



Maryland Crime Victims' Resource Center, Inc.

Continuing the Missions of the Stephanie Roper Committee and Foundation, Inc.

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LETTER IN OPPOSITION TO HOUSE BILL 0759

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The Maryland Crime Victims' Resource Center (MCVRC) urges an unfavorable vote on HB0759.

The 2021 Juvenile Restoration Act (JRA) permits youth convicted in adult court before October 2021 to petition for sentence reductions three times after serving 20 years. The only offenders not yet released after twenty years due to either parole or expiration of their sentences, one third of which is reduced by prison diminution credits, are those with 30 year or longer sentences. Those offenders were convicted and sentenced for violent murders. Therefore, this bill, which will make resentencing after twenty years available to prisoners not sentenced before October 2021, benefits only a narrow class of convicted violent murderers and does not address or remedy concerns about mass incarceration for a multitude of offenses during past decades. When the JRA passed, allowing remedial sentencing-modification hearings after twenty years of incarceration was not found appropriate by the General Assembly for post-2021 cases. The General Assembly recognized that after 2021 there were multiple reforms in case law, sentencing guidelines, and parole regulations addressing concerns about young offenders.

Adolescent neurodevelopment is a concept now fully embedded in Maryland sentencing. To pass HB0759 is to ignore that and make a choice to further disempower and ignore the pain of victims. By statute, victims are entitled to "a speedy disposition of the case" to minimize their trauma, Maryland Code, Criminal Procedure Article §11-1002(b)(13). Criminal Rule 4-345(e) only allows sentence modifications for 5 years, *State v. Thomas*, 488 Md. 456, 487 (2024). The Maryland Supreme Court observed in *Thomas, supra*, 488 Md. at 517,

"At some point, resolution—in and of itself—means more than whether that resolution is favorable. There is something to be said for finality and not constantly being kept in the dark. That finality respects not only a criminal defendant, but also the public, and equally important, a crime victim."

The Maryland Supreme Court reiterated these concerns in *Syed v. Lee*, 488 Md. 537, 605-608 (2024), stating: "Only with real finality can the victims of crime move forward knowing the moral judgment will be carried out." *Id.* at 556, 118 S.Ct. 1489. "To unsettle these expectations is to inflict a profound injury to the powerful and legitimate interest in punishing the guilty, an interest shared by the State and the victims of crime alike." *Id.* (internal quotation marks and citation omitted)." The 5-year time limitation affirmed in *Thomas, supra*, was reached by an agreement of all branches of the Maryland government in 2004, for alteration of a valid sentence and is constitutionally protected by Article 47 of the Maryland Declaration of Rights. Therefore, as the Maryland Supreme Court stated in *Syed, supra*,

victims' statutory protections such as these cannot lawfully be overridden by the General Assembly without a new constitutional amendment.

HB0759 disrespects victims and violates these judicial rulings and safeguards. Finality in sentencing provides essential closure, allowing surviving victim families of murderers to heal from unimaginable trauma. The cases to which this bill applies are virtually all violent heinous murders, because nearly all other convicted felons are paroled prior to spending twenty years in prison. Judicially reducing sentencing judgments like these murder sentences, decades later is unprecedented in law and forces victims to rip open their wounds, and to have to recount and relive their pain repeatedly for successor judges, at a time when the experts at the Maryland Parole Commission and the Governor's Pardon authority have not seen fit to release these individuals.

Unlike this bill, parole is considered by experts experienced in prison rehabilitation. In addition, parole from life sentences in murder cases, unlike court-imposed probation terms, does not terminate after five years a convicted offender's obligations to stay away from the crime victims, finish paying restitution, or to not commit new crimes on pain of parole revocation. But termination of these protections for crime victims and for society, unconstitutional absent a new constitutional amendment, are a result of the resentencing provided by this bill.

This bill, prioritizes offenders, who have chosen to execute other Maryland residents, over never-ending trauma to and protection for Maryland's victim families. It disrespects the neutral and experienced experts at the Maryland Parole Commission in favor of judges who are familiar with imposing sentences, but not with assessing in hindsight after twenty years the nuances of an offender's prison behavior where his conduct has been constrained. Resentencing presents successor judges who have had no first-hand knowledge of the offender or the case with offender-selected experts who typically favor release of every prisoner after two decades. In the history of the common law tradition governing criminal punishment, no valid adverse legal judgments of any kind can be reduced twenty years later, and certainly not as allowed by this law, at a time selected by a convicted offender and repeatedly, allowing that offender to judge-shop among the successor judges. Allowing judge shopping by offenders, which results here in eliminating crime victim protections and obligations, is strictly prohibited in other contexts by court rules and is contrary to due process of law and sound public policy.

As the nation's largest nonprofit providing legal representation to crime victims, MCVRC speaks for Maryland survivors, and especially for the survivors of homicide. We urge an unfavorable vote on HB0759, which is unconstitutional and which ignores victims' suffering and the robust protections already in place.

Sincerely,

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