

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 Pelz, Esq.
(410)260-1523
RE: Senate Bill 389
Criminal Procedure – Incarcerated Seniors – Motion to Reduce the
Duration of a Sentence
DATE: January 24, 2024
(2/2)
POSITION: Oppose

The Maryland Judiciary opposes Senate Bill 389.

The Judiciary generally opposes mandatory provisions that limit judicial discretion and interfere with the courts' ability to control its dockets. By requiring mandatory hearings, the bill poses such concerns. The decision to set a hearing should remain with the judicial branch. In addition, the language of proposed Criminal Procedure § 8-111(e), requiring the court to consider, among other factors, "the individual has substantially complied with the rules of the institution" and "the reduction in recidivism that generally occurs as people age" in deciding a motion to reduce a sentence—is also very broad and/or vague. The Court does not have the ability to gather evidence to make such decisions and must rely on the parties to present such information. It is unclear how the court would consider such factors if the parties themselves do not present such evidence. Lastly, the bill would require the court to consider "whether the individual has completed an educational, vocational, or other program," which would be difficult given that DPSCS currently limits individuals serving life sentences from participating in such programs.

cc. Hon. Chris West
Judicial Council
Legislative Committee
Kelley O'Connor