

# SENATE BILL 389

E2

4lr1377

---

By: **Senators West, Hettleman, Kelly, and Carozza**

Introduced and read first time: January 18, 2024

Assigned to: Judicial Proceedings

---

## A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Procedure – Incarcerated Seniors – Motion to Reduce the Duration of**  
3 **a Sentence**

4 FOR the purpose of authorizing a certain individual to file a motion to reduce the duration  
5 of the individual’s sentence; requiring the court to conduct a hearing on a motion to  
6 reduce the duration of a sentence, subject to a certain exception; requiring a court to  
7 consider certain factors in determining whether to grant a motion to reduce the  
8 duration of a sentence; and generally relating to motions to reduce the duration of  
9 an individual’s sentence.

10 BY adding to

11 Article – Criminal Procedure

12 Section 8–111

13 Annotated Code of Maryland

14 (2018 Replacement Volume and 2023 Supplement)

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

17 **Article – Criminal Procedure**

18 **8–111.**

19 **(A) THIS SECTION APPLIES ONLY TO AN INDIVIDUAL WHO:**

20 **(1) IS AT LEAST 60 YEARS OLD; AND**

21 **(2) HAS BEEN IMPRISONED FOR AT LEAST 20 YEARS.**

---

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1           **(B) AN INDIVIDUAL DESCRIBED IN SUBSECTION (A) OF THIS SECTION MAY**  
2 **FILE A MOTION WITH THE COURT TO REDUCE THE DURATION OF ANY SENTENCE**  
3 **THAT THE INDIVIDUAL IS CURRENTLY SERVING, AND ANY CONSECUTIVE SENTENCE.**

4           **(C) (1) EXCEPT AS PROVIDED IN PARAGRAPH (5) OF THIS SUBSECTION, A**  
5 **COURT SHALL CONDUCT A HEARING ON A MOTION TO REDUCE THE DURATION OF A**  
6 **SENTENCE.**

7                   **(2) (I) THE INDIVIDUAL SHALL BE PRESENT AT THE HEARING,**  
8 **UNLESS THE INDIVIDUAL WAIVES THE RIGHT TO BE PRESENT.**

9                           **(II) THE REQUIREMENT THAT THE INDIVIDUAL BE PRESENT AT**  
10 **THE HEARING IS SATISFIED IF THE HEARING IS CONDUCTED BY VIDEO CONFERENCE.**

11                   **(3) (I) THE INDIVIDUAL MAY INTRODUCE EVIDENCE IN SUPPORT**  
12 **OF THE MOTION AT THE HEARING.**

13                           **(II) THE STATE MAY INTRODUCE EVIDENCE IN SUPPORT OF OR**  
14 **IN OPPOSITION TO THE MOTION AT THE HEARING.**

15                   **(4) NOTICE OF THE HEARING UNDER THIS SUBSECTION SHALL BE**  
16 **GIVEN TO THE VICTIM OR THE VICTIM'S REPRESENTATIVE AS PROVIDED IN §§**  
17 **11-104 AND 11-503 OF THIS ARTICLE.**

18                   **(5) IF THE COURT HAS PREVIOUSLY CONDUCTED A HEARING AND**  
19 **RULED ON A PRIOR MOTION UNDER THIS SECTION OR § 8-110 OF THIS ARTICLE**  
20 **WITHIN THE PRECEDING 5 YEARS, THE COURT MAY:**

21                           **(I) IF GOOD CAUSE IS SHOWN, CONDUCT A HEARING; OR**

22                           **(II) IF GOOD CAUSE IS NOT SHOWN, DENY THE MOTION WITHOUT**  
23 **CONDUCTING A HEARING.**

24           **(D) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, AFTER A HEARING**  
25 **UNDER SUBSECTION (C) OF THIS SECTION, THE COURT MAY REDUCE THE DURATION**  
26 **OF A SENTENCE OF AN INDIVIDUAL DESCRIBED IN SUBSECTION (A) OF THIS SECTION**  
27 **IF THE COURT DETERMINES THAT:**

28                   **(1) THE INDIVIDUAL IS NOT A DANGER TO THE PUBLIC; AND**

29                   **(2) THE INTERESTS OF JUSTICE WILL BE BETTER SERVED BY A**  
30 **REDUCED SENTENCE.**

1           **(E) A COURT SHALL CONSIDER THE FOLLOWING FACTORS WHEN**  
2 **DETERMINING WHETHER TO REDUCE THE DURATION OF A SENTENCE UNDER THIS**  
3 **SECTION:**

4           **(1) THE INDIVIDUAL'S AGE AT THE TIME THE MOTION IS FILED;**

5           **(2) THE NATURE OF THE OFFENSE AND THE HISTORY AND**  
6 **CHARACTERISTICS OF THE INDIVIDUAL;**

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

9           **(4) WHETHER THE INDIVIDUAL HAS COMPLETED AN EDUCATIONAL,**  
10 **VOCATIONAL, OR OTHER PROGRAM;**

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

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

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

18           **(8) THE INDIVIDUAL'S FAMILY AND COMMUNITY CIRCUMSTANCES AT**  
19 **THE TIME OF THE OFFENSE, INCLUDING ANY HISTORY OF TRAUMA;**

20           **(9) THE REDUCTION IN RECIDIVISM THAT GENERALLY OCCURS AS**  
21 **PEOPLE AGE; AND**

22           **(10) ANY OTHER FACTOR THE COURT DEEMS RELEVANT.**

23           **(F) (1) IF THE COURT HOLDS A HEARING ON A MOTION UNDER THIS**  
24 **SECTION, THE COURT SHALL ISSUE ITS DECISION TO GRANT OR DENY THE MOTION**  
25 **IN WRITING OR ON THE RECORD IN OPEN COURT.**

26           **(2) THE DECISION SHALL ADDRESS THE FACTORS LISTED IN**  
27 **SUBSECTION (E) OF THIS SECTION.**

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