

SENATE BILL 123

E2

(PRE-FILED)

4lr1452
CF HB 724

By: **Senator Carter**

Requested: November 1, 2023

Introduced and read first time: January 10, 2024

Assigned to: Judicial Proceedings

Committee Report: Favorable with amendments

Senate action: Adopted with floor amendments

Read second time: March 5, 2024

CHAPTER _____

1 AN ACT concerning

2 **Criminal Procedure – Petition to Reduce Sentence**

3 FOR the purpose of authorizing an individual who is serving a term of confinement to
4 petition a court to reduce the sentence under certain circumstances; establishing
5 procedures for a proceeding under this Act; and generally relating to a petition to
6 reduce a sentence.

7 BY adding to

8 Article – Criminal Procedure

9 Section 8–501 to be under the new subtitle “Subtitle 5. Petition to Reduce Sentence”

10 Annotated Code of Maryland

11 (2018 Replacement Volume and 2023 Supplement)

12 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
13 That the Laws of Maryland read as follows:

14 **Article – Criminal Procedure**

15 **SUBTITLE 5. PETITION TO REDUCE SENTENCE.**

16 **8–501.**

17 **(A) (1) ~~NOTWITHSTANDING~~ EXCEPT AS PROVIDED IN PARAGRAPH (5) OF**
18 **THIS SUBSECTION, AND NOTWITHSTANDING ANY OTHER PROVISION OF LAW, AN**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 INDIVIDUAL WHO IS SERVING A TERM OF CONFINEMENT MAY PETITION THE COURT
2 TO REDUCE THE SENTENCE IF:

3 (I) 1. IT IS THE INDIVIDUAL'S FIRST PETITION UNDER THIS
4 SECTION; AND

5 2. A. THE INDIVIDUAL HAS SERVED AT LEAST 20
6 YEARS OF THE INDIVIDUAL'S TERM OF CONFINEMENT; ~~AND~~ OR

7 B. THE INDIVIDUAL HAS REACHED 60 YEARS OF AGE; OR

8 (II) ~~AT LEAST 3 YEARS HAVE PASSED SINCE THE COURT~~
9 ~~DECIDED ANY PETITION PREVIOUSLY FILED BY THE INDIVIDUAL UNDER THIS~~
10 ~~SECTION~~

11 1. IT IS THE INDIVIDUAL'S SECOND PETITION UNDER
12 THIS SECTION;

13 2. THE INDIVIDUAL HAS SERVED AT LEAST 20 YEARS OF
14 THE INDIVIDUAL'S TERM OF CONFINEMENT; AND

15 3. THE INDIVIDUAL HAS REACHED 60 YEARS OF AGE.

16 (2) ~~(I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS~~
17 ~~PARAGRAPH, IF THE COURT DENIES OR GRANTS IN PART A PETITION TO REDUCE A~~
18 ~~SENTENCE UNDER THIS SECTION, THE INDIVIDUAL WHO FILED THE PETITION MAY~~
19 ~~NOT FILE A SUBSEQUENT PETITION TO REDUCE THE SENTENCE FOR AT LEAST 3~~
20 ~~YEARS.~~

21 ~~(II)~~ AN INDIVIDUAL MAY NOT FILE MORE THAN ~~THREE~~ TWO
22 PETITIONS TO REDUCE THE SAME SENTENCE UNDER THIS SECTION.

23 (3) AN INDIVIDUAL SHALL FILE A PETITION TO REDUCE A SENTENCE
24 UNDER THIS SECTION IN THE CIRCUIT COURT FOR THE COUNTY IN WHICH THE
25 SENTENCE WAS IMPOSED.

26 (4) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, AN
27 INDIVIDUAL WHO DOES NOT MEET THE REQUIREMENTS OF PARAGRAPH (1) OF THIS
28 SUBSECTION IS ELIGIBLE FOR COURT RECONSIDERATION OF THE INDIVIDUAL'S
29 SENTENCE IF A STATE'S ATTORNEY FILES A MOTION TO REDUCE THE SENTENCE
30 DURING THE INDIVIDUAL'S INCARCERATION IN THE CIRCUIT COURT FOR THE
31 COUNTY IN WHICH THE SENTENCE WAS IMPOSED.

1 **(5) AN INDIVIDUAL MAY NOT PETITION THE COURT TO REDUCE A**
2 **SENTENCE UNDER THIS SECTION FOR A VIOLATION OF § 3-303 OF THE CRIMINAL**
3 **LAW ARTICLE.**

4 **(B) (1) EXCEPT AS PROVIDED IN PARAGRAPH (5) OF THIS SUBSECTION, A**
5 **COURT SHALL HOLD A HEARING ON A PETITION TO REDUCE A SENTENCE UNDER**
6 **THIS SECTION.**

7 **(2) THE HEARING REQUIRED UNDER PARAGRAPH (1) OF THIS**
8 **SUBSECTION SHALL BE HELD AFTER:**

9 **(I) THE COURT HAS DETERMINED THAT THE INDIVIDUAL IS**
10 **ELIGIBLE TO FILE A PETITION UNDER SUBSECTION (A)(1) OF THIS SECTION; OR**

11 **(II) THE STATE FILES A MOTION UNDER SUBSECTION (A)(4) OF**
12 **THIS SECTION.**

13 **(3) NOTICE OF THE HEARING UNDER THIS SECTION SHALL BE GIVEN**
14 **TO THE VICTIM OR THE VICTIM'S REPRESENTATIVE UNDER §§ 11-104 AND 11-503**
15 **OF THIS ARTICLE.**

16 **(4) (I) THE INDIVIDUAL MAY INTRODUCE EVIDENCE IN SUPPORT**
17 **OF THE PETITION AT THE HEARING.**

18 **(II) THE STATE MAY INTRODUCE EVIDENCE IN SUPPORT OF OR**
19 **IN OPPOSITION TO THE PETITION AT THE HEARING.**

20 **(5) (I) AN INDIVIDUAL WHO FILES A PETITION UNDER THIS**
21 **SECTION MAY WAIVE THE RIGHT TO BE PRESENT AT A HEARING HELD UNDER THIS**
22 **SECTION.**

23 **(II) AN INDIVIDUAL WHO FILES A PETITION UNDER THIS**
24 **SECTION MAY ELECT TO BE PRESENT AT THE HEARING BY VIDEO CONFERENCE.**

25 **(C) (1) IF A HEARING IS HELD UNDER THIS SECTION, THE COURT'S**
26 **DECISION REGARDING WHETHER TO REDUCE THE PETITIONER'S SENTENCE SHALL**
27 **BE:**

28 **(I) ON THE RECORD AND IN OPEN COURT AT THE HEARING; OR**

29 **(II) ISSUED IN WRITING WITHIN 90 DAYS OF THE CONCLUSION**
30 **OF THE HEARING.**

1 **(2) THE COURT'S DECISION IN PARAGRAPH (1) OF THIS SUBSECTION**
2 **SHALL ADDRESS EACH OF THE FOLLOWING:**

3 **(I) THE INDIVIDUAL'S AGE AT THE TIME OF THE OFFENSE;**

4 **(II) THE NATURE OF THE OFFENSE AND THE HISTORY AND**
5 **CHARACTERISTICS OF THE INDIVIDUAL;**

6 **(III) WHETHER THE INDIVIDUAL HAS SUBSTANTIALLY COMPLIED**
7 **WITH THE RULES OF THE INSTITUTION IN WHICH THE INDIVIDUAL HAS BEEN**
8 **CONFINED;**

9 **(IV) WHETHER THE INDIVIDUAL HAS PARTICIPATED IN AN**
10 **EDUCATIONAL, VOCATIONAL, OR OTHER PROGRAM;**

11 **(V) WHETHER THE INDIVIDUAL HAS DEMONSTRATED**
12 **MATURITY, REHABILITATION, AND FITNESS TO REENTER SOCIETY SUFFICIENT TO**
13 **JUSTIFY A SENTENCE REDUCTION;**

14 **(VI) ANY STATEMENT OFFERED BY A VICTIM OR A VICTIM'S**
15 **REPRESENTATIVE;**

16 **(VII) ANY REPORT OF A PHYSICAL, MENTAL, OR BEHAVIORAL**
17 **EXAMINATION OF THE INDIVIDUAL CONDUCTED BY A HEALTH PROFESSIONAL;**

18 **(VIII) THE INDIVIDUAL'S FAMILY AND COMMUNITY**
19 **CIRCUMSTANCES AT THE TIME OF THE OFFENSE, INCLUDING ANY HISTORY OF**
20 **TRAUMA, ABUSE, OR INVOLVEMENT IN THE CHILD WELFARE SYSTEM;**

21 **(IX) THE EXTENT OF THE INDIVIDUAL'S ROLE IN THE OFFENSE;**
22 **AND**

23 **(X) ANY OTHER FACTOR THE COURT CONSIDERS RELEVANT.**

24 **(3) (I) AFTER A HEARING UNDER THIS SECTION, THE COURT MAY**
25 **REDUCE A SENTENCE IMPOSED ON AN INDIVIDUAL IF THE COURT FINDS THAT THE**
26 **INDIVIDUAL IS NOT A DANGER TO THE PUBLIC AND THE INTERESTS OF JUSTICE WILL**
27 **BE BETTER SERVED BY A REDUCED SENTENCE.**

28 **(II) IF THE INDIVIDUAL HAS SERVED A TERM OF CONFINEMENT**
29 **OF 30 YEARS OR MORE, OR IF THE INDIVIDUAL IS AT LEAST 60 YEARS OLD, THERE**
30 **SHALL BE A REBUTTABLE PRESUMPTION THAT THE INDIVIDUAL IS NOT A DANGER**
31 **TO THE PUBLIC.**

1 **(D) THE FOLLOWING MAY NOT BE CONSTRUED AGAINST THE INDIVIDUAL**
2 **PETITIONING FOR REDUCTION OF A SENTENCE:**

3 **(1) THE LIMITED AVAILABILITY OR ACCESSIBILITY OF**
4 **REHABILITATIVE PROGRAMS; OR**

5 **(2) THE INDIVIDUAL’S CLAIMS OF INNOCENCE.**

6 **(E) A COURT MAY NOT INCREASE THE LENGTH OF SENTENCE UNDER THIS**
7 **SECTION.**

8 **(F) THE RIGHT TO SEEK A REDUCTION IN SENTENCE UNDER THIS SECTION**
9 **MAY NOT BE WAIVED.**

10 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
11 October 1, 2024.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.