

MARYLAND JUDICIAL CONFERENCE
GOVERNMENT RELATIONS AND PUBLIC AFFAIRS

Hon. Mary Ellen Barbera
Chief Judge

187 Harry S. Truman Parkway
Annapolis, MD 21401

MEMORANDUM

TO: House Judiciary Committee
FROM: Legislative Committee
Suzanne D. Pelz, Esq.
410-260-1523
RE: House Bill 43
Criminal Procedure – Plea Agreement – Terms and the Violence
Prevention Initiative Criteria
DATE: January 8, 2020
(1/21)
POSITION: Oppose

The Maryland Judiciary opposes House Bill 43. This bill prohibits a court or review panel from modifying a sentence imposed for crimes of violence under certain plea agreements.

This legislation eliminates consideration for parole or of diminution credits that might otherwise apply to a sentence if that sentence is imposed pursuant to a plea agreement with a recommendation that the court impose an agreed upon sentence. This legislation also prevents a sentencing judge or a three-judge panel from later modifying a sentence imposed in cases under these limited circumstances. These restrictions will discourage the use of binding plea agreements in crimes of violence, which will increase the uncertainty of outcomes for victims of those crimes. The decreased use of binding pleas will also have a negative impact on court dockets.

This legislation will also result in disparate treatment for individuals found guilty of the same offense based upon whether they are convicted after a trial, after a plea without a recommended disposition, or after a plea with a binding disposition.

In addition, the wording of subsection (a) in the bill appears contradictory by first suggesting that a plea agreement allows a defendant to “receive a specified sentence” negotiated between the defense and the state but then continues on to suggest that only a recommended sentence may be submitted to the court for a plea agreement.

cc. Hon. Ric Metzgar
Judicial Council
Legislative Committee
Kelley O’Connor