*a second chance*... due to JRA".

Today, Sara meets with the Maryland Higher Education Commission regularly formulating and structuring plans for college education on the inside, as well as providing direct services to returning citizens—adult and juvenile alike. Success stories like Sara’s demonstrate conclusively that a court should be able to consider updating sentences of deserving people, allow them to reunite with their families, and lead productive, law-abiding lives. Specifically, when further incarceration no longer advances public safety and rehabilitation nor serve the interests of justice.

Strongest Reasons to Support Second Look

The strongest reasons to support Second Look point to a low risk of re-offending:

- The Unger case, a landmark 2012 Appellate Court decision that resulted in the release of over 200 long-sentenced individuals, provides a natural case study. The Unger cohort (average age 63) has only a 3% recidivism rate. After ten years of freedom, more Ungers have died (13%) than reoffended.
- People who committed crimes when they were under age 25 have a greater capacity to change and grow over time. The vast majority of 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 who have been already rehabilitated wastes taxpayer money that could otherwise be spent on things that actually prevent crime and protect public safety.
- 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”



*N=500 Registered voters



Poll Question: “Which ONE of the following statements comes closer to your own opinion?

People should stay in prison and serve their full sentences, even if they reach a point at which they are unlikely to commit future crimes...or...People in prison should be allowed to be considered for an early release from their sentence if they reach a point at which they are unlikely to commit future crimes.”

There is no denying that the state of Maryland is in dire need; our communities desperately want and deserve safety, the necessity for criminal justice reform persists, and past harm needs to be repaired. Correction starts by creating a system that works and *SB 0771-Maryland Second Look Act* can be a reasonable and integral part of it .

The Justice Policy Institute urges this committee to issue a favorable report.