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**House Bill 355 - State Commission on Criminal Sentencing Policy - Annual Report - Crimes of Violence
(The Judicial Transparency Act of 2020)**

**House Judiciary Committee
February 4, 2020**

**Keiffer Mitchell, Chief Legislative Officer, Office of the Governor
Cara Sullivan, Deputy Legislative Officer, Office of the Governor**

Chair Clippinger, Vice-Chair Atterbeary, Members of the House Judiciary Committee:

House Bill 355 would bring much-needed transparency to our criminal justice system by requiring the State Commission on Criminal Sentencing Policy to publish specific case-by-case information on how violent offenders are being sentenced across our state.

House Bill 355 would require the Sentencing Commission to include in its annual report for each crime of violence as defined by Criminal Law Article § 14-101(a):

1. The crime of which the defendant was convicted;
2. The sentence imposed;
3. The applicable sentencing guidelines range;
4. The disposition of the case, as indicated on the sentencing guidelines worksheet (ABA plea agreement; non-ABA plea agreement; Plea, no agreement; court trial; jury trial);
5. For convictions in which a portion of the sentence is suspended, the amount of time suspended and the percentage of the sentence suspended;
6. For sentencing events that resulted in a departure from the guidelines, the departure reason cited;
7. The court and judicial circuit with jurisdiction over the case; and
8. The sentencing judge.

Additionally, House Bill 355 would require the Governor's Office of Crime Control & Prevention to cooperate with the Sentencing Commission to analyze the use of ABA pleas, including their use by judicial circuit and the percentage of sentences imposed pursuant to ABA pleas that would have been guidelines compliant if the sentence had been imposed under another type of disposition.

REVERSE



Marylanders must understand what happens in courtrooms across our state. A lack of transparency promotes distrust and insecurity. House Bill 355 will make accessible to stakeholders and policymakers information that will better enable informed decision making on how to improve our criminal justice system.

There are certainly instances in which a sentence outside of the sentencing guidelines may be appropriate. House Bill 355 allows the public to see if, on the aggregate, there are significant outliers in the trends of how violent criminals are sentencing and provides a starting point of information to find out why. The legislation also provides for information on why a sentence outside of the guidelines may have been imposed.

Policy decisions and reforms are only as good as the data that drives them. A criminal justice system in which outcomes are obfuscated by inaccessible proceedings and complex processes leads to a lack of knowledge about a fundamental aspect of government. Public officials in our judiciary branch should be held to the same standards of transparency as elected officials in our legislative and executive branches. House Bill 355 brings us closer to a transparent criminal justice system.

For these reasons, the Administration respectfully requests a favorable report on House Bill 355.