

SENATE BILL 123

E2

4lr1452

(PRE-FILED)

By: **Senator Carter**

Requested: November 1, 2023

Introduced and read first time: January 10, 2024

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Procedure – Petition to Reduce Sentence**

3 FOR the purpose of authorizing an individual who is serving a term of confinement to
4 petition a court to reduce the sentence under certain circumstances; establishing
5 procedures for a proceeding under this Act; and generally relating to a petition to
6 reduce a sentence.

7 BY adding to

8 Article – Criminal Procedure

9 Section 8–501 to be under the new subtitle “Subtitle 5. Petition to Reduce Sentence”

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 **SUBTITLE 5. PETITION TO REDUCE SENTENCE.**

16 **8–501.**

17 **(A) (1) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, AN**
18 **INDIVIDUAL WHO IS SERVING A TERM OF CONFINEMENT MAY PETITION THE COURT**
19 **TO REDUCE THE SENTENCE IF:**

20 **(I) THE INDIVIDUAL HAS SERVED AT LEAST 20 YEARS OF THE**
21 **INDIVIDUAL’S TERM OF CONFINEMENT; AND**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **(II) AT LEAST 3 YEARS HAVE PASSED SINCE THE COURT**
2 **DECIDED ANY PETITION PREVIOUSLY FILED BY THE INDIVIDUAL UNDER THIS**
3 **SECTION.**

4 **(2) (I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS**
5 **PARAGRAPH, IF THE COURT DENIES OR GRANTS IN PART A PETITION TO REDUCE A**
6 **SENTENCE UNDER THIS SECTION, THE INDIVIDUAL WHO FILED THE PETITION MAY**
7 **NOT FILE A SUBSEQUENT PETITION TO REDUCE THE SENTENCE FOR AT LEAST 3**
8 **YEARS.**

9 **(II) AN INDIVIDUAL MAY NOT FILE MORE THAN THREE**
10 **PETITIONS TO REDUCE THE SAME SENTENCE UNDER THIS SECTION.**

11 **(3) AN INDIVIDUAL SHALL FILE A PETITION TO REDUCE A SENTENCE**
12 **UNDER THIS SECTION IN THE CIRCUIT COURT FOR THE COUNTY IN WHICH THE**
13 **SENTENCE WAS IMPOSED.**

14 **(4) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, AN**
15 **INDIVIDUAL WHO DOES NOT MEET THE REQUIREMENTS OF PARAGRAPH (1) OF THIS**
16 **SUBSECTION IS ELIGIBLE FOR COURT RECONSIDERATION OF THE INDIVIDUAL'S**
17 **SENTENCE IF A STATE'S ATTORNEY FILES A MOTION TO REDUCE THE SENTENCE**
18 **DURING THE INDIVIDUAL'S INCARCERATION IN THE CIRCUIT COURT FOR THE**
19 **COUNTY IN WHICH THE SENTENCE WAS IMPOSED.**

20 **(B) (1) EXCEPT AS PROVIDED IN PARAGRAPH (5) OF THIS SUBSECTION, A**
21 **COURT SHALL HOLD A HEARING ON A PETITION TO REDUCE A SENTENCE UNDER**
22 **THIS SECTION.**

23 **(2) THE HEARING REQUIRED UNDER PARAGRAPH (1) OF THIS**
24 **SUBSECTION SHALL BE HELD AFTER:**

25 **(I) THE COURT HAS DETERMINED THAT THE INDIVIDUAL IS**
26 **ELIGIBLE TO FILE A PETITION UNDER SUBSECTION (A)(1) OF THIS SECTION; OR**

27 **(II) THE STATE FILES A MOTION UNDER SUBSECTION (A)(4) OF**
28 **THIS SECTION.**

29 **(3) NOTICE OF THE HEARING UNDER THIS SECTION SHALL BE GIVEN**
30 **TO THE VICTIM OR THE VICTIM'S REPRESENTATIVE UNDER §§ 11-104 AND 11-503**
31 **OF THIS ARTICLE.**

32 **(4) (I) THE INDIVIDUAL MAY INTRODUCE EVIDENCE IN SUPPORT**
33 **OF THE PETITION AT THE HEARING.**

1 **(II) THE STATE MAY INTRODUCE EVIDENCE IN SUPPORT OF OR**
2 **IN OPPOSITION TO THE PETITION AT THE HEARING.**

3 **(5) (I) AN INDIVIDUAL WHO FILES A PETITION UNDER THIS**
4 **SECTION MAY WAIVE THE RIGHT TO BE PRESENT AT A HEARING HELD UNDER THIS**
5 **SECTION.**

6 **(II) AN INDIVIDUAL WHO FILES A PETITION UNDER THIS**
7 **SECTION MAY ELECT TO BE PRESENT AT THE HEARING BY VIDEO CONFERENCE.**

8 **(C) (1) IF A HEARING IS HELD UNDER THIS SECTION, THE COURT'S**
9 **DECISION REGARDING WHETHER TO REDUCE THE PETITIONER'S SENTENCE SHALL**
10 **BE:**

11 **(I) ON THE RECORD AND IN OPEN COURT AT THE HEARING; OR**

12 **(II) ISSUED IN WRITING WITHIN 90 DAYS OF THE CONCLUSION**
13 **OF THE HEARING.**

14 **(2) THE COURT'S DECISION IN PARAGRAPH (1) OF THIS SUBSECTION**
15 **SHALL ADDRESS EACH OF THE FOLLOWING:**

16 **(I) THE INDIVIDUAL'S AGE AT THE TIME OF THE OFFENSE;**

17 **(II) THE NATURE OF THE OFFENSE AND THE HISTORY AND**
18 **CHARACTERISTICS OF THE INDIVIDUAL;**

19 **(III) WHETHER THE INDIVIDUAL HAS SUBSTANTIALLY COMPLIED**
20 **WITH THE RULES OF THE INSTITUTION IN WHICH THE INDIVIDUAL HAS BEEN**
21 **CONFINED;**

22 **(IV) WHETHER THE INDIVIDUAL HAS PARTICIPATED IN AN**
23 **EDUCATIONAL, VOCATIONAL, OR OTHER PROGRAM;**

24 **(V) WHETHER THE INDIVIDUAL HAS DEMONSTRATED**
25 **MATURITY, REHABILITATION, AND FITNESS TO REENTER SOCIETY SUFFICIENT TO**
26 **JUSTIFY A SENTENCE REDUCTION;**

27 **(VI) ANY STATEMENT OFFERED BY A VICTIM OR A VICTIM'S**
28 **REPRESENTATIVE;**

1 (VII) ANY REPORT OF A PHYSICAL, MENTAL, OR BEHAVIORAL
2 EXAMINATION OF THE INDIVIDUAL CONDUCTED BY A HEALTH PROFESSIONAL;

3 (VIII) THE INDIVIDUAL'S FAMILY AND COMMUNITY
4 CIRCUMSTANCES AT THE TIME OF THE OFFENSE, INCLUDING ANY HISTORY OF
5 TRAUMA, ABUSE, OR INVOLVEMENT IN THE CHILD WELFARE SYSTEM;

6 (IX) THE EXTENT OF THE INDIVIDUAL'S ROLE IN THE OFFENSE;
7 AND

8 (X) ANY OTHER FACTOR THE COURT CONSIDERS RELEVANT.

9 (3) (I) AFTER A HEARING UNDER THIS SECTION, THE COURT MAY
10 REDUCE A SENTENCE IMPOSED ON AN INDIVIDUAL IF THE COURT FINDS THAT THE
11 INDIVIDUAL IS NOT A DANGER TO THE PUBLIC AND THE INTERESTS OF JUSTICE WILL
12 BE BETTER SERVED BY A REDUCED SENTENCE.

13 (II) IF THE INDIVIDUAL HAS SERVED A TERM OF CONFINEMENT
14 OF 30 YEARS OR MORE, OR IF THE INDIVIDUAL IS AT LEAST 60 YEARS OLD, THERE
15 SHALL BE A REBUTTABLE PRESUMPTION THAT THE INDIVIDUAL IS NOT A DANGER
16 TO THE PUBLIC.

17 (D) THE FOLLOWING MAY NOT BE CONSTRUED AGAINST THE INDIVIDUAL
18 PETITIONING FOR REDUCTION OF A SENTENCE:

19 (1) THE LIMITED AVAILABILITY OR ACCESSIBILITY OF
20 REHABILITATIVE PROGRAMS; OR

21 (2) THE INDIVIDUAL'S CLAIMS OF INNOCENCE.

22 (E) A COURT MAY NOT INCREASE THE LENGTH OF SENTENCE UNDER THIS
23 SECTION.

24 (F) THE RIGHT TO SEEK A REDUCTION IN SENTENCE UNDER THIS SECTION
25 MAY NOT BE WAIVED.

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