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To: The Honorable Luke Clippinger
Chair, Judiciary Committee

From: Carrie J. Williams
Office of the Attorney General

Re: HB 958—Criminal Procedure—Postconviction Review—Motion for Reduction of Sentence

The Office of the Attorney General urges the Judiciary Committee to issue a favorable report for HB 958.

HB 958 allows a State's Attorney's Office to file a motion seeking a reduction of a defendant's sentence if the reduction is in the interest of justice. The court must hold a hearing on the motion and must consider a number of factors when deciding the motion, including the defendant's maturity and rehabilitation, age, time served, and changed circumstances.

This bill creates a useful procedure—the ability of the State's Attorney to request a sentence modification—that does not currently exist in Maryland law. It will allow courts to reconsider certain sentences beyond the five year limitation in Maryland Rule 4-345(e)¹, and reduce a sentence where the court determines that it is in the interest of justice to do so.

For these reasons, the Attorney General urges the Judiciary Committee to issue a favorable report for HB 958.

cc: Committee Members

¹ Maryland Rule 4-345(e) states, in part, that a court “may not revise the sentence after the expiration of five years from the date the sentence originally was imposed[.]”