

Testimony Against HB0853

Honorable Delegates

Please enter an unfavorable report against HB0853.

I am against:

- authorizing an individual to file a petition with the court to reduce the sentence if the individual has served at least 20 years of the term of confinement and at least 5 years have passed since the court decided any previous petition filed by the individual under the Act;
- authorizing a court, after a hearing, to reduce a sentence if the court finds that the individual is not a danger to the public; and
- providing a rebuttable presumption that a petitioner is not a danger to the public under certain circumstances.

This Bill adds yet another post-conviction review to an already long list of post-conviction remedies that will force victims to court and prevents any finality to a criminal case. Right after a jury or Judge finds a Defendant guilty, Maryland law currently permits numerous ways for a Defendant to challenge their conviction and sentence.

Here are the current rights:

1. Motion for new trial
2. Motion to modify or reduce sentence (motion can be held for five years)
3. If the modification is based upon illegal sentence, fraud, mistake or irregularity, there is no time limit
4. Three Judge panel to reduce or modify
5. Appeal to the Court of Special Appeals
6. Ask for appeal to the Supreme Court
7. Post-Conviction (sometimes they get more than one)
8. Writ of Corum Nobis
9. Writ of Habeas Corpus
10. Writ of Actual Innocence
11. Motion to vacate judgement (passed last year)
12. Post-Conviction DNA testing
13. The parole system which can review a sentence more than once

Based on the above list, this Bill would add yet another post-conviction remedy. When does it end for victims of crime? When can one look at the victims of a crime and tell them that it is finally over? It never ends and this bill would add one more event over which the victim has no control and perpetuates never achieving closure for their loss.

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There already is a perception by the public that the Legislature favors the criminal more than the law-abiding citizens of Maryland who have been victimized by these criminals. This bill would be additional evidence that supports this perception.

Many of these criminals have had numerous chances to turn their lives around, especially when they were juveniles committing crimes. Now that they have finally been punished and received jail time, this bill wants to give them another “second chance”.

Perhaps if more had received jail time earlier in their criminal careers, they would not have the perception that there are no real consequences for their actions and continue their criminal activities.

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