

JUDICIARY COMMITTEE
HOUSE BILL 0547: CRIME OF VIOLENCE - EDUCATIONAL FACILITIES,
MEDICAL FACILITIES, AND PLACES OF WORSHIP - PENALTY
(SACRED PLACES SAFETY ACT)
February 13, 2024

LETTER OF INFORMATION

Disability Rights Maryland (DRM – formerly Maryland Disability Law Center) is the federally designated Protection and Advocacy agency in Maryland, mandated to advance the civil rights of people with disabilities. DRM works to increase opportunities for Marylanders with disabilities to participate fully in all aspects of community life, and champion their rights to self-determination, dignity, equality, opportunity, and freedom from discrimination and harm.

People with disabilities are dramatically overrepresented in our nation’s criminal justice system, with 40% of people in state prisons having a disability, while only 15% of the US general population having a disability.¹ Prison inmates are four times as likely and jail inmates are more than six times as likely to report a cognitive disability than the general population. Additionally, the Bureau of Justice Statistics reports that 1 in 5 prison inmates have a serious mental illness.²

The crimes of violence, as defined under § 14–101, are felonies³. HB0547 will make committing one of these felonies in an educational facility, a medical facility, or a place of worship a felony as well, that if convicted for the underlying crime of violence a person may receive up to an additional 10 years that may run consecutive to their sentence. Page 2, lines 5 - 9 of HB0547, states that it will apply to medical facilities under Health – General Article § 10–101 & § 19–114, which includes nursing facilities⁴, a person’s individual home where they receive Medicaid funded in-home aide services⁵, and congregate residential settings providing care to people with mental illness or intellectual/developmental disabilities (I/DD)⁶.

The educational facilities as well as the home and home-like medical facilities covered under HB0547 creates a risk that peer to peer and student or patient to staff incidences in these settings will result in harsher sentences. Also, HB0547 may inadvertently cause education and medical staff to believe they are obligated to involve police given the heightened status in which this bill places educational and medical facilities.

Many people with behavioral health conditions end up in unnecessary, expensive inpatient care or involved with police – often with tragic consequences. The U.S. Department of Justice’s

¹<https://www.prisonpolicy.org/research/disability/#:~:text=People%20with%20disabilities%20are%20overrepresent ed,state%20prisons%20have%20a%20disability.>

² <https://www.americanprogress.org/article/disabled-behind-bars/>

³ <https://www.msccsp.org/Files/Guidelines/MSGM/guidelinesmanual.pdf>

⁴ MD Code, Health - General, § 19-301

⁵ MD Code, Health - General, § 19-401

⁶ MD Code, Health - General, § 19-301, *see* “Related Institutions”

Report of Findings issued to Baltimore City in August 2016 found that the Baltimore City Police Department routinely violated the rights of people with disabilities by using unreasonable force against individuals with disabilities and those in crisis, even when the individual committed no crime or was in restraints.⁷ Incarcerating people with mental illness, I/DD, or who are dually diagnosed with a mental illness and I/DD, who need appropriate treatment and support services, mistreats a public health problem through the criminal justice system and cannot be expected to produce positive outcomes. It contributes to race and disability discrimination and tears families and communities apart.

Violent or dangerous behavior in schools, hospitals and places of worship is never acceptable. However, people in crisis should not be deterred from seeking or receiving medical care for fear of police involvement, additional charges, and potentially harsher sentences. Similarly, students with disabilities should not fear greater risk of police involvement simply because they are at school.

Respectfully,

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⁷ <https://www.justice.gov/opa/file/883366/dl?inline>