

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.



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

3 Article – Criminal Procedure

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

5 ~~§ 501.~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

30 ~~(II) IF THE INDIVIDUAL HAS SERVED A TERM OF CONFINEMENT~~
31 ~~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

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

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

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

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

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

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

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

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

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

19 (11) any other factor the court deems relevant.

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

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

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

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

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

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

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

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

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.