

**CURRENT AS OF SEPTEMBER 2025**

# **MARYLAND SECOND LOOK ACT**

In 2023, recognizing the lack of meaningful opportunities for release for people serving extreme sentences, impacted loved ones and advocates formed the Maryland Second Look Coalition. Informed by the lived experiences of those affected by the injustices of mass incarceration and the nationwide second look movement, the Coalition began advocating for new resentencing opportunities.

In 2025, after years of tireless grassroots advocacy, the General Assembly passed (HB 853) the Maryland Second Look Act (Criminal Procedure Article sec. 8-110). The bill - rooted in humanity, redemption, and a belief in the transformative power of personal accountability – was signed into law by Governor Wes Moore on April 22. As signed into law, the bill allows certain people who have served 20 years or more the opportunity to file a motion to reduce the duration of their sentence.

The law takes effect on October 1, 2025 and builds on the existing resentencing framework established under the Juvenile Restoration Act (“JVRA”), which provides a similar opportunity to those treated as adults when convicted of serious offenses that occurred when they were 17 or younger. The JVRA currently only applies to those sentenced before October 2021. As passed, the Second Look Act essentially adds a new group of individuals eligible for resentencing.

## **A. WHY DID MARYLAND NEED A SECOND LOOK ACT?**

Racial disparities in Maryland’s prison population are the worst in the country, particularly among those serving extreme sentences. Due to the devastating “lock them up and throw away the key” mentality from the last thirty years - which influenced harsh changes to law and policy - Maryland’s prison system is filled with Black people who were excessively sentenced.

Additionally, for more than a quarter of a century, Maryland's parole system was not available to lifers. Even today, release via parole remains out of reach for many folks inside. The Second Look Act is an evidence-based approach that is distinct from parole. The Second Look Act provides a new court process, based on demonstrated rehabilitation, which allows more people the chance to ask a judge to change their sentence. Parole - the administrative process allowing the Maryland Parole Commission to grant release once enough time has been served – is “a matter of mercy.” Both processes share similar considerations related to release, however unlike court hearings, in the parole system people have almost no due process rights and no legal representation. Along with the absence of routes for sentence reconsideration based on demonstrated rehabilitation, these factors have created a bloated prison system, plagued by racial disparities and filled with people who no longer pose any risk to public safety.

## **B. WHO IS ELIGIBLE TO FILE A MOTION UNDER THE SECOND LOOK ACT?**

An individual is eligible to file a motion to reduce the duration of a sentence if:

- They were convicted of an offense that occurred when they were at least 18 but not yet 25 years old;
- They are NOT sentenced to life without parole (LWOP);
- They are NOT a 'sex offender,' as defined in Criminal Procedure Article § 11-701;
- They have already served at least 20 years for the offense ; AND
- They were NOT convicted of murder involving the killing of a first responder in the line of duty.

Unlike the JVRA, the Maryland Second Look Act applies retrospectively AND prospectively. This means that anyone who meets all the above criteria, regardless of when they were sentenced, will be able to utilize the Second Look process.

The criteria above speak only to the ability to file a motion and eventually have a hearing on that motion. Simply being eligible to file, does not in any way guarantee a reduction of a sentence.

Actual decisions on those motions and potential resentencing are left to individual judges to decide on a case-by-case basis, based on the factors noted under Question E.

## **C. I BELIEVE MY LOVED ONE IS ELIGIBLE. WHERE CAN I LEARN MORE ABOUT THE SECOND LOOK ACT?**

If you believe your loved one is eligible and would like additional guidance, reach out to Martina Hazelton of the Family Support Network at [familysupprtntrk@gmail.com](mailto:familysupprtntrk@gmail.com).

For more detailed information on the process, please visit this link:

[https://www.mdsecondlook.com/uploads/1/4/7/9/147950346/second\\_look\\_act\\_faq\\_fin\\_al-website.pdf](https://www.mdsecondlook.com/uploads/1/4/7/9/147950346/second_look_act_faq_fin_al-website.pdf)

## **D. I AM AN ATTORNEY WHO IS INTERESTED IN ASSISTING AN ELIGIBLE PERSON ON A PRO-BONO BASIS. HOW CAN I GET INVOLVED?**

The Office of the Public Defender's Decarceration Initiative is attempting to identify and recruit Maryland-barred attorneys able to provide pro bono representation in these cases to individuals who cannot afford private counsel.

For questions or inquiries, please contact Brian Saccenti at [brian.saccenti@maryland.gov](mailto:brian.saccenti@maryland.gov).

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## **E. WHAT IS THE PROCESS FOR A REVIEW UNDER THE MARYLAND SECOND LOOK ACT AND WHAT HAPPENS AT A HEARING?**

### **STEP ONE – PREPARING THE MOTION:**

The Second Look process technically begins with an individual filing a motion for the reduction of a sentence. In practice, however, this step will most likely be taken after consultation with an attorney to determine eligibility, discuss strategy, and prepare evidence in support of the motion.

This process is only viable if someone is first consistent for years in demonstrating rehabilitation by avoiding tickets and being active in available jobs and programming.

### **STEP TWO – FILING THE MOTION:**

An attorney will then present everything to the court in a written motion explaining why reducing the sentence is a benefit and not a risk to the community based on the following factors the Judge must consider:

- (1) the individual's age at the time of the offense;
- (2) the nature of the offense and the history and characteristics of the individual;
- (3) whether the individual has substantially complied with the rules of the institution in which the individual has been confined;
- (4) whether the individual has completed an educational, vocational, or other program;
- (5) whether the individual has demonstrated maturity, rehabilitation, and fitness to reenter society sufficient to justify a sentence reduction;
- (6) any statement offered by a victim or a victim's representative;
- (7) any report of a physical, mental, or behavioral examination of the individual conducted by a health professional;
- (8) the individual's family and community circumstances at the time of the offense, including any history of trauma, abuse, or involvement in the child welfare system;
- (9) the extent of the individual's role in the offense and, if the individual was a minor at the time of the offense, whether and to what extent an adult was involved in the offense;
- (10) the diminished culpability of a juvenile as compared to an adult, including an inability to fully appreciate risks and consequences, if applicable; and
- (11) any other factor the court deems relevant.

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## **QUESTION E CONTINUED:**

### **STEP THREE – THE HEARING:**

Once the motion is filed, there is another waiting period for the State's Attorney to respond, for the hearing to be scheduled, and for the victim or their representative to be notified. At the hearing, an attorney is allowed to speak and introduce evidence on the clients behalf; the incarcerated person may also make a statement to the Court and must be present unless they waive the right to be there. The State's Attorney may also present their position and related evidence, and the victim or their representative can share a statement about the impact of both the offense and the potential sentence reduction.

### **STEP FOUR - THE DECISION:**

At some point after the hearing, the Judge must issue a written decision, and may reduce the sentence if they believe both of the following conditions are met:

- (1) the person is not a danger to the public; and
- (2) the interests of justice will be better served by a reducing the sentence.

If the Judge's decision grants the motion in full, this may result in imminent release if the motion asked for the sentence to be reduced to time served. The Judge may impose certain conditions on the release and must generally restrict victim contact. The Judge may also decide to deny the motion or grant it "in part" as further explained below.

## **F. WHAT DOES GRANTING A MOTION "IN PART" LOOK LIKE?**

A decision that grants the motion in part will look different depending on the original motion. A court grants a motion "in part" when it reduces the sentence, but not as much as someone has requested.

For instance, if someone has served 22 years of a life sentence and asks the court to reduce the sentence to life suspend all but time served (22 years), but the court reduces it to life suspend all but 40 years, it has granted the motion "in part."

## **G. IF THE COURT DENIES THE MOTION TO REDUCE A SENTENCE OR ONLY GRANTS THE MOTION IN PART, CAN SOMEONE FILE ANOTHER MOTION TO REDUCE THAT SENTENCE?**

Yes. An individual can file up to three motions to request a reduction of an eligible sentence, but they must wait at least three years after the ruling on the previous motion. An individual CANNOT file more than three motions under Second Look.

## **H. WHEN CAN PEOPLE START FILING MOTIONS?**

The new law will take effect October 1, 2025. Those eligible can file motions for the reduction of the applicable sentence immediately upon the effective date.

## **I. IF ONE FILES A MOTION FOR SENTENCE REDUCTION UNDER SECOND LOOK, CAN THE JUDGE DECIDE TO INCREASE THE SENTENCE INSTEAD?**

No. Under the Maryland Second Look Act, the Court may only reduce a sentence.

## **J. WHAT IS THE ROLE OF VICTIMS IN THE SECOND LOOK PROCESS?**

Notice of the hearing will be given to the victim or the victim's representative. The victim or their representative may submit and present a statement about the impact of the crime and the proposed sentence reduction. They cannot be cross examined. As part of the court's decision on the motion, unless the victim requests otherwise, the petitioner must stay away from and refrain from contact with the victim and their family. The court can impose additional conditions to promote victim safety and peace of mind.

## **K. WHAT'S NEXT?**

The Maryland Second Look Coalition is committed to ensuring that those left behind under the current second look process are afforded accessible paths for resentencing. In addition to monitoring and guiding implementation of the new law, the Coalition will continue to advocate for evidence-based approaches to decarceration, rooted in the belief that neither conviction nor sentence-type determine someone's capacity for rehabilitation.

Specifically, the Coalition is examining legislative opportunities to include those serving LWOP sentences into the second look process.

