

Department of Legislative Services
Maryland General Assembly
2026 Session

FISCAL AND POLICY NOTE
First Reader

Senate Bill 162

(Senator West)

Judicial Proceedings

Criminal Procedure - Motion to Reduce Duration of Sentence - Repeal of
Sentencing Date Limitation

This bill expands eligibility for sentencing relief available under provisions enacted pursuant to Chapter 61 of 2021, also known as the Juvenile Restoration Act (JRA). Under current law, an individual who wishes to file a motion for a sentence reduction under JRA must have been sentenced for the offense before October 1, 2021. The bill removes this sentencing date limitation.

Fiscal Summary

State Effect: Given the other requirements under JRA (*e.g.*, an individual must have served at least 20 years for the offense), any impact on State finances or operations resulting from the bill is unlikely to occur until the out-years and beyond the five-year scope of this fiscal and policy note.

Local Effect: Any impact on State's Attorneys' offices under the bill is unlikely to be experienced until well into the future.

Small Business Effect: None.

Analysis

Current Law: An individual convicted of a crime who wishes to have the sentence reduced has multiple alternatives. One option is under JRA, which authorizes an individual who was convicted as an adult for an offense committed when the individual was a minor to file a motion with the court to reduce the duration of the individual's sentence if the individual (1) *was sentenced for the offense before October 1, 2021* and (2) has been imprisoned for at least 20 years for the offense.

The court must conduct a hearing on the motion. The individual must be present at the hearing, unless the individual waives that right. This requirement may be satisfied if the hearing is conducted by video conference. At the hearing, the individual may introduce evidence in support of the motion, and the State may introduce evidence in support of or in opposition to the motion. The victim or the victim's representative (1) must be given notice of the hearing in accordance with §§ 11-104 and 11-503 of the Criminal Procedure Article; (2) may submit a victim impact statement, as specified; and (3) may not be cross-examined during presentation of the victim impact statement.

After a hearing, the court may reduce the duration of the sentence imposed if the court determines that the individual is not a danger to the public, and the interests of justice will be better served by a reduced sentence. The court must consider specified factors when determining whether to reduce the duration of a sentence, including (1) the individual's age at the time of the offense; (2) the nature of the offense and the history and characteristics of the individual; (3) whether the individual has completed an educational, vocational, or other program; (4) whether the individual has demonstrated maturity, rehabilitation, and fitness to reenter society sufficient to justify a sentence reduction; (5) any statement offered by a victim or a victim's representative; (6) the individual's family and community circumstances at the time of the offense, including any history of trauma, abuse, or involvement in the child welfare system; (7) the extent of the individual's role in the offense and, if the individual was a minor, whether and to what extent an adult was involved in the offense; and (8) the diminished culpability of a juvenile as compared to an adult, including an inability to fully appreciate risks and consequence.

The court must issue a written decision that addresses the specified factors. The court must order an individual to stay away from the victim and the victim's family if the individual is released, unless the victim requests otherwise. The court may impose any other conditions of release necessary to promote victim safety and peace of mind.

If the court denies or grants, in part, a motion to reduce the duration of the sentence, the individual may not file a second motion for at least three years. If the court denies or grants, in part, a second motion, the individual may not file a third motion for at least three years. With regard to any specific sentence, an individual may not file a fourth motion to reduce the duration of the sentence.

Chapter 96 of 2025 expanded application of JRA to allow an individual convicted of an offense committed when the individual was at least age 18 but younger than age 25 to file a motion to reduce a sentence under the Act's provisions and procedures if the individual meets other specified eligibility criteria.

Additional Information

Recent Prior Introductions: Similar legislation has not been introduced within the last three years.

Designated Cross File: None.

Information Source(s): Judiciary (Administrative Office of the Courts); Office of the Public Defender; Department of Public Safety and Correctional Services; Department of Legislative Services

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