



OFFICE OF THE STATE'S ATTORNEY FOR BALTIMORE CITY

February 1, 2024

The Honorable William C. Smith Jr.  
Chair, Judicial Proceedings Committee  
2 East Miller Senate Office Building  
Annapolis, MD 21401

RE: Support of SB87 – Homicide or Life–Threatening Injury by Motor Vehicle or Vessel – Parole Eligibility and Penalties

Dear Chairman Smith, Vice-Chairman Waldstreicher and Members of the Committee:

I am writing to express my support for SB87 Homicide or Life–Threatening Injury by Motor Vehicle or Vessel – Parole Eligibility and Penalties. Any serious injury or death caused by drunk driving is devastating for those affected families. Even worse are those incidents involving individuals who repeatedly get behind the wheel of a car and drive drunk thereby placing our entire community in harm's way time and time again. This bill would enhance our ability to hold accountable those individuals who insist on driving drunk repeatedly and cause life-threatening injuries or death of innocent victims.

According to the National Highway Safety Traffic Administration, in the most recent posted data, 2021, there were 15 members of our community killed as a result of drunk driving here in Baltimore City. Under current law, none of those incidents would be considered a violent crime for purposes of parole eligibility thereby establishing parole eligibility at 25%, which is the same eligibility for property crimes. In other words, for a first offense, should a drunk driver receive a maximum sentence of three (3) years, they become parole eligible at nine (9) months. This reality of how little time is actually served shocks the families of victims for whom our prosecutors must console and counsel through the criminal justice process which is often a re-traumatizing experience.

This bill also will serve to create penalties which are commensurate with the devastation caused by drunk driving resulting in injuries or death. For example, under current law, a criminally negligent homicide by vehicle conviction will result in a maximum penalty of three (3) years. Under this bill, the maximum penalty will be increased to five (5) years and thereby generating a two and a half (2.5) year parole eligibility. This increase is more reflective of the seriousness of injurious or fatal drunk driving accidents.



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For those individuals who insist on repeatedly driving drunk and accumulate related convictions, this bill provides a sentencing enhancement option for our prosecutors that will more adequately address repeat, habitual drunk driving resulting in injury or death. We need look no further than the tragedy involving a drunk driving offender who struck a bicyclist two days after Christmas in 2014 and left him for dead on the side of the road.

The offender's blood alcohol level was almost three times the legal limit. This tragic incident provides a case study in how this bill would aid in increasing the amount of time served before parole eligibility. The early parole eligibility in this case aggravated members of our community. A repeat drunk driver, this offender was released in 2019 (even after having been denied parole several times), much to the understandable outrage of the victim's family who stated:

*"The criminal justice system needs reform all the way around, and this is no exception...the fact that you can strike a man and leave him to die on the side of the road and have it not be categorized as a violent crime — three and a half years is not enough to make amends for that."*<sup>1</sup>

We support this piece of legislation and look forward to continuing conversation on this important topic. We thank you for this Committee's consideration in the advancement of Senate Bill 87 this legislative session.

Yours in service,

*Ivan J. Bates*

Ivan J. Bates  
State's Attorney for Baltimore City

By: Hassan Giordano  
Chief, External Affairs

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<sup>1</sup> <https://www.baltimoresun.com/2019/05/14/ex-bishop-heather-cook-released-from-prison-after-serving-half-of-sentence-for-fatal-drunken-driving-crash/>