

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

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



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MARYLAND JUDICIAL COUNCIL LEGISLATIVE COMMITTEE

TO: House Judiciary Committee
FROM: Legislative Committee
Suzanne D. Pelz, Esq.
410-260-1523
RE: House Bill 853
Criminal Procedure – Petition to Reduce Sentence
DATE: January 30, 2025
(2/18)
POSITION: Oppose, only as to the specific provisions noted below

The Maryland Judiciary opposes House Bill 853, 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 26 through 28, and on page 3, lines 26 through 27, 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 26, 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 26, 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. Cheryl Pasteur
Judicial Council
Legislative Committee
Kelley O'Connor