

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–Melnik, Phillips, Queen, Roberson, Rogers, Ruff, Ruth, Simmons, Smith, Taveras, Taylor, Toles, Turner, Wells, White Holland, Wilkins, Williams, Woods, and Young**

Introduced and read first time: January 30, 2025

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Procedure – Petition to Reduce Sentence**
3 **(Maryland Second Look Act)**

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

8 BY adding to

9 Article – Criminal Procedure

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

11 Annotated Code of Maryland

12 (2018 Replacement Volume and 2024 Supplement)

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

15 **Article – Criminal Procedure**

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

17 **8–501.**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



(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:

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

4 **(II) THE NATURE OF THE OFFENSE AND THE HISTORY AND**
5 **CHARACTERISTICS OF THE INDIVIDUAL;**

6 **(III) WHETHER THE INDIVIDUAL HAS SUBSTANTIALLY COMPLIED**
7 **WITH THE RULES OF THE INSTITUTION IN WHICH THE INDIVIDUAL HAS BEEN**
8 **CONFINED;**

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

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

14 **(VI) ANY STATEMENT OFFERED BY A VICTIM OR A VICTIM'S**
15 **REPRESENTATIVE;**

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

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

21 **(IX) THE EXTENT OF THE INDIVIDUAL'S ROLE IN THE OFFENSE;**
22 **AND**

23 **(X) ANY OTHER FACTOR THE COURT CONSIDERS RELEVANT.**

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

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

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

3 **(1) THE LIMITED AVAILABILITY OR ACCESSIBILITY OF**
4 **REHABILITATIVE PROGRAMS; OR**

5 **(2) THE INDIVIDUAL'S CLAIMS OF INNOCENCE.**

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

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

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

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

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

16 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
17 October 1, 2025.