

Department of Legislative Services  
Maryland General Assembly  
2021 Session

FISCAL AND POLICY NOTE  
Third Reader

Senate Bill 471

(Senator Washington)(By Request)

Judicial Proceedings

Judiciary

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**Task Force to Study Crime Classification and Penalties - Alterations**

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This bill extends the Task Force to Study Crime Classification and Penalties and its associated reporting deadline by one year. Under the bill, the task force must report its findings and recommendations to the Governor and the members of the General Assembly by December 31, 2021. **The bill takes effect June 1, 2021, and the task force terminates June 30, 2022.**

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**Fiscal Summary**

**State Effect:** Any expense reimbursements for task force reimbursements are assumed to be minimal and absorbable within existing budgeted resources. Revenues are not affected.

**Local Effect:** None.

**Small Business Effect:** None.

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**Analysis**

**Current Law:** Chapter 372 of 2019 requires the task force to:

- 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:** None.

**Designated Cross File:** HB 763 (Delegate Shetty) - Judiciary.

**Information Source(s):** Department of Legislative Services

**Fiscal Note History:** First Reader - February 9, 2021  
rh/aad Third Reader - March 22, 2021

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