



## Maryland State's Attorneys' Association

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**DATE:**                   **March 21, 2025**

**BILL NUMBER:**   **HB 853**

**POSITION:**           **Unfavorable**

The Maryland State's Attorneys' Association (MSAA) opposes House Bill 853, and urges the Judicial Proceedings Committee of the Maryland Senate to issue an unfavorable report.

HB 853, as passed by the House of Delegates, permits certain incarcerated individuals to petition a court every three years, up to three times, for a modification of their sentence after they have served 20 years. The bill requires a court to hold a hearing on an eligible petition. Although the set of incarcerated individuals eligible to file such a petition has been narrowed from the original text of this bill as introduced, the cost it will exact on victims remains exactly the same, and it is for this reason that MSAA opposes HB 853 and similar initiatives.

Legislation like HB 853 is rooted in compassion, and the idea that individuals that have committed heinous offenses deserve, in some circumstances, a second chance. While this is a laudable motivation, what is sometimes lost in the discussion is the effect measures like this have on crime victims and their families, who are at least as deserving of the General Assembly's compassion as the people who have hurt them.

From judicial mechanisms, like a motion to modify their sentence pursuant to Md. Rule 4-345(e), to executive ones, like clemency, parole, or release on mandatory supervision, incarcerated persons have a number of opportunities to secure early release. Just this session, MSAA has supported, with amendment, expansion of some of these mechanisms, and the creation of a new, generally available, geriatric parole process. This Committee has heard from a number of advocates that support these measures, advocates that have shared their personal stories of redemption and change.

But it's important for this Committee to remember the victims, who never get a second chance. If an individual is serving a sentence that has resulted in their incarceration for over 20 years, they have very likely hurt someone else in a grievous and irrevocable way. Every one of these hearings exacts a toll on victims and their families – they have to come to a court and relive the worst day of their lives in front of strangers, hoping the person that permanently altered the course of their life will continue to be held accountable for their crimes.

Maryland's prosecutors must already share with victims the numerous ways in which the supposedly final result of a conviction after trial isn't final at all – adding one more mechanism by which the individual that killed their loved one, or committed a violent act against them, can be released early is unjust, and MSAA urges this Committee to issue an unfavorable report.