

SENATE BILL 209

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By: **Senators West, Carozza, McKay, Sydnor, Salling, Jackson, and Smith**

Introduced and read first time: January 23, 2023

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Task Force to Study Crime Classification and Penalties**

3 FOR the purpose of establishing the Task Force to Study Crime Classification and Penalties
4 to study certain issues related to the classification of and penalties for criminal and
5 civil violations in the State; and generally relating to the Task Force to Study Crime
6 Classification and Penalties.

7 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
8 That:

9 (a) There is a Task Force to Study Crime Classification and Penalties.

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

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

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

15 (3) the Attorney General, or the Attorney General's designee;

16 (4) the Executive Director of the Maryland Sentencing Commission, or the
17 Executive Director's designee;

18 (5) the Executive Director of the Governor's Office of Crime Prevention,
19 Youth, and Victim Services, or the Executive Director's designee;

20 (6) the president of the Maryland State's Attorneys' Association, or the
21 president's designee;

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (7) an expert in the subject matter of criminal sentencing, appointed by the
2 president of the Maryland State's Attorneys' Association;

3 (8) the Public Defender, or the Public Defender's designee;

4 (9) an expert in the subject matter of criminal sentencing, appointed by the
5 Public Defender;

6 (10) the chair of the Justice Reinvestment Oversight Board; and

7 (11) an instructor from a law school in the State with expertise in criminal
8 law, appointed by the Governor.

9 (c) The members of the Task Force shall designate the chair of the Task Force.

10 (d) The Office of the Attorney General shall provide staff for the Task Force.

11 (e) A member of the Task Force:

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

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

15 (f) The Task Force shall:

16 (1) review the penalties for all criminal and civil violations throughout the
17 Maryland Code;

18 (2) study the history and legislative intent of the classification of criminal
19 and civil violations throughout the Maryland Code, including the constitutional
20 implications and collateral consequences that arise as a result of classification;

21 (3) study criminal classifications and penalty schemes in other states and
22 how those classifications and schemes compare to those in the State; and

23 (4) make recommendations regarding the current statutory scheme for
24 criminal and civil violations throughout the Maryland Code, including:

25 (i) whether there are violations that should be reclassified as civil
26 offenses, misdemeanors, or felonies;

27 (ii) whether there are penalties that should be altered;

28 (iii) whether the State would benefit from:

1 1. the imposition of standardized crime classifications and
2 penalties;

3 2. the codification of a default mental state as an element of
4 criminal liability; and

5 3. the codification of affirmative defenses and their elements;

6 (iv) whether statutory changes are necessary for provisions of
7 criminal law that lack an explicit mens rea; and

8 (v) what limitations, if any, should be placed on the ability of
9 administrative boards, agencies, local governments, appointed commissioners, or of other
10 persons or entities to enact rules, regulations, ordinances, or laws providing for criminal
11 penalties.

12 (g) On or before December 31, 2024, the Task Force shall report its findings and
13 recommendations to the Governor and, in accordance with § 2-1257 of the State
14 Government Article, the General Assembly.

15 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June
16 1, 2023. It shall remain effective for a period of 2 years and 1 month and, at the end of June
17 30, 2025, this Act, with no further action required by the General Assembly, shall be
18 abrogated and of no further force and effect.