

MARYLAND JUDICIAL CONFERENCE
GOVERNMENT RELATIONS AND PUBLIC AFFAIRS

Hon. Mary Ellen Barbera
Chief Judge

187 Harry S. Truman Parkway
Annapolis, MD 21401

MEMORANDUM

TO: House Judiciary Committee
FROM: Legislative Committee
Suzanne Pelz (410-260-1523)
RE: House Bill 577
Justice Reinvestment Act – Modifications
DATE: February 5, 2020
(2/11)
POSITION: Support

The Maryland Judiciary supports House Bill 577. This bill makes several modifications to the Justice Reinvestment Act.

The Judiciary supported and continues to support the goals of the Justice Reinvestment Act. This bill, however, would make some needed minor procedural changes to this important Act. For instance, this bill amends the Criminal Law Article to clarify that the court is required to hold a hearing on motions to modify a mandatory sentence under this section as other types of modifications can be denied without a hearing. The Judiciary believes the intent of the Justice Reinvestment Act was to provide for such hearings.

This bill also modifies §6-223 of the Criminal Procedure Article by making clear that a court may impose up to the unserved portion of the sentence previously imposed, rather than the maximum that could have been imposed. In addition, this bill provides that the presumption of the sentence limitation on technical violations may be rebutted if a defendant or probationer is a danger to him or herself allowing consideration of whether a defendant may, for example, overdose.

In addition, the Judiciary has concerns with §10-110 of the Criminal Procedure Article and where a person should file a petition for expungement. If this provision is not amended, a person would file a petition to expunge a conviction in a case which was decided by the juvenile court in the adult court that did not decide the case. The adult court would have no conviction and the case may have already been expunged under existing law.

Finally, the bill as amended would provide that the state's attorney rather than the court would notify the victim at his or her last known address of any expungements filed under §10-110 of the Criminal Procedure Article. The Judiciary strongly supports this change as the court does not have the victim information needed to provide the proper notice required under this statute.

cc. Hon. Kathleen Dumais
Judicial Council
Legislative Committee
Kelley O'Connor