



Maryland Crime Victims' Resource Center, Inc.

Continuing the Missions of the Stephanie Roper Committee and Foundation, Inc.

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TESTIMONY SB 449 SENATE JUDICIAL PROCEEDING COMMITTEE FEBRUARY 9th, 2024

“Let the public safety be the highest law” – Cicero – 54 BCE or two thousand and seventy seven years ago, Cicero first set this critical thought to paper. It should be a guiding principle for all we do in the realm of criminal justice. Preservation of rights sometimes demand a higher priority, but then the safety of the public should come next.

Our organization has been involved in a number of cases regarding those who have been determined to be incompetent to stand trial after being accused of heinous acts. This bill pours ten gallons of common sense on several problems with the law regarding incompetency.

The first measure of common sense is to allow the victim the opportunity to move for the extension of time for dismissal of charges as opposed to merely the State's Attorney. We have been down this road before. In a recent case, we had the Assistant State's Attorney actually admit to us that she was not concerned to move to extend the time for dismissal, because the Defendant intended to move far outside her county, where he would not be her problem any longer. This kind of attitude is shocking, but not rare. We could get lost in a conversation of other problems within the system that cause prosecutorial frustration levels so high as to take such a callous position openly. But the best remedy to the situation is allowing the victim to independently move for the extension of time for dismissal of the charges.

The second dose of common sense is extending the period of time after which dismissal is required for serious cases. Again, our organization has been down that road, as well. When an accused violent sex offender murderer stands to have their charges dismissed after five years of incompetency, this is a serious mistake in Maryland's current criminal statutes. There need be no showing that the person is no longer a danger to society, only a showing that five years have passed. This law would extend that period to a reasonable amount. However, we do not believe that this law goes far enough and should include all “crimes of violence”. There are many violent offenses remaining under the lower five-year standard. Nonetheless, an expansion of ten years for Murder First and all of the sex offenses in is a positive step for victims.

Our State's Attorneys overall are very good at what they do, within the system in which they operate. But that system is exceedingly fast-paced, and requires most of their energy to focus of the tidal wave of new cases facing them every day. It is difficult for them to swim back upstream to address five-year-old issues. This is one of the reasons that it is important to allow the victims to move for extension of the time to dismissal as well. Please give a favorable report to SB 0449. Thanks so much to Bishop Senator Muse for this refreshing assistance to a fundamental problem.

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