



SUPPORT SENATE BILL 123: SECOND LOOK

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DIVISIONS

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INNOCENCE PROJECT CLINIC - JUVENILE
PROTECTION - MAJOR CRIMES &
COMPLEX LITIGATION - MENTAL
HEALTH - PARENTAL DEFENSE - POST
CONVICTION - SOCIAL WORK -
TRAINING - EXTERNAL AFFAIRS

WHAT THE BILL DOES:

- Allows an individual to file only two motions for modification - one after serving at least 20 years in prison and if necessary, a second motion after the individual turns 60 years of age;
- Prohibits an individual from petitioning for a modification of any sentence under this legislation for first degree rape (Criminal Law Article 3-303); and
- Requires a court to hold a hearing on the motion after giving victims notice of the hearing. Courts must consider criteria that include the circumstances of the underlying crime, compliance with prison rules, participation in prison programming, and any statement from a victim representative.

**AS OF MARCH 2024,
APPROXIMATELY
1,516 INDIVIDUALS
WOULD BE ELIGIBLE
TO FILE A MOTION
FOR MODIFICATION
UNDER THESE
CRITERIA.
APPROXIMATELY 513
OF THOSE
INDIVIDUALS ARE AGE
60 AND OVER.**

VICTIM'S RIGHTS ARE PROTECTED IN THE BILL

SB 123 requires the State to give a victim or victim representative notice of a hearing under the section. It also enshrines a victim's right to attend and give a victim impact statement at the time of the hearing.

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MARYLAND NEEDS SECOND LOOK NOW!

SUPPORT FOR SECOND LOOK IS WIDESPREAD!

- Maryland Second Look Coalition
- Aisha Braveboy, State's Attorney for Prince George's County
- Ivan Bates, State's Attorney for Baltimore City
- Stuart Simms, former Secretary of DPSCS (1997-2003)
- ACLU-MD
- Campaign for Fair Sentencing of Youth
- Family Support Network
- Job Opportunities Task Force
- Justice Policy Institute
- Life After Release
- Maryland Alliance for Justice Reform
- Maryland Office of the Public Defender
- Maryland Criminal Defense Attorney's Association
- Maryland Lifer's Coalition
- Montgomery County Women's Democratic Club
- University of Baltimore Law School Center for Criminal Justice Reform
- University of Maryland School of Law Youth Education Advice & Assistance Clinic
- The Sentencing Project

MARYLAND IS IN THE MIDST OF A MASS INCARCERATION CRISIS AND LEADS THE NATION IN RACIAL DISPARITIES.

- 72% of incarcerated Marylanders are black, despite black individuals making up only 31% of Maryland's population, making Maryland the national leader in racial disparities among incarcerated individuals.
- Longer sentences have led to more people aging in prison. As of July 2022, 7.4% of Maryland's prison population was over 60 years of age. Older prisoners often develop health problems that prisons are ill-equipped to treat and are a great cost to the state. While the General Assembly recently removed the Governor from the parole process, the state needs multiple mechanisms to deal with this crisis.

THERE IS CURRENTLY NO MECHANISM FOR COURTS TO REVIEW WHETHER A SENTENCE IS STILL APPROPRIATE FOR THE MAJORITY OF LONG SENTENCED INDIVIDUALS.

Current Maryland law only allows a court to consider a modification of sentence within 5 years of imposing the initial sentence. This means that for most individuals, there is no opportunity to demonstrate to the court that they are rehabilitated and no longer a threat to public safety after serving a significant portion of their sentence.

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