

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

### MEMORANDUM

**TO:** House Judiciary Committee  
**FROM:** Legislative Committee  
Suzanne D. Pelz, Esq.  
410-260-1523  
**RE:** House Bill 1190  
Criminal Law – Youth Accountability and Safety Act  
**DATE:** February 12, 2025  
(2/26)  
**POSITION:** Oppose

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The Maryland Judiciary opposes House Bill 1190.

This Judiciary takes no position on the provision of the bill that preclude minors from being convicted of first degree murder unless the minor is a principal in the first degree. That provision is within the legislature's constitutional prerogative to make public policy determinations.

The Judiciary is opposed to the provisions, beginning on page 3, line 23, which require a court to conduct an evidentiary hearing reviewing convictions previously rendered by a judge or jury. The review appears to invade the province of the previous factfinder, including juries, and this potential nullification of a jury's verdict presents constitutional concerns. Additionally, given that it is an evidentiary hearing, the review is effectively a re-trial in order to determine whether or not to grant a new trial. This places courts in the unusual position of making factual findings at a post-conviction, but pre-new trial stage.

The bill also provides that if the court does not find that there is a substantial or significant possibility that the moving party could be found guilty, the court may vacate

the conviction. This standard of review differs from those traditionally applicable and presents concern about the clarity of its application.

cc. Hon. Charlotte Crutchfield  
Judicial Council