

Department of Legislative Services  
Maryland General Assembly  
2019 Session

FISCAL AND POLICY NOTE  
Third Reader

Senate Bill 149

(Senator Hough, *et al.*)

Judicial Proceedings

Judiciary

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Task Force to Study Crime Classification and Penalties

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This bill establishes the Task Force to Study Crime Classification and Penalties. The Department of Legislative Services (DLS) must provide staff for the task force. By December 31, 2020, the task force must report its findings and recommendations to the Governor and the General Assembly.

The bill takes effect June 1, 2019, and terminates June 30, 2021.

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Fiscal Summary

**State Effect:** Any expense reimbursements for task force members and staffing costs for DLS are assumed to be minimal and absorbable within existing budgeted resources. The Maryland State Commission on Criminal Sentencing Policy (MSCCSP) advises that assuming it does not need to conduct additional research to assist with its role on the task force and that the task force does not request information that it currently does not have, MSCCSP can handle the bill's requirements with existing budgeted resources.

**Local Effect:** None.

**Small Business Effect:** None.

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## Analysis

**Bill Summary:** The task force must:

- review the penalties for all criminal and civil violations throughout the Maryland Code;
- study the history and legislative intent of the classification of criminal and civil violations throughout the Maryland Code, including the constitutional implications and collateral consequences that arise as a result of classification;
- study criminal classifications and penalty schemes in other states and how those classifications and schemes compare to those in the State; and
- make recommendations regarding the current statutory scheme for criminal and civil violations throughout the Maryland Code, including (1) whether there are violations that should be reclassified as civil offenses, misdemeanors, or felonies; (2) whether there are penalties that should be altered; (3) whether the State would benefit from the imposition of standardized crime classifications and penalties, the codification of a default mental state as an element of criminal liability, and the codification of affirmative defenses and their elements; (4) whether statutory changes are necessary for provisions of criminal law that lack an explicit *mens rea*; and (5) what limitations, if any should be placed on the ability of administrative boards, agencies, local governments, appointed commissioners, or of other persons or entities to enact rules, regulations, ordinances, or laws providing for criminal penalties.

A member of the task force may not receive compensation but is entitled to reimbursement for expenses under the standard State travel regulations, as provided in the State budget.

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## Additional Information

**Prior Introductions:** SB 654 of 2017, a similar bill, passed the Senate with amendments and received a hearing in the House Judiciary Committee. No further action was taken on the bill. Its cross file, HB 1012, received a hearing in the House Judiciary Committee, but no further action was taken.

**Cross File:** HB 542 (Delegate Cox, *et al.*) - Judiciary.

**Information Source(s):** Maryland State Commission on Criminal Sentencing Policy; Department of Legislative Services

**Fiscal Note History:** First Reader - January 29, 2019  
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