

**MARYLAND JUDICIAL CONFERENCE**  
**GOVERNMENT RELATIONS AND PUBLIC AFFAIRS**

Hon. Matthew J. Fader  
Chief Justice

187 Harry S. Truman Parkway  
Annapolis, MD 21401

**MEMORANDUM**

**TO:** Senate Judicial Proceedings Committee  
**FROM:** Legislative Committee  
Suzanne D. Pelz, Esq.  
410-260-1523  
**RE:** House Bill 135  
Criminal Law – Controlled Dangerous Substances and Firearms  
**DATE:** March 22, 2023  
(3/30)  
**POSITION:** Oppose as amended

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The Judiciary opposes House Bill 135, as amended.

The Judiciary opposes the bill, as amended, because it includes mandatory provisions in Criminal Law 5-612.1(C)(5) and 5-613.1(C)(4) that the court hold a hearing. Under the court’s revisory power in Md. Rule 4-345 to reconsider a sentence, the court is required to hold a hearing only if the sentence is modified, reduced, corrected, or vacated. A hearing is not required for any motions to reconsider that the court denies. It is unclear why this classification of individuals should be entitled to a hearing not mandated for all others. The hearing should be discretionary – “may” rather than “shall” – as is the ordinary and customary practice.

The Judiciary also opposes the mandatory notification requirements in Criminal Law 5-612.1(C)(3) & 5-613.1(C)(3), that the court send notice to the State’s Attorney’s Office. The Court should not be required to notify the State’s Attorney’s Office. The party filing a Motion must certify notification to the opposing party. Moreover, the Clerk’s Office then sends notification, pursuant to the Maryland Rules. The requested notification in this legislation should be made in conformity with the Maryland Rules (Rule 1-324 and Rule 1-321) as is the usual requirement. Notification by the Court is both unnecessary, given the requirements of the Maryland Rules, and unwarranted.

cc. Hon. David Moon  
Judicial Council  
Legislative Committee  
Kelley O’Connor