



**POSITION ON PROPOSED LEGISLATION**

**BILL: House Bill 977 – Criminal Law – Manslaughter by Vehicle or Vessel – Increased Penalties (Jamari’s Law)**

**FROM: Maryland Office of the Public Defender**

**POSITION: Unfavorable**

**DATE: 02/19/2025**

The Maryland Office of the Public Defender respectfully requests that the Judiciary Committee issue an unfavorable report on House Bill 977.

House Bill 977 *doubles* the statutory maximum penalty for a first conviction for manslaughter by vehicle by increasing the penalty from 10 to 20 years, and for a second, subsequent, conviction the bill *doubles* the penalty from 15 to 30 years.

Under existing law, prosecutors can charge someone with vehicular homicide if they drove in a manner that was “grossly negligent” and killed someone. See, e.g., *State v. Kramer*, 318 Md. 576, 590 (1990) (collecting cases). So, an alleged perpetrator need not have intended to kill, need not have planned to kill, and need not have acted with malice aforethought to be convicted. Yet, under current law, someone may be sentenced to 10 years for a first offense and 15 years for a second, successive, offense. Even granting, for present purposes, that statutory maximum sentences are seldom served in their entirety, it is difficult to conceive of the societal value (e.g. deterrence or retribution) served by doubling the potential period of incarceration someone might be sentenced to for *accidentally* causing the death of another.

**For these reasons, the Maryland Office of the Public Defender urges this Committee to issue an unfavorable report on HB 977.**

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**Submitted by: Government Relations Division of the Maryland Office of the Public Defender.**