

MARYLAND JUDICIAL CONFERENCE
GOVERNMENT RELATIONS AND PUBLIC AFFAIRS

Hon. Matthew J. Fader
Chief Justice

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 959
Criminal Procedure – Plea Agreements – Crime of Violence
DATE: February 22, 2023
(2/28)
POSITION: Oppose

The Maryland Judiciary opposes House Bill 959. This bill adds § 6-235 to the Criminal Procedure Article, providing that a person who has been convicted of a crime of violence, as defined in § 14-101 of the Criminal Law Article, may not enter into a plea agreement. The bill does not apply to any crime committed before October 1, 2023.

The bill raises constitutional issues for both the defendant and the state. It is unclear why the bill would preclude the defendant from entering a plea agreement as a matter of law even if the state wants to do so. In addition, the bill is problematic for judicial economy as there will be an increase in jury trials and appeals as a result of the restrictions on plea agreements. Finally, this bill limits judicial discretion in certain cases.

cc. Hon. Ric Metzgar
Judicial Council
Legislative Committee
Kelley O'Connor