

Maryland Criminal Defense Attorneys' Association



MD Senate -Judicial Proceedings Committee

February 14, 2023 1:00pm

Hearing on SB 295

Post-conviction – Motion for Reduction of Sentence

MCDAA POSITION: SUPPORT

Brief bill explanation: This bill authorizes a State's Attorney to file a motion to reduce the sentence of a person serving a sentence of incarceration at any time during the period of active incarceration if it is in the interest of justice. The court must hold a timely hearing on the motion, and the victim or the victim's representative must be notified of the hearing in accordance with specified statutes. The incarcerated individual must be present at the hearing unless the individual waives the right to be present. The court may consider the following factors when determining whether to reduce a sentence: (1) the inmate's disciplinary record and record of rehabilitation and maturity while incarcerated; (2) evidence that reflects whether age, time served, or diminished physical condition has reduced the inmate's risk for future violence; and (3) evidence reflecting a change in circumstances since the original conviction and sentencing such that the inmate's continued incarceration is no longer in the interest of justice.

MCDAA Position: We support, generally, legislation that removes barriers for incarcerated individuals existing in the current law and allows a Court to hear the testimony of defendants who are incarcerated. This legislation, while far from a total fix, does take a positive step forward. This legislation gives defendant's an opportunity to be heard and have their sentence reviewed. If denied, a subsequent motion can be filed by the prosecutor after an additional three years.

For additional information or questions regarding this legislation, please contact MCDAA Government Relations Contact John Giannetti 410.300.6393, JohnGiannetti.mcdaa@gmail.com