

HON. STACY A. MAYER  
CIRCUIT COURT  
JUDGE  
BALTIMORE COUNTY  
CHAIR

HON. RICHARD SANDY  
CIRCUIT COURT  
JUDGE  
FREDERICK COUNTY  
VICE-CHAIR



KELLEY O'CONNOR  
ASSISTANT STATE COURT  
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## MARYLAND JUDICIAL COUNCIL LEGISLATIVE COMMITTEE

**TO:** Senate Judicial Proceedings Committee  
**FROM:** Legislative Committee  
Suzanne D. Pelz, Esq.  
410-260-1523  
**RE:** House Bill 853  
Criminal Procedure – Petition to Reduce Sentence  
**DATE:** March 20, 2025  
(3/25)  
**POSITION:** Oppose, only as to the specific provisions noted below

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The Maryland Judiciary continues to oppose House Bill 853, only as to the specific provision mandating a hearing. The Judiciary respects the legislative prerogative to authorize an additional opportunity to review a previously imposed sentence. We take no position on that policy aim and would have no opposition if the amended bill did not also require the court to hold a hearing on the motion. The decision as to whether to hold a hearing should remain within the authority of the Judiciary.

The amended bill adds another category of individuals for whom hearings must be held to reconsider sentences. The Judiciary recognizes that there are some individuals for whom relief may be granted. However, the amended bill provides no threshold determination to merit a hearing. There is no requirement that the movant provide any information to support the factors the court must consider. As such, every individual who was between 18 and 25 at the time of their offense and who has served at least 20 years will merit a hearing upon the mere filing of a request, without any supporting information.

There are some offenses and some individuals for whom a modification would be unwarranted. The amended bill acknowledges as much in excluding certain categories of offenders. On the pleading itself, there may be instances in which no good cause exists. Mandating a hearing in such an instance would divert judicial resources from other

important matters waiting to be heard; waste state resources transporting the individual to the hearing; and potentially retraumatize a victim or a victim's family by having to face the individual again in court. This would be true even in cases in which there has been no initial showing of good cause.

cc. Hon. Cheryl Pasteur  
Judicial Council  
Legislative Committee  
Kelley O'Connor