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9lr1028 CF 9lr1989

By: Senators Hough, Cassilly, Ready, Salling, Smith, West, and Zirkin

Introduced and read first time: January 21, 2019

Assigned to: Judicial Proceedings

A BILL ENTITLED

Task Force to Study Crime Classification and Penalties

1 AN ACT concerning

and Penalties.

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| FOI | R the purpose of establishing the Task Force to Study Crime Classification and |
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| | Penalties; providing for the composition, chair, and staffing of the Task Force; |
| | prohibiting a member of the Task Force from receiving certain compensation, but |
| | authorizing reimbursement of certain expenses; requiring the Task Force to study |
| | certain issues related to the classification of and penalties for criminal and civil |
| | violations in the State; requiring the Task Force to report its findings to the Governor |
| | and the General Assembly on or before a certain date; providing for the termination |
| | of this Act: and generally relating to the Task Force to Study Crime Classification |

- 12 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, 13 That:
- 14 (a) There is a Task Force to Study Crime Classification and Penalties.
- 15 (b) The Task Force consists of the following members:
- 16 (1) three members of the Senate of Maryland, appointed by the President 17 of the Senate;
- 18 (2) three members of the House of Delegates, appointed by the Speaker of 19 the House;
- 20 (3) the Attorney General, or the Attorney General's designee;
- 21 (4) the Executive Director of the Maryland Sentencing Commission, or the 22 Executive Director's designee;
 - (5) the Executive Director of the Governor's Office of Crime Control and

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- Prevention, or the Executive Director's designee; 1 2 the president of the Maryland State's Attorneys' Association, or the (6)3 president's designee; 4 an expert in the subject matter of criminal sentencing, appointed by the (7)president of the Maryland State's Attorneys' Association; 5 6 the Public Defender, or the Public Defender's designee; (8)7 (9)an expert in the subject matter of criminal sentencing, appointed by the 8 Public Defender; and 9 the chair of the Justice Reinvestment Oversight Board. (10)10 (c) The members of the Task Force shall designate the chair of the Task Force. 11 (d) The Department of Legislative Services shall provide staff for the Task Force. A member of the Task Force: 12 (e) 13 (1) may not receive compensation as a member of the Task Force; but is entitled to reimbursement for expenses under the Standard State 14 Travel Regulations, as provided in the State budget. 15 16 (f) The Task Force shall: 17 review the penalties for all criminal and civil violations throughout the 18 Maryland Code; 19 study the history and legislative intent of the classification of criminal 20 and civil violations throughout the Maryland Code, including the constitutional implications and collateral consequences that arise as a result of classification; 2122(3)study criminal classifications and penalty schemes in other states and 23 how those classifications and schemes compare to those in the State; and 24make recommendations regarding the current statutory scheme for 25criminal and civil violations throughout the Maryland Code, including: 26 whether there are violations that should be reclassified as civil (i) 27 offenses, misdemeanors, or felonies:
- 28 (ii) whether there are penalties that should be altered;
 - (iii) whether the State would benefit from:

| $\frac{1}{2}$ | penalties; | 1. | the imposition of standardized crime classifications and | |
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| 3 4 | criminal liability; and | 2. | the codification of a default mental state as an element of | |
| 5 | | 3. | the codification of affirmative defenses and their elements; | |
| 6 7 | (iv) whether statutory changes are necessary for provisions of criminal law that lack an explicit mens rea; and | | | |
| 8 9 10 11 | (v) what limitations, if any, should be placed on the ability of administrative boards, agencies, local governments, appointed commissioners, or of other persons or entities to enact rules, regulations, ordinances, or laws providing for criminal penalties. | | | |
| 12 13 14 | (g) On or before December 31, 2020, the Task Force shall report its findings and recommendations to the Governor and, in accordance with § 2–1246 of the State Government Article, the General Assembly. | | | |
| 15 16 17 | 1, 2019. It shall remain e | ffectiv | FURTHER ENACTED, That this Act shall take effect June e for a period of 2 years and 1 month and, at the end of June arther action required by the General Assembly, shall be | |

abrogated and of no further force and effect.

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