

HOUSE BILL 317

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4lr0902
CF SB 318

By: **Delegate Williams**

Introduced and read first time: January 15, 2024

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Procedure – Postconviction Review – Motion for Reduction of**
3 **Sentence**

4 FOR the purpose of authorizing a State’s Attorney to file a certain motion for a reduction
5 of sentence at a certain time; establishing procedures for a proceeding under this
6 Act; and generally relating to postconviction review.

7 BY adding to

8 Article – Criminal Procedure

9 Section 8–111

10 Annotated Code of Maryland

11 (2018 Replacement Volume and 2023 Supplement)

12 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
13 That the Laws of Maryland read as follows:

14 **Article – Criminal Procedure**

15 **8–111.**

16 **(A) THIS SECTION APPLIES TO ANY INDIVIDUAL SERVING A SENTENCE OF**
17 **INCARCERATION.**

18 **(B) THE STATE’S ATTORNEY MAY FILE A MOTION FOR REDUCTION OF**
19 **SENTENCE AT ANY TIME DURING THE PERIOD OF ACTIVE INCARCERATION**
20 **RECOMMENDING A LESSER SENTENCE IF IT IS IN THE INTEREST OF JUSTICE.**

21 **(C) THE INDIVIDUAL MAY FILE A RESPONSE WITHIN 60 DAYS AFTER THE**
22 **FILING OF THE MOTION PROVIDING ANY ADDITIONAL INFORMATION FOR THE**
23 **COURT’S CONSIDERATION.**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (D) THE COURT SHALL HOLD A TIMELY HEARING ON THE MOTION.

2 (E) (1) THE INDIVIDUAL SHALL BE PRESENT AT THE HEARING, UNLESS
3 THE INDIVIDUAL WAIVES THE RIGHT TO BE PRESENT.

4 (2) THE REQUIREMENT THAT THE INDIVIDUAL BE PRESENT AT THE
5 HEARING IS SATISFIED IF THE HEARING IS CONDUCTED BY VIDEO CONFERENCE.

6 (F) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, AFTER A HEARING
7 UNDER SUBSECTION (D) OF THIS SECTION, THE COURT MAY REDUCE THE DURATION
8 OF THE SENTENCE IF THE COURT DETERMINES THAT THE INTEREST OF JUSTICE
9 WILL BE BETTER SERVED BY A REDUCED SENTENCE.

10 (G) THE COURT MAY CONSIDER THE FOLLOWING FACTORS WHEN
11 DETERMINING WHETHER TO REDUCE A SENTENCE UNDER THIS SECTION:

12 (1) THE NATURE OF THE OFFENSE AND THE INDIVIDUAL'S ROLE IN IT;

13 (2) EVIDENCE THAT REFLECTS WHETHER AGE, TIME SERVED, OR
14 DIMINISHED PHYSICAL CONDITION HAS REDUCED THE INDIVIDUAL'S RISK FOR
15 FUTURE OFFENSE;

16 (3) THE INDIVIDUAL'S DISCIPLINARY RECORD;

17 (4) THE INDIVIDUAL'S RECORD OF REHABILITATION, EDUCATION,
18 AND VOCATIONAL ACTIVITIES AND EVIDENCE OF MATURITY WHILE INCARCERATED;

19 (5) ANY REPORT OF PHYSICAL, MENTAL, OR BEHAVIORAL
20 EXAMINATION ON THE INDIVIDUAL CONDUCTED BY A HEALTH PROFESSIONAL;

21 (6) THE INDIVIDUAL'S FAMILY AND COMMUNITY CIRCUMSTANCES AT
22 THE TIME OF THE OFFENSE AND DURING THE INDIVIDUAL'S INCARCERATION;

23 (7) A STATEMENT OFFERED BY A VICTIM OR A VICTIM'S
24 REPRESENTATIVE; AND

25 (8) ANY OTHER FACTOR THAT THE COURT CONSIDERS RELEVANT.

26 (H) THE COURT SHALL EXPLAIN THE BASIS FOR ITS DECISION TO GRANT OR
27 DENY THE MOTION IN OPEN COURT OR IN A WRITTEN OPINION.

1 **(I) NOTICE OF THE HEARING UNDER SUBSECTION (D) OF THIS SECTION**
2 **SHALL BE GIVEN TO THE VICTIM OR THE VICTIM'S REPRESENTATIVE AS PROVIDED**
3 **IN §§ 11-104 AND 11-503 OF THIS ARTICLE.**

4 **(J) IF THE COURT DENIES THE MOTION, THE STATE'S ATTORNEY MAY NOT**
5 **FILE A SUBSEQUENT MOTION UNDER THIS SECTION FOR AT LEAST 3 YEARS.**

6 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
7 October 1, 2024.