

PROJECT 6

Juvenile Restoration Act

On October 1, 2021 the Juvenile Restoration Act (JRA) went into effect in Maryland. The JRA allows state courts to reduce sentence lengths for people who committed a crime as a minor. It has long been the consensus that juveniles must be treated different than adults within the criminal justice system because juveniles still have developing brains and are not yet fully mature. Prior to this law, there was no immediate way for an incarcerated person to obtain a sentence reduction after they had reached adulthood, beyond relying on executive clemency.

Who Qualifies?

To qualify for a sentence reduction, a petitioner must meet two threshold requirements:

- The petitioner was a minor when the offense was committed.
- The petitioner has served at least twenty years for the offense.

If these two conditions are met, then the court must hold a hearing and may reduce the sentence if two more conditions are met:

- The petitioner is not a danger to the public.
- The interests of justice will be better served by a reduced sentence.

What Factors Does the Court Consider?

When deciding if these two factors are met, the court must consider:

- The petitioner's age at the time of the offense.
- The nature of the offense and the petitioner's history and characteristics.
- Whether the petitioner has substantially complied with the rules of the institution in which the petitioner has been confined.
- Whether the petitioner has completed an educational, vocational, or other program.
- Whether the petitioner has demonstrated maturity, rehabilitation, and fitness to re-enter society sufficient to justify a sentence reduction.
- Any statement offered by a victim or a victim's representative.
- Any report of a physical, mental, or behavioral examination of the petitioner conducted by a health professional, the petitioner's family and community circumstances at the time of the offense, including any history of trauma, abuse, or involvement in the child welfare system.
- The extend of the petitioner's role in the offense and whether and to what extent an adult was involved in the offense.
- The diminished culpability of a juvenile as compared to an adult, including an inability to fully appreciate risks and consequences.
- Any other factors the court deems relevant.