

SENATE BILL 295

E2
SB 976/22 – JPR

3lr1087
CF HB 330

By: **Senator Sydnor**

Introduced and read first time: January 27, 2023

Assigned to: Judicial Proceedings

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 2022 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 INMATE'S DISCIPLINARY RECORD AND RECORD OF
13 REHABILITATION AND MATURITY WHILE INCARCERATED;

14 (2) EVIDENCE THAT REFLECTS WHETHER AGE, TIME SERVED, OR
15 DIMINISHED PHYSICAL CONDITION HAS REDUCED THE INMATE'S RISK FOR FUTURE
16 VIOLENCE; AND

17 (3) EVIDENCE THAT REFLECTS THAT CIRCUMSTANCES HAVE
18 CHANGED SINCE THE INMATE'S ORIGINAL CONVICTION AND SENTENCING SUCH
19 THAT THE INMATE'S CONTINUED INCARCERATION IS NO LONGER IN THE INTEREST
20 OF JUSTICE.

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

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

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

28 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
29 October 1, 2023.