

# Kimberly Haven

January 30, 2024

Chair Will Smith  
Vice Chair Jeff Waldstreicher  
Senate Judicial Proceedings Committee

SB 318 – Criminal Procedure – Postconviction Review  
Motion for Reduction of Sentence  
**POSITION: FAVORABLE**

Members of the Senate Judicial Proceedings Committee,

My name is Kimberly Haven and I offer this testimony in support of SB 318, legislation that will address the process for the reduction of sentences for individuals serving periods of incarceration.

This legislation introduces flexibility into the sentencing process, acknowledging that circumstances and an individual's progress can change over time. This flexibility ensures that justice is not rigidly bound by initial sentencing decisions, offering a more dynamic and adaptable system. Additionally, it is a pivotal mechanism that reflects a commitment to ensuring that justice is not only served but also continuously reevaluated considering evolving circumstances.

The legislation allows the State's Attorney to file a motion for the reduction of sentence at any time during the period of active incarceration. This provision is important as I believe that it demonstrates a commitment to continuous review and the pursuit of justice.

Incarcerated individuals are given the opportunity to file a response within 60 days after the filing of the motion, providing additional information for the court's consideration. This ensures that the affected individuals have a voice in the process and can present relevant information that may impact the decision.

The court is required to explain the basis for its decision to grant or deny the motion in open court or in a written opinion. This level of transparency is crucial for fostering public trust in the justice system – a provision that is generally not provided for.

The bill also mandates a timely hearing on the motion, ensuring that the process is efficient and respects the rights of all parties involved and finally, the court is granted the authority to consider a comprehensive set of factors when determining whether to reduce a sentence. This comprehensive approach recognizes the complexity of each case.

In conclusion, Senate Bill 318 represents a balanced and thoughtful approach to addressing the unique circumstances of individuals serving sentences of incarceration. By providing a mechanism for sentence reduction based on a comprehensive assessment of various factors, this legislation promotes the principles of justice, fairness, and rehabilitation.

**I strongly request a favorable report on SB 318**, as it represents a significant stride towards a more just and equitable criminal justice system.

Kimberly Haven