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Testimony in **Support** of

House Bill 330

Criminal Procedure – Postconviction Review – Motion for Reduction of Sentence

Good Afternoon Chairman Clippinger, Vice Chair Moon, and distinguished members of the Judiciary Committee. I am here today to express strong support for House Bill 330. This bill provides limited discretion to State's Attorneys for the purposes of filing a motion to modify a sentence during any period of active incarceration. This bill also establishes the factors that the court should consider, including (1) the inmate's disciplinary record and record of rehabilitation and maturity while incarcerated; (2) evidence that reflects whether age, time served, or diminished physical condition has reduced the inmate's risk for future violence; and (3) evidence reflecting a change in circumstances since the original conviction and sentencing such that the inmate's continued incarceration is no longer in the interest of justice.

As State's Attorney, my job is to seek justice and accountability. I am required to do so in a way that is fair, just and equitable. I have long been concerned about the racial disparities that exist within the incarcerated population. In its 2019 report, the Justice Policy Institute provided data showing that more than 70 percent of Maryland's prison population was black, compared to 31 percent of the state population. Among those people serving the longest prison terms (serving 10 years or more), half had been incarcerated as emerging adults and 82 percent are black.

The purpose of the criminal justice system is to protect society, punish offenders and rehabilitate. While we focus, as we should on protecting victims and the community, providing consequences and accountability to those who commit offenses, we must also recognize that when an individual is successfully rehabilitated, they should be provided an opportunity to rejoin the community and the justice system should be recognized for its work to assist in the restoration of individuals in the system.

My office established a specialty unit, the Conviction and Sentence Integrity Unit, specifically to evaluate those cases where lengthy sentences have been imposed. While the legislature has provided a clear path to review and have sentences of juvenile lifers reconsidered, through the

passage of the Juvenile Restoration Act, the same path does not exist for young adult offenders or those who have served decades in prison and are no longer a threat to the community.

Passage of this bill would give prosecutors the flexibility to provide opportunities for restoration for individuals who have proven that are rehabilitated and are ready to be productive members of our community.

Sincerely,



Aisha N. Braveboy,
State's Attorney for Prince George's County, Maryland