

HON. STACY A. MAYER  
CIRCUIT COURT  
JUDGE  
BALTIMORE COUNTY  
CHAIR

HON. RICHARD SANDY  
CIRCUIT COURT  
JUDGE  
FREDERICK COUNTY  
VICE-CHAIR



KELLEY O'CONNOR  
ASSISTANT STATE COURT  
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## MARYLAND JUDICIAL COUNCIL LEGISLATIVE COMMITTEE

**TO:** Senate Judicial Proceedings Committee  
**FROM:** Legislative Committee  
Suzanne D. Pelz, Esq.  
410-260-1523  
**RE:** Senate Bill 291  
Criminal Procedure – Petition to Reduce Sentence  
**DATE:** January 15, 2025  
(1/30)  
**POSITION:** Oppose, only as to the specific provisions noted below

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The Maryland Judiciary opposes Senate Bill 291, only as to the specific provisions noted below. The Judiciary respects the legislative prerogative to authorize an additional opportunity to petition for a reduction in sentence and takes no position on that policy aim.

The Judiciary's opposition is as to certain provisions, found on page 2, lines 21 through 23, and on page 3, lines 14 through 15, which mandate certain judiciary actions. These actions fall within our core functions and should not be mandated, but rather, more appropriately left to the discretion of the Judiciary.

On page 2, line 22, the bill dictates that the court shall hold a hearing. The Judiciary would request that the word "shall" be amended to "may." A decision as to whether to hold a hearing, and the overall management of court dockets, should remain within the authority of the Judiciary. There are certain instances in which the court may have no intention of modifying a sentence, having concluded that the initial sentence was fair, just and appropriate. Mandating a hearing in such an instance would serve only to deplete docket space, waste state resources transporting the individual to the hearing, and potentially retraumatize a victim or a victim's family by having to face the individual again in court.

Further, on page 3, line 14, the bill requires the court to issue in writing a decision within 90 days after the conclusion of the hearing. This 90 day provision improperly intrudes on the Judiciary's constitutional authority to manage its dockets and should not be specifically mandated.

cc. Hon. Charles Sydnor  
Judicial Council  
Legislative Committee  
Kelley O'Connor