

**Written Testimony of Bryan Widenhouse**  
State Legislative Affairs Manager, FAMM  
Maine Joint Committee on Judiciary  
**In Support of LD 1113**  
March 31, 2025

Dear Chair Carney, Chair Kuhn, and members of the Joint Committee on Judiciary,

Thank you for the opportunity to support [LD 1113](#), which would create a “second look” mechanism for incarcerated people in Maine serving long prison sentences who were under the age of 26 at the time of their offense. I write on behalf of [FAMM](#), a national nonpartisan, nonprofit organization that advocates sentencing and prison policies that are individualized and fair, protect public safety, and preserve families. We unite current and formerly incarcerated people, their families and loved ones, and a diverse network of concerned citizens working to improve our system of justice. **FAMM supports LD 1113 and asks you to please vote “yes” on this legislation.**

As a key component of our Second Chances Agenda, FAMM supports legislatures across the country in creating more pathways for long sentences to be reviewed and modified through “second look” mechanisms. We are pleased to see the legislature consider **LD 1113**. This important reform will increase public safety, use taxpayer resources wisely, and give people second chances and an incentive to rehabilitate themselves in prison.

**LD 1113 aligns with the “emerging adult” doctrine.** In 2016 the U.S. Supreme Court, in *Montgomery v. Louisiana*<sup>1</sup>, made retroactive its line of precedent cases holding certain punishments as disproportionate when applied to juveniles. The Court determined juveniles are constitutionally different than adults for purposes of sentencing. This difference is a result of their diminished culpability and greater capacity for rehabilitation. The Court relied on established neuroscience finding the adolescent brain is not fully developed until the mid-twenties. By relying on this science but delineating the age of demarcation at 18 years old, the Court left itself short of the very research it relied on. Since then, some jurisdictions and legislatures have followed the “emerging adult” doctrine to better align with established science on brain development and provide greater state protections to children and adolescents.

**Further, long sentences do not make us safer.** The vast majority of people who commit crimes, even very serious crimes, naturally grow out of criminal behavior as they age and mature, making long sentences ineffective and wasteful.<sup>2</sup> Additionally, longer sentences do not deter people from engaging in criminal activity.<sup>3</sup> Instead, it is the certainty of being caught and swiftly punished that deters crime.<sup>4</sup>

**People serving long sentences who are given second chances have a lower risk of recidivism and frequently become valuable contributing members of their communities.** **LD 1113** is similar to Washington D.C.’s “second look” law and their results demonstrate the potential for this bill. For an in

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<sup>1</sup> <https://supreme.justia.com/cases/federal/us/577/190/#tab-opinion-3520320>,

<sup>2</sup> Prescott, J.J., Pyle, B., and Starr, S.B. (2020). *Understanding Violent-Crime Recidivism*. Notre Dame Law Review, 95:4, 1643-1698. <http://ndlawreview.org/wp-content/uploads/2020/05/9.-Prescott-et-al..pdf>. For example, one study found that, of people convicted of violent crimes, only 4% released between ages 45 and 54 and 1% released at 55 or older were reincarcerated for new crimes within three years. Among people previously convicted of murder, those rates fell to 1.5% and 0.4%, respectively. Id. at 1688-1690.

<sup>3</sup> National Institute of Justice, “Five Things about Deterrence,” May 2016. <https://www.ncjrs.gov/pdffiles1/nij/247350.pdf>

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depth look at the Washington D.C. law below please see FAMM's documentary "[District of Second Chances](https://districtofsecondchances.com/)."<sup>5</sup>

- Washington D.C.'s "second look" process allows people who were young at the time of their crime to be resentenced after they have served at least 15 years. D.C.'s second look law originally only applied to people who were under 18 at the time of the crime, but after seeing the success of people released under that law, the D.C. City Council extended it to people who were under 25 at the time of the crime. As of June 2023, 195 people had been released under this expanded second look law, and only 7 (4%) had been rearrested.<sup>6</sup>
- In Philadelphia, as of December 2019, 174 people sentenced to LWOP for crimes they committed as children had been resentenced and released. Only six (3.5%) have been re-arrested. Charges were dropped in four of the cases and two (1%) resulted in new convictions (one for Contempt and the other for Robbery in the Third Degree).<sup>7</sup>
- In Maryland, 200 people were released from prison following a state court decision that found the jury instructions used in their trials to be unconstitutional. When they were released, they were relatively old (the average age was 64) and all had served 30 years or more. Most had been convicted of murder and the remainder were convicted of rape. As of May 2021, only 3% had been re-incarcerated.<sup>8</sup> They were released due to a legal technicality rather than based on showing that they had been rehabilitated or that they were safe to release, and yet their recidivism was nevertheless extremely low. This illustrates that it is the norm, rather than the exception, that people serving long sentences can at some point safely return to the community.
- In California, researchers surveyed 77% (110 people) of the 143 people who had been granted a second chance since 2013 after being sentenced to LWOP. Ninety percent reported working full or part-time, with 43 percent working in the nonprofit sector. In addition, 94 percent reported volunteering regularly, 84 percent said they financially assisted others.<sup>9</sup>

For these reasons, FAMM supports **LD 1113** (Rep. Warren) and urges your "yes" vote and recommendation. Please feel free to contact me at (267) 644-8964 or [bwidenhouse@famm.org](mailto:bwidenhouse@famm.org) with any questions or to discuss this matter further.

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<sup>5</sup> District of Second Chances, <https://districtofsecondchances.com/>.

<sup>6</sup> Testimony of Warren Allen at Hearing on B25-291 before the Committee on the Judiciary and Public Safety of the Council of the District of Columbia (2023). <https://www.sentencingproject.org/app/uploads/2023/06/Warren-Allen-Safer-Stronger-Amendment-Act-2023-Testimony.pdf>

<sup>7</sup> Daftary-Kapur, T. & Zottoli, T. (2020). *Resentencing of Juvenile Lifers: The Philadelphia Experience*, Montclair State University. <https://secondchanceslibrary.org/wp-content/uploads/2022/06/Resentencing-of-Juvenile-Lifers-The-Philadelphia-Experience.pdf>.

<sup>8</sup> Millemann, M., Chapman, J.E., & Feder, S.P. (2022). *Releasing Older Prisoners Convicted of Violent Crimes: The Unger Story*, U. MD. L.J. RACE, RELIGION, GENDER & CLASS, 21:2, 185-247, <https://secondchanceslibrary.org/wp-content/uploads/2022/06/Releasing-older-prisoners.pdf>.

<sup>9</sup> Leavell, A., Calvin, E., & Root, B. (2023). *"I Just Want to Give Back" The Reintegration of People Sentenced to Life Without Parole*, Human Rights Watch. [https://secondchanceslibrary.org/wp-content/uploads/2023/06/usa\\_lwop0623.pdf](https://secondchanceslibrary.org/wp-content/uploads/2023/06/usa_lwop0623.pdf).