

April 23, 2021

The Honorable Mary Ellen Barbera,
Chief Judge
The Honorable Robert N. McDonald
The Honorable Shirley M. Watts
The Honorable Michele D. Hotten
The Honorable Joseph M. Getty
The Honorable Brynja M. Booth
The Honorable Jonathan Biran,
Judges

The Court of Appeals of Maryland
Robert C. Murphy Courts of Appeal Building
Annapolis, Maryland 21401

Your Honors:

The Rules Committee submits this Supplement to its Two Hundred Seventh Report to present updates that affect two matters currently pending before the Court.

The first item in this Supplement concerns the proposed amendments to Rule 4-345 (Category 1 in the 207th Report) that eliminate certain impediments to the exercise of revisory power by the Circuit Courts over criminal sentences imposed on certain qualifying inmates in our State correctional system.

When the Rules Committee, at its March 12, 2021 meeting, considered and voted to recommend those amendments, it was aware of Senate Bill 494, then pending in the State Senate, that would provide similar authority with respect to a much smaller subset of inmates - those who had committed the crime before reaching the age of 18, were sentenced before October 1, 2021, and had served at least 20 years. The bill passed on April 2, 2021, was vetoed by the Governor on April 8, but was enacted two days later when the veto was overridden by the General Assembly.

The comment period with respect to the 207th Report ends on May 10, 2021, and we expect that there will be comments filed with respect to Rule 4-345. We are enclosing in this Supplement

as **Appendix A** the enacted version of Senate Bill 494 and will be prepared after the comment period has ended to respond to the possible impact of that statute along with any comments that are filed.

The second item is in response to a request by the Court on a matter submitted in the Committee's Two Hundred Sixth Report.

Category 9 of the Two Hundred Sixth Report consists of amendments to Rule 14-305 that would require auctioneers at foreclosure sales to file an affidavit that they (1) had not paid any compensation to anyone for hiring them to conduct the sale, (2) had no interest in the property sold other than a lawful fee for conducting the sale, and (3) had no agreement to conduct or assist in conducting a resale of the property other than a resale ordered by the court. Those amendments had been recommended by several local Maryland auctioneers and were regarded by the Committee as in the nature of conflict-of-interest provisions. There was no objection raised at the Committee hearing to those provisions.

At the open hearing before the Court on the 206th Report, representatives of a national auctioneering firm appeared and argued against the proposed amendments, in particular, the provision that would preclude the auctioneer from having a side arrangement with the creditor to market the property for the creditor if the creditor purchased it at the foreclosure sale. They claimed that that there was no conflict of interest in such a side deal, that even if there was, the proposed amendment would not cure it, and that the proposed preclusion was intended to dampen competition with the local auctioneers. Because such a claim had not been presented to the Committee, we asked that the Court remand the matter for further consideration by the Committee, and the Court did so. See Rules Order filed March 30, 2021 (third ORDERED paragraph).

At its April 16, 2021 meeting, the Committee, in remote open session, did reconsider the proposed amendments. Presentations were made by counsel for the objecting firm (Auction.com), representatives of local auctioneers, and consumer advocates. The Committee was made aware that the General Assembly, in its 2021 Session, had included in the FY 2022 Budget Bill a request that the Judiciary file a report regarding the proposed Rule by December 1, 2021. A copy of that request which, we are advised, will be included in the Joint Chairmen's Report, is attached as **Appendix B** to this Supplemental Report. The two meetings of the Committee at which

it considered the matter and the open hearing before the Court were audio recorded and, along with this Supplemental Report and the open hearing on this Supplemental Report, can form the basis of the Judiciary's response.

Auctioneers are not currently regulated by statute in the manner that other occupations and professions are. There are statutes, Rules, and judicially enforced equitable principles governing the foreclosure process generally, including the conduct of a foreclosure sale and other judicial sales, but they primarily address conduct of the trustee rather than the auctioneer. The trustee "has a duty to protect the interest of all concerned persons to the foreclosure sale and to use reasonable diligence in producing the largest revenue possible for the mortgaged property." *Pizza v. Walter*, 345 Md. 664, 679 (1997); *Maddox v. Cohn*, 424 Md. 379, 395 (2012). Evidence presented to the Committee indicated that the auctioneer, who is chosen by the trustee to conduct the sale, shares that duty to produce the best price for the property.

After listening to the various presentations, submitted both orally and in writing, the Committee voted to re-approve and re-recommend to the Court the proposed amendments to Rule 14-305, together with conforming amendments to Rules 2-644, 3-644, and 3-722, that had been submitted with the 206th Report. The only provision in controversy was new subsection (c)(3), precluding the auctioneer from having an existing side deal to conduct a resale of the property, other than one ordered by the court. The Committee regarded such an arrangement as a facial conflict of interest that can lessen the auctioneer's performance of its duty to obtain the best price, to the detriment of the owner of the property.

Evidence was presented that, in comparison with what occurred during the meltdown of the housing market a decade ago, there is realizable equity in many properties in foreclosure now. Fees for conducting a foreclosure sale are set by the counties; they are not uniform but average about \$300. If the property is aggressively marketed to obtain the best price, a surplus may result, in which event, the auctioneer would receive its modest fee, the creditor would receive what was due on the loan, and, after payment of other allowable fees and expenses, the owner would receive the balance. If the property is not aggressively marketed and the creditor purchases it for less than it is worth and less than the amount due on the loan, (1) a deficiency will arise, and a judgment for that amount may be entered and enforced against the owner, (2) the property will be

resold by the creditor and the auctioneer will receive a second fee, usually a much larger one based on a percentage of the second sale price, and (3) the net proceeds from that second sale will accrue to the creditor rather than the original owner.

The local auctioneers asserted that their complaint was not directed at Auction.com but that the lack of this prohibition will encourage other auctioneers to adopt the same business model and put the auctioneers without such a conflict at a competitive disadvantage, all to the detriment of the owners of the property and to the ethical duty of auctioneers to obtain the best price at the foreclosure sale.

The Committee found those arguments to be persuasive, and, therefore, again recommends the adoption of the proposed amendments to Rule 14-305 and conforming amendments to Rules 2-644, 3-644, and 3-722.

Respectfully submitted,

/S/

Alan M. Wilner, Chair

AMW:sfh

Cc: Suzanne C. Johnson, Clerk

MARYLAND RULES OF PROCEDURE
TITLE 14 - SALES OF PROPERTY
CHAPTER 300 - JUDICIAL SALES

AMEND Rule 14-305 by adding new section (c) requiring an affidavit by an auctioneer following a sale, by adding a Committee note after section (c), and by making stylistic changes, as follows:

Rule 14-305. PROCEDURE FOLLOWING SALE

(a) Report of Sale

As soon as practicable, but not more than 30 days after a sale, the person authorized to make the sale shall file with the court a complete report of the sale and an affidavit of the fairness of the sale and the truth of the report.

(b) Affidavit of Purchaser

Before a sale is ratified, unless otherwise ordered by the court for good cause, the purchaser shall file an affidavit setting forth:

(1) whether the purchaser is acting as an agent and, if so, the name of the principal;

(2) whether others are interested as principals and, if so, the names of the other principals; and

(3) that the purchaser has not directly or indirectly discouraged anyone from bidding for the property.

(c) Affidavit of Auctioneer

Within 15 days after conducting a sale, the auctioneer shall file an affidavit stating that:

(1) neither the auctioneer nor any affiliate or subsidiary of the auctioneer has paid any compensation or other consideration to any person for hiring or aiding in the hiring of the auctioneer to conduct the sale;

(2) neither the auctioneer nor any affiliate or subsidiary of the auctioneer has any direct or indirect interest in the property sold other than a lawful and agreed-upon fee for conducting the sale; and

(3) neither the auctioneer nor any affiliate or subsidiary of the auctioneer has entered into any agreement or understanding with any person to conduct or assist with the resale of the property other than a resale ordered by the court pursuant to section (f) or (h) of this Rule.

Committee note: Section (c) of this Rule does not preclude a trustee from hiring an auctioneer to provide additional services in connection with the sale. If the additional compensation is to be paid to the auctioneer from the trust estate, a court order approving the payment is required.

~~(e)~~(d) Sale of Interest in Real Property; Notice

Upon the filing of a report of sale of real property or chattels real pursuant to section (a) of this Rule, the clerk

shall issue a notice containing a brief description sufficient to identify the property and stating that the sale will be ratified unless cause to the contrary is shown within 30 days after the date of the notice. A copy of the notice shall be published at least once a week in each of three successive weeks before the expiration of the 30-day period in one or more newspapers of general circulation in the county in which the report of sale was filed.

~~(d)~~(e) Exceptions to Sale

(1) How Taken

A party, and, in an action to foreclose a lien, the holder of a subordinate interest in the property subject to the lien, may file exceptions to the sale. Exceptions shall be in writing, shall set forth the alleged irregularity with particularity, and shall be filed within 30 days after the date of a notice issued pursuant to section ~~(e)~~ (d) of this Rule or the filing of the report of sale if no notice is issued. Any matter not specifically set forth in the exceptions is waived unless the court finds that justice requires otherwise.

(2) Ruling on Exceptions; Hearing

The court shall determine whether to hold a hearing on the exceptions but it may not set aside a sale without a hearing. The court shall hold a hearing if a hearing is requested and the exceptions or any response clearly show a need

to take evidence. The clerk shall send a notice of the hearing to all parties and, in an action to foreclose a lien, to all persons to whom notice of the sale was given pursuant to Rule 14-206 (b).

~~(e)~~(f) Ratification

The court shall ratify the sale if (1) the time for filing exceptions pursuant to section ~~(d)~~(e) of this Rule has expired and exceptions to the report either were not filed or were filed but overruled, and (2) the court is satisfied that the sale was fairly and properly made. If the court is not satisfied that the sale was fairly and properly made, it may enter any order that it deems appropriate.

~~(f)~~(g) Referral to Auditor

Upon ratification of a sale, the court, pursuant to Rule 2-543, may refer the matter to an auditor to state an account.

~~(g)~~(h) Resale

If the purchaser defaults, the court, on application and after notice to the purchaser, may order a resale at the risk and expense of the purchaser or may take any other appropriate action.

REPORTER'S NOTE

Proposed amendments to Rule 14-305 require an auctioneer to file an affidavit after conducting a sale to affirm that the auctioneer did not have any conflicts of interest in the sale.

The Court of Appeals remanded the proposed amendments in February after hearing from attorneys and auction house representatives who objected to the change as unnecessary and anti-competitive. The Property Subcommittee reconsidered the Rule at a subsequent meeting and heard from supporters and opponents before voting to approve the proposed amendments as presented.

The amendments would require an auctioneer conducting the judicial sale of a property to sign an affidavit stating that the auctioneer has not entered into any agreement or understanding to conduct or assist with the resale of the property. The concern is that an auctioneer who has an agreement in place to conduct a second sale will not be incentivized to secure the highest price at the judicial sale because the commission is significantly larger at the later sale. The Subcommittee was informed that even if there is no actual conflict for the auctioneer, there is an appearance of impropriety if this kind of agreement is in place.

New section (c) specifies the contents of the affidavit and requires the affidavit to be filed within 15 days after the sale is conducted. The 15-day deadline is used because subsection (e)(1) of the Rule requires that exceptions be filed within 30 days after notice of the sale, which could be immediately after the sale, and the auctioneer's affidavit may be relevant to any possible exceptions.

A Committee note following section (c) clarifies that the Rule is not intended to preclude a trustee from hiring an auctioneer to provide additional services related to the judicial sale.

Current sections (c)-(g) are re-lettered as (d)-(h), respectively, and internal references are conformed to the re-lettering.

MARYLAND RULES OF PROCEDURE
TITLE 2 - CIVIL PROCEDURE - CIRCUIT COURT
CHAPTER 600 - JUDGMENT

AMEND Rule 2-644 by updating the reference to Rule 14-305,
as follows:

Rule 2-644. SALE OF PROPERTY UNDER LEVY

. . .

(d) Transfer of Real Property Following Sale

The procedure following the sale of an interest in real property shall be as prescribed by Rule 14-305, except that (1) the provision of Rule 14-305 ~~(f)~~(g) for referral to an auditor does not apply and (2) the court may not ratify the sale until the judgment creditor has filed a copy of the public assessment record for the real property kept by the supervisor of assessments in accordance with Code, Tax-Property Article, § 2-211. After ratification of the sale by the court, the sheriff shall execute and deliver to the purchaser a deed conveying the debtor's interest in the property, and if the interests of the debtor included the right to possession, the sheriff shall place the purchaser in possession of the property. It shall not be necessary for the debtor to execute the deed.

. . .

REPORTER'S NOTE

Proposed conforming amendments to Rule 2-644 alter a reference to Rule 14-305 in light of proposed amendments to that rule impacting lettering.

MARYLAND RULES OF PROCEDURE
TITLE 3 - CIVIL PROCEDURE - DISTRICT COURT
CHAPTER 600 - JUDGMENT

AMEND Rule 3-644 by updating the reference to Rule 14-305,
as follows:

Rule 3-644. SALE OF PROPERTY UNDER LEVY

. . .

(d) Transfer of Real Property Following Sale

The procedure following the sale of an interest in real property shall be as prescribed by Rule 14-305, except that (1) the provision of Rule 14-305~~(e)-(4)~~ (g) for referral to an auditor does not apply and (2) the court may not ratify the sale until the judgment creditor has filed a copy of the public assessment record for the real property kept by the supervisor of assessments in accordance with Code, Tax-Property Article, § 2-211. After ratification of the sale by the court, the sheriff shall execute and deliver to the purchaser a deed conveying the debtor's interest in the property, and if the interests of the debtor included the right to possession, the sheriff shall place the purchaser in possession of the property. It shall not be necessary for the debtor to execute the deed.

. . .

REPORTER'S NOTE

Proposed conforming amendments to Rule 3-644 alter a reference to Rule 14-305 in light of proposed amendments to that rule impacting lettering.

MARYLAND RULES OF PROCEDURE
TITLE 3 - CIVIL PROCEDURE - DISTRICT COURT
CHAPTER 700 - SPECIAL PROCEEDINGS

AMEND Rule 3-722 by updating the reference to Rule 14-305,
as follows:

Rule 3-722. RECEIVERS

. . .
(f) Procedure Following Sale

(1) Notice by Mail

Upon filing the Report of Sale, the receiver shall send a notice by first class mail and certified mail to the last known address of: the mortgagor; the present record owner of the property; and the holder of a recorded subordinate mortgage, deed of trust, or other recorded or filed subordinate interest in the property, including a judgment. The notice shall identify the property and state that the sale of the property has been completed and will be final unless cause to the contrary is shown within 30 days after the date of the notice. The receiver shall file proof of mailing with the court. This notice shall be in lieu of notice and publication by the clerk pursuant to Rule 14-305 ~~(e)~~ (d).

(2) Posting of Property

The receiver also shall cause the notice to be posted in a conspicuous place on the property and file proof of posting with the court.

(3) Exceptions to Sale

Exceptions to the sale may be filed within 30 days after the date of the mailing or posting of the notice, which ever is later. In all other respects, exceptions shall be governed by Rule 14-305 ~~(d)~~ (e).

. . .

REPORTER'S NOTE

Proposed conforming amendments to Rule 3-722 alter a reference to Rule 14-305 in light of proposed amendments to that rule impacting lettering.

APPENDIX A

Chapter 61

(Senate Bill 494)

AN ACT concerning

**Juveniles Convicted as Adults – Sentencing – Limitations and Reduction
(Juvenile Restoration Act)**

FOR the purpose of authorizing a court, when sentencing a minor convicted as an adult, to impose a sentence less than the minimum term required by law; prohibiting a court from imposing a sentence of life without the possibility of parole or release for a minor; authorizing a certain individual to file a motion to reduce the duration of the individual's sentence; requiring the court to conduct a hearing on a motion to reduce the duration of a sentence; requiring that an individual be present at a hearing on a motion to reduce the duration of a sentence unless the individual waives the right to be present; specifying that the requirement that an individual be present at a certain hearing is satisfied if the hearing is conducted by video conference; ~~requiring a State's Attorney to provide certain notice to a victim and a victim's representative of a hearing; providing that a victim and a victim's representative have a certain right to attend a hearing;~~ authorizing a certain individual to introduce evidence in support of a certain motion at a certain hearing; authorizing the State to introduce evidence in support of or in opposition to a certain motion at a certain hearing; requiring that notice of a certain hearing be given to a certain victim or victim's representative in a certain manner; authorizing a court to reduce the duration of a sentence for a certain individual under certain circumstances; requiring a court to consider certain factors when determining whether to reduce the duration of a sentence for a certain individual; requiring a court to issue a decision to grant or deny a motion to reduce the duration of a sentence in writing; requiring a certain decision to address certain factors; providing that a subsequent motion to reduce the duration of a sentence may be filed only after a certain period of time; ~~authorizing a court to impose certain preconditions to granting a motion to reduce the duration of a sentence for a certain individual;~~ limiting the number of times that an individual may file a motion to reduce the duration of a sentence; providing for the application of a certain provision of this Act; and generally relating to the sentencing of minors and the reduction of the duration of certain sentences.

BY adding to

Article – Criminal Procedure

Section 6–235 and 8–110

Annotated Code of Maryland

(2018 Replacement Volume and 2020 Supplement)

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

Article – Criminal Procedure

6-235.

NOTWITHSTANDING ANY OTHER PROVISION OF LAW, WHEN SENTENCING A MINOR CONVICTED AS AN ADULT, A COURT:

(1) MAY IMPOSE A SENTENCE LESS THAN THE MINIMUM TERM REQUIRED UNDER LAW; AND

(2) MAY NOT IMPOSE A SENTENCE OF LIFE IMPRISONMENT WITHOUT THE POSSIBILITY OF PAROLE OR RELEASE.

8-110.

(A) THIS SECTION APPLIES ONLY TO AN INDIVIDUAL WHO:

(1) WAS CONVICTED AS AN ADULT FOR AN OFFENSE COMMITTED WHEN THE INDIVIDUAL WAS A MINOR;

(2) WAS SENTENCED FOR THE OFFENSE BEFORE OCTOBER 1, 2021;
AND

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

~~(A)~~ (B) (1) AN INDIVIDUAL ~~CONVICTED AS AN ADULT FOR AN OFFENSE COMMITTED WHEN THE INDIVIDUAL WAS A MINOR~~ 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) THE STATE'S ATTORNEY SHALL GIVE NOTICE TO EACH VICTIM AND VICTIM'S REPRESENTATIVE WHO HAS FILED A CRIME VICTIM NOTIFICATION REQUEST FORM UNDER § 11-104 OF THIS ARTICLE OR WHO HAS SUBMITTED A WRITTEN REQUEST TO THE STATE'S ATTORNEY TO BE NOTIFIED OF SUBSEQUENT PROCEEDINGS UNDER § 11-503 OF THIS ARTICLE THAT A MOTION TO REDUCE THE DURATION OF A SENTENCE HAS BEEN FILED UNDER THIS SECTION.~~

~~(6) A VICTIM OR A VICTIM'S REPRESENTATIVE IS ENTITLED TO AN OPPORTUNITY TO ATTEND AND TESTIFY IN THE MANNER PROVIDED BY MARYLAND RULE 4-345 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.~~

~~(B)~~ (C) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, AFTER A HEARING UNDER SUBSECTION (A) (B) OF THIS SECTION, THE COURT MAY REDUCE THE DURATION OF A SENTENCE IMPOSED ON AN INDIVIDUAL FOR AN OFFENSE COMMITTED WHEN THE INDIVIDUAL WAS A MINOR IF:

(1) ~~THE INDIVIDUAL HAS BEEN IMPRISONED FOR AT LEAST 20 YEARS;~~
AND

(2) THE COURT DETERMINES THAT:

(H) (1) THE INDIVIDUAL IS NOT A DANGER TO THE PUBLIC;
AND AND

(H) (2) THE INTERESTS OF JUSTICE WILL BE BETTER SERVED BY A REDUCED SENTENCE; AND

~~(III) THE STATE'S ATTORNEY HAS SATISFIED THE REQUIREMENTS FOR PROVIDING NOTICE TO VICTIMS OR VICTIMS' REPRESENTATIVES UNDER SUBSECTION (A) OF THIS SECTION.~~

(E) (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 THE INDIVIDUAL'S~~ ANY HISTORY OF TRAUMA, ABUSE, OR INVOLVEMENT IN THE CHILD WELFARE SYSTEM;

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

(11) ANY OTHER FACTOR THE COURT DEEMS RELEVANT.

~~(D)~~ (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 ~~(E)~~ (D) OF THIS SECTION.

~~(E)~~ (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.

~~(F) AS A PRECONDITION TO GRANTING A MOTION TO REDUCE THE DURATION OF A SENTENCE UNDER THIS SECTION, A COURT MAY REQUIRE THAT AN INDIVIDUAL COMPLETE ANY OF THE FOLLOWING:~~

~~(1) PRE-RELEASE PROGRAMMING;~~

~~(2) ALCOHOL AND SUBSTANCE ABUSE TREATMENT;~~

~~(3) A GED PROGRAM OR OTHER EDUCATIONAL OR JOB SKILLS TRAINING PROGRAM; OR~~

~~(4) A REENTRY PROGRAM.~~

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2021.

Gubernatorial Veto Override, April 10, 2021.

APPENDIX B

Adopt the following narrative:

Foreclosure Auctioneer Licensing and Affidavits: *The committees are interested in auctioneer sales of real property in the State of Maryland and request a report regarding the impact of any proposed rules that address the practice of foreclosure auctioneering. The report should include the following:*

- an analysis of whether any proposed rule would have an anti-competitive effect or preclude new entrants from competing for foreclosure auctioneering business, paying particular attention to the impact on small and minority-owned auctioneers;*
- copies of all data reviewed to evaluate the impact of proposed requirements on Maryland consumers and the competitiveness of foreclosure auctions;*
- an analysis of the potential harm to borrowers in Maryland facing foreclosure and negative impact to community stabilization that might result if foreclosure auctions are not adequately marketed or designed to generate competitive bidding; and*
- data supporting the presumption that third party sales rates at foreclosure sales are lower if the auctioneer also conducts auctions of REO properties.*

<i>Information Request</i>	<i>Author</i>	<i>Due Date</i>
<i>Judiciary report on Foreclosure Auctioneer Licensing and Affidavits</i>	<i>Judiciary</i>	<i>December 1, 2021</i>