

SB0123/483627/1

BY: Judiciary Committee

AMENDMENTS TO SENATE BILL 123
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, after “Sentence” insert “**and Task Force to Study Parole, Diminution Credits, and Other Early Release Mechanisms (Maryland Second Look Act)**”;

in line 5, after “Act;” insert “**establishing the Task Force to Study Parole, Diminution Credits, and Other Early Release Mechanisms;**” and in line 6, after “sentence” insert “**and other early release mechanisms**”.

On page 2 in lines 2, 22, 23, and 25, on page 3 in line 5, on page 4 in line 25, and on page 5 in lines 6 and 8, in each instance, after “SENTENCE” insert “**OR SENTENCES**”.

On page 2, in line 25, strike “WAS” and substitute “**WERE**”.

On page 3, in line 4, strike “(B)” and substitute “(C)”; in line 25, strike “(C)” and substitute “(D)”; in the same line, strike “COURT’S” and substitute “**COURT SHALL STATE THE REASONS FOR ITS**”; strike beginning with “SHALL” in line 26 down through “BE” in line 27; and in line 29, strike “ISSUED”.

On page 4, in line 27, after “SENTENCE” insert “**OR REDUCED SENTENCES**”.

On page 5, in lines 1, 6, and 8, strike “(D)”, “(E)”, and “(F)”, respectively, and substitute “(E)”, “(F)”, and “(G)”, respectively.

AMENDMENT NO. 2

On page 2, in line 3, after “(I)” insert “THE INDIVIDUAL WAS ORIGINALLY SENTENCED TO THE TERM OF CONFINEMENT WHEN THE INDIVIDUAL WAS AT LEAST 18 YEARS OLD AND UNDER THE AGE OF 28 YEARS; AND”

(II)”;

in the same line, after “1.” insert “A.”; in line 5, strike “2.”; in the same line, strike “A.” and substitute “B.”; strike beginning with “B.” in line 7 down through “1.” in line 11 and substitute “2. A.”; in line 12, after the semicolon, insert “AND”; in line 13, strike “2.” and substitute “B.”; in the same line, strike “20” and substitute “30”; strike beginning with the semicolon in line 14 down through “AGE” in line 15; and strike in their entirety lines 26 through 31, inclusive.

On page 3, in line 1, strike “(5)” and substitute “(4)”; in lines 2 and 3, strike “FOR A VIOLATION OF § 3-303 OF THE CRIMINAL LAW ARTICLE” and substitute “IF THE INDIVIDUAL HAS BEEN SENTENCED TO LIFE WITHOUT THE POSSIBILITY OF PAROLE”; after line 3, insert:

“(B) A PETITIONER UNDER THIS SECTION IS ENTITLED TO THE ASSISTANCE OF COUNSEL AND, IF INDIGENT, TO REPRESENTATION BY THE OFFICE OF THE PUBLIC DEFENDER.”;

strike beginning with the colon in line 8 down through “(I)” in line 9; strike beginning with the semicolon in line 10 down through “SECTION” in line 12; in line 13, after “(3)” insert “(I)”; and after line 15, insert:

“(II) A VICTIM MAY SUBMIT A VICTIM IMPACT STATEMENT REGARDING THE IMPACT OF THE CRIME AND THE PROPOSED SENTENCE REDUCTION.”

(III) THE COURT SHALL CONSIDER ALL VICTIM IMPACT STATEMENTS FILED IN THE CASE OR PRESENTED TO THE COURT AT THE TIME OF SENTENCING OR UNDER THIS SUBSECTION.”.

On page 4, in line 24, strike “(I)”; and strike in their entirety lines 28 through 31, inclusive.

On page 5, after line 9, insert:

“SECTION 2. AND BE IT FURTHER ENACTED, That:

(a) There is a Task Force to Study Parole, Diminution Credits, and Other Early Release Mechanisms.

(b) The Task Force consists of the following members:

(1) three members of the Senate of Maryland, appointed by the President of the Senate;

(2) three members of the House of Delegates, appointed by the Speaker of the House;

(3) the Secretary of the Department of Public Safety and Correctional Services, or the Secretary's designee;

(4) the Public Defender, or the Public Defender's designee;

(5) the President of the Maryland State's Attorneys' Association; or the President's designee;

(6) the Executive Director of the Governor's Office of Crime Prevention and Policy, or the Executive Director's designee;

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(7) the Chair of the Maryland Parole Commission, or the Chair's designee; and

(8) the following members, appointed by the Governor:

(i) two victims of violent crime, or members of the victims' immediate families;

(ii) two immediate family members of individuals incarcerated for life;

(iii) one advocate for victims of crime; and

(iv) one advocate for incarcerated individuals.

(c) The Governor, the Speaker of the House, and the President of the Senate shall jointly designate the chair of the Task Force.

(d) The Department of Legislative Services shall provide staff for the Task Force.

(e) A member of the Task Force:

(1) may not receive compensation as a member of the Task Force; but

(2) is entitled to reimbursement for expenses under the Standard State Travel Regulations, as provided in the State budget.

(f) The Task Force shall:

(1) study:

- (i) the existing parole process in the State;
- (ii) the parole process in other states;
- (iii) the diminution credit process in the State;
- (iv) the diminution credit process in other states;
- (v) the process by which the Governor issues pardons in the State; and
- (vi) the process by which the governor issues pardons in other states; and

(2) make recommendations regarding changes to State law, policy, and practice on parole, diminution credits, and other early release mechanisms.

(g) (1) On or before June 30, 2025, and on or before June 30, 2026, the Task Force shall submit a preliminary report of its findings and recommendations to the Governor and, in accordance with § 2–1257 of the State Government Article, the General Assembly.

(2) On or before June 30, 2027, the Task Force shall submit a final report of its findings and recommendations to the Governor and, in accordance with § 2–1257 of the State Government Article, the General Assembly.

SECTION 3. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall take effect July 1, 2024. It shall remain effective for a period of 3 years and 1 month and, at the end of July 31, 2027, Section 2 of this Act, with no further action required by the General Assembly, shall be abrogated and of no further force and effect.”;

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in line 10, strike “2.” and substitute “4”; and in the same line, after “That” insert “, except as provided in Section 3 of this Act,”.