

MARYLAND JUDICIAL CONFERENCE
GOVERNMENT RELATIONS AND PUBLIC AFFAIRS

Hon. Joseph M. Getty
Chief Judge

187 Harry S. Truman Parkway
Annapolis, MD 21401

MEMORANDUM

TO: House Judiciary Committee
FROM: Legislative Committee
Suzanne D. Pelz, Esq.
410-260-1523
RE: House Bill 958
Criminal Procedure – Postconviction Review – Motion for
Reduction of Sentence
DATE: February 16, 2022
(2/22)
POSITION: Oppose, as drafted

The Maryland Judiciary opposes House 958, as drafted. The offered legislation adds to the § 8-111 of the Criminal Procedure Article and allows the State’s Attorney to file a motion for reduction of sentence at any time during the period of active incarceration recommending a lesser sentence if it is in the interest of justice.

The Judiciary opposes this bill because, at Criminal Procedure § 8-111(d), it requires courts to hold hearings on motions for reduction of sentences. The Judiciary generally opposes mandatory provisions that limit courts’ ability to control their dockets and limits judicial discretion. The decision to hold a hearing should be discretionary.

cc. Hon. Nicole Williams
Judicial Council
Legislative Committee
Kelley O’Connor