

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: Senate Bill 295
Criminal Procedure – Postconviction Review – Motion for
Reduction of Sentence
DATE: February 1, 2023
(2/14)
POSITION: Oppose, as drafted

The Maryland Judiciary opposes Senate Bill 295, 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 the court to hold a mandatory hearing on motions for reduction of sentences. The Judiciary generally opposes mandatory provisions that limit the courts’ ability to control their dockets and limits judicial discretion. The decision to hold a hearing should be discretionary.

In addition, the Judiciary opposes subsection (h) of the bill that would require the court to issue a “written opinion” explaining its decision even in situations where the court has denied the motion. Courts should not need to write a detailed opinion in the case of a denial.

cc. Hon. Charles Sydnor, III
Judicial Council
Legislative Committee
Kelley O’Connor