



Maryland Chiefs of Police Association

Maryland Sheriffs' Association



MEMORANDUM

TO: The Honorable Luke Clippinger, Chairman and
Members of the Judiciary Committee

FROM: Chief David Morris, Co-Chair, MCPA, Joint Legislative Committee
Sheriff Darren Popkin, Co-Chair, MSA, Joint Legislative Committee
Andrea Mansfield, Representative, MCPA-MSA Joint Legislative Committee

DATE: February 4, 2020

RE: **HB 323 – Criminal Procedure – Petition to Modify or Reduce Sentence
(Maryland Second Look Act)**

POSITION: OPPOSE

The Maryland Chiefs of Police Association (MCPA) and the Maryland Sheriffs' Association (MSA) OPPOSE HB 323. This bill would allow a person serving a term of confinement to petition the court to modify or reduce the sentence under certain circumstances.

Under current sentencing guidelines, a person serving a term of confinement eligible for parole will be considered at the appropriate time. The considerations go before the Maryland Parole Commission, which is charged with determining on a case-by-case basis whether inmates serving sentences of six months or more in state or local facilities are suitable for release into the community under certain conditions or supervision by the Division of Parole and Probation.

HB 323 upends this process and allows a person to petition the court to have their sentence modified or reduce. This is very concerning because it bypasses the Parole Commission, a panel of individuals specifically trained to make these types of decisions. Of greater concern is that these cases may be heard by judges that did not preside over the original case and may not have even been in office at the time of the initial trial.

Current procedures provide an avenue for individuals to receive a reduced sentence or be approved for parole. This process has proper checks and balances and has proved to be effective. Should modifications need to be made, they should be within the confines of the existing system instead of a new process being established.

For these reasons, MCPA and MSA OPPOSE HB 323 and urge an UNFAVORABLE Committee report.