



Working to end sexual violence in Maryland

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Testimony Regarding Senate Bill 123
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The Maryland Coalition Against Sexual Assault (MCASA) is a non-profit membership organization that includes the State's seventeen rape crisis centers, law enforcement, mental health and health care providers, attorneys, educators, survivors of sexual violence and other concerned individuals. MCASA includes the Sexual Assault Legal Institute (SALI), a statewide legal services provider for survivors of sexual assault. MCASA represents the unified voice and combined energy of all of its members working to eliminate sexual violence. If the Committee chooses to move forward on HB123, we urge the Judiciary Committee to amend Senate Bill 123 to ensure greater victim participation.

Senate Bill 123

Crime Victim Participation in Proceedings Regarding Sentence Reduction

Senate Bill 123 creates a process for reduction of sentences on motion after a person has served 20 years incarceration or when the person reaches age 60. A motion may be renewed every 3 years thereafter up to 2 times total if filed by the inmate and at any time if filed by the State's Attorney. Sentences may not be reduced for a violation of 1st degree rape (Criminal Law §3-303).

MCASA appreciates the provisions incorporating crime victim rights laws requiring notice to a victim. We note that Criminal Procedure §11-403 also clearly provides a victim with the right to be heard at a sentencing disposition hearing and that "sentencing disposition hearing" is defined to include "alteration of a sentence" so would encompass the hearing contemplated by HB123.

However, the crime victim rights provisions of SB123 are insufficient. It could inflict significant trauma on a rape victim to participate in person and, conversely, if a victim does not object to the reduction, it is onerous to require personal appearance. Additionally, it is important to provide the victim with the opportunity to comment not only on the impact of the crime, but also the impact of a potential early release.

We therefore urge the Committee to permit a victim to submit victim impact statement and to require the Court to consider all statements, including previously filed statements.

On page 3, amend lines 13-15 as follows:

(3) (I) NOTICE OF THE HEARING UNDER SUBSECTION (D) OF THIS SECTION SHALL BE GIVEN TO THE VICTIM OR THE VICTIM'S REPRESENTATIVE AS PROVIDED IN §§ 11-104 AND 11-503 OF THIS ARTICLE.

(II) A VICTIM MAY SUBMIT A VICTIM IMPACT STATEMENT REGARDING THE IMPACT OF THE CRIME AND THE PROPOSED SENTENCE REDUCTION;

(III) THE COURT SHALL CONSIDER ALL VICTIM IMPACT STATEMENTS FILED IN THE CASE OR PRESENTED TO THE COURT AT THE TIME OF SENTENCING OR UNDER THIS SUBSECTION.

**The Maryland Coalition Against Sexual Assault urges the
Judiciary Committee to Amend Senate Bill 123**