

HOUSE BILL 853

E2
HB 724/24 – JUD

5lr1827

By: **Delegates Pasteur, Acevero, Addison, Alston, Amprey, Boaf, Boyce, Charkoudian, Conaway, Crutchfield, Davis, Embry, Fair, Fennell, Harris, Harrison, Holmes, Ivey, ~~A. Johnson~~, J. Lewis, J. Long, Martinez, McCaskill, Mireku-North, Palakovich Carr, Patterson, Pena-Melnyk, Phillips, Queen, Roberson, Rogers, Ruff, Ruth, Simmons, Smith, Taveras, Taylor, Toles, Turner, Wells, White Holland, Wilkins, Williams, Woods, ~~and Young~~ Young, Stinnett, and Kaufman**

Introduced and read first time: January 30, 2025

Assigned to: Judiciary

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 6, 2025

CHAPTER _____

1 AN ACT concerning

2 ~~Criminal Procedure~~ Petition to Reduce Postconviction Review – Procedure to
3 Reduce Duration of Sentence
4 (Maryland Second Look Act)

5 FOR the purpose of authorizing ~~an individual who is serving a term of confinement to~~
6 ~~petition a court to reduce the sentence or sentences~~ a certain individual to file a
7 motion to reduce the duration of a certain sentence under certain circumstances;
8 ~~establishing~~ applying procedures for a proceeding under this Act; ~~applying this Act~~
9 ~~retroactively~~; and generally relating to a petition to reduce ~~a sentence or sentences~~
10 duration of sentence.

11 BY ~~adding to~~ repealing and reenacting, with amendments,
12 Article – Criminal Procedure
13 ~~Section 8–501 to be under the new subtitle “Subtitle 5. Petition to Reduce Sentence”~~
14 Section 8–110
15 Annotated Code of Maryland
16 (2018 Replacement Volume and 2024 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



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

Article – Criminal Procedure

~~SUBTITLE 5. PETITION TO REDUCE SENTENCE.~~

~~§ 501.~~

~~(A) (1) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, AN
INDIVIDUAL WHO IS SERVING A TERM OF CONFINEMENT MAY PETITION THE COURT
TO REDUCE THE SENTENCE OR SENTENCES IF:~~

~~(I) THE INDIVIDUAL HAS SERVED AT LEAST 20 YEARS OF THE
INDIVIDUAL'S TERM OF CONFINEMENT; AND~~

~~(II) AT LEAST 5 YEARS HAVE PASSED SINCE THE COURT
DECIDED ANY PETITION PREVIOUSLY FILED BY THE INDIVIDUAL UNDER THIS
SECTION.~~

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

~~(II) AN INDIVIDUAL MAY NOT FILE MORE THAN THREE
PETITIONS TO REDUCE THE SAME SENTENCE OR SENTENCES UNDER THIS SECTION.~~

~~(3) AN INDIVIDUAL SHALL FILE A PETITION TO REDUCE A SENTENCE
OR SENTENCES UNDER THIS SECTION IN THE CIRCUIT COURT FOR THE COUNTY IN
WHICH THE SENTENCE OR SENTENCES WERE IMPOSED.~~

~~(4) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, AN
INDIVIDUAL WHO DOES NOT MEET THE REQUIREMENTS OF PARAGRAPH (1) OF THIS
SUBSECTION IS ELIGIBLE FOR COURT RECONSIDERATION OF THE INDIVIDUAL'S
SENTENCE OR SENTENCES IF A STATE'S ATTORNEY FILES A MOTION TO REDUCE THE
SENTENCE OR SENTENCES DURING THE INDIVIDUAL'S INCARCERATION IN THE
CIRCUIT COURT FOR THE COUNTY IN WHICH THE SENTENCE OR SENTENCES WERE
IMPOSED.~~

~~(B) (1) EXCEPT AS PROVIDED IN PARAGRAPH (5) OF THIS SUBSECTION, A
COURT SHALL HOLD A HEARING ON A PETITION TO REDUCE A SENTENCE OR
SENTENCES UNDER THIS SECTION.~~

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

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

~~(II) THE STATE FILES A MOTION UNDER SUBSECTION (A)(4) OF THIS SECTION.~~

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

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

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

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

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

~~(6) (I) IF A PETITIONER UNDER THIS SECTION IS PARTICIPATING IN OR WILL PARTICIPATE IN CERTAIN PROGRAMS, SUCH AS EDUCATIONAL PROGRAMS, THE JUDGE MAY CONTINUE THE HEARING UNDER THIS SUBSECTION UNTIL THE PERSON COMPLETES THE PROGRAM.~~

~~(II) ON COMPLETION OF THE PROGRAM SPECIFIED IN SUBPARAGRAPH (I) OF THIS PARAGRAPH, THE JUDGE MAY RESUME THE HEARING AS IF IT IS THE FIRST PETITION UNDER THIS SECTION.~~

~~(C) (1) IF A HEARING IS HELD UNDER THIS SECTION, THE COURT SHALL STATE THE REASONS FOR ITS DECISION WHETHER OR NOT TO REDUCE THE PETITIONER'S SENTENCE OR SENTENCES:~~

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

~~(II) ISSUED IN WRITING WITHIN 90 DAYS AFTER THE CONCLUSION OF THE HEARING.~~

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

~~(I) THE INDIVIDUAL'S AGE AT THE TIME OF THE OFFENSE, RECOGNIZING THE DIMINISHED CULPABILITY OF YOUTH AND EMERGING ADULTS, BUT NOT USING AGE AS AN AGGRAVATING FACTOR;~~

~~(II) THE NATURE OF THE OFFENSE AND THE HISTORY AND CHARACTERISTICS OF THE INDIVIDUAL;~~

~~(III) WHETHER THE INDIVIDUAL HAS SUBSTANTIALLY COMPLIED WITH THE RULES OF THE INSTITUTION IN WHICH THE INDIVIDUAL HAS BEEN CONFINED;~~

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

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

~~(VI) ANY STATEMENT OFFERED BY A VICTIM OR A VICTIM'S REPRESENTATIVE;~~

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

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

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

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

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

~~(II) IF THE INDIVIDUAL HAS SERVED A TERM OF CONFINEMENT OF 30 YEARS OR MORE, OR IF THE INDIVIDUAL IS AT LEAST 60 YEARS OLD, THERE~~

~~SHALL BE A REBUTTABLE PRESUMPTION THAT THE INDIVIDUAL IS NOT A DANGER TO THE PUBLIC.~~

~~(D) THE FOLLOWING MAY NOT BE CONSTRUED AGAINST THE INDIVIDUAL PETITIONING FOR REDUCTION OF A SENTENCE OR SENTENCES:~~

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

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

~~(E) A COURT MAY NOT INCREASE THE LENGTH OF SENTENCE OR SENTENCES UNDER THIS SECTION.~~

~~(F) THE RIGHT TO SEEK A REDUCTION IN SENTENCE OR SENTENCES UNDER THIS SECTION MAY NOT BE WAIVED.~~

~~SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed to apply to:~~

~~(1) any individual serving a term of confinement in the State who was sentenced on or before the effective date of this Act; and~~

~~(2) any individual who will serve a term of confinement in the State who is sentenced after the effective date of this Act.~~

8-110.

(a) This section applies only to an individual who:

(1) (I) was convicted as an adult for an offense committed when the individual was a minor;

[(2)] (II) was sentenced for the offense before October 1, 2021; and

[(3)] (III) has been imprisoned for at least 20 years for the offense; OR

(2) (I) WAS CONVICTED OF AN OFFENSE COMMITTED WHEN THE INDIVIDUAL WAS AT LEAST 18 YEARS OLD BUT YOUNGER THAN 25 YEARS OLD;

(II) WAS NOT SENTENCED TO LIFE WITHOUT THE POSSIBILITY OF PAROLE;

(III) IS NOT A SEX OFFENDER, AS DEFINED IN § 11-701 OF THIS ARTICLE; AND

(IV) HAS BEEN IMPRISONED FOR AT LEAST 20 YEARS FOR THE OFFENSE.

(b) (1) An individual described in subsection (a) of this section may file a motion with the court to reduce the duration of the sentence.

(2) A court shall conduct a hearing on a motion to reduce the duration of a sentence.

(3) (i) The individual shall be present at the hearing, unless the individual waives the right to be present.

(ii) The requirement that the individual be present at the hearing is satisfied if the hearing is conducted by video conference.

(4) (i) The individual may introduce evidence in support of the motion at the hearing.

(ii) The State may introduce evidence in support of or in opposition to the motion at the hearing.

(5) (I) Notice of the hearing under this subsection shall be given to the victim or the victim's representative as provided in §§ 11-104 and 11-503 of this article.

(II) A VICTIM OR VICTIM'S REPRESENTATIVE MAY SUBMIT A VICTIM IMPACT STATEMENT TO THE COURT REGARDING THE IMPACT OF THE CRIME AND THE PROPOSED SENTENCE REDUCTION.

(III) A VICTIM MAY NOT BE CROSS-EXAMINED WHEN PRESENTING A VICTIM IMPACT STATEMENT UNDER THIS SECTION.

(c) Notwithstanding any other provision of law, after a hearing under subsection (b) of this section, the court may reduce the duration of [a] THE sentence [imposed on an individual for an offense committed when the individual was a minor] if the court determines that:

(1) the individual is not a danger to the public; and

(2) the interests of justice will be better served by a reduced sentence.

(d) A court shall consider the following factors when determining whether to reduce the duration of a sentence under this section:

(1) the individual's age at the time of the offense;

(2) the nature of the offense and the history and characteristics of the individual;

(3) whether the individual has substantially complied with the rules of the institution in which the individual has been confined;

(4) whether the individual has completed an educational, vocational, or other program;

(5) whether the individual has demonstrated maturity, rehabilitation, and fitness to reenter society sufficient to justify a sentence reduction;

(6) any statement offered by a victim or a victim's representative;

(7) any report of a physical, mental, or behavioral examination of the individual conducted by a health professional;

(8) the individual's family and community circumstances at the time of the offense, including any history of trauma, abuse, or involvement in the child welfare system;

(9) the extent of the individual's role in the offense and, IF THE INDIVIDUAL WAS A MINOR AT THE TIME OF THE OFFENSE, whether and to what extent an adult was involved in the offense;

(10) the diminished culpability of a juvenile as compared to an adult, including an inability to fully appreciate risks and consequences, IF APPLICABLE; and

(11) any other factor the court deems relevant.

(e) (1) The court shall issue its decision to grant or deny a motion to reduce the duration of a sentence in writing.

(2) The decision shall address the factors listed in subsection (d) of this section.

(3) (I) THE COURT SHALL ORDER AN INDIVIDUAL TO STAY AWAY FROM AND REFRAIN FROM CONTACT WITH A VICTIM AND VICTIM'S FAMILY IF THE INDIVIDUAL IS RELEASED, UNLESS THE VICTIM REQUESTS OTHERWISE.

(II) THE COURT MAY IMPOSE ANY OTHER CONDITIONS OF RELEASE NECESSARY TO PROMOTE VICTIM SAFETY AND PEACE OF MIND.

(f) (1) If the court denies or grants, in part, a motion to reduce the duration of a sentence under this section, the individual may not file a second motion to reduce the duration of that sentence for at least 3 years.

(2) If the court denies or grants, in part, a second motion to reduce the duration of a sentence, the individual may not file a third motion to reduce the duration of that sentence for at least 3 years.

(3) With regard to any specific sentence, an individual may not file a fourth motion to reduce the duration of the sentence.

SECTION ~~2~~ 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2025.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.