

# SENATE BILL 209

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CF HB 1281

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By: **Senators West, Carozza, McKay, Sydnor, Salling, Jackson, and Smith**

Introduced and read first time: January 23, 2023

Assigned to: Judicial Proceedings

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Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: February 25, 2023

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Task Force to Study Crime Classification ~~and Penalties~~**

3 FOR the purpose of establishing the Task Force to Study Crime Classification ~~and Penalties~~  
4 to study certain issues related to the classification of ~~and penalties for~~ criminal and  
5 civil violations in the State; and generally relating to the Task Force to Study Crime  
6 Classification ~~and Penalties~~.

7 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
8 That:

9 (a) There is a Task Force to Study Crime Classification ~~and Penalties~~.

10 (b) The Task Force consists of the following members:

11 (1) ~~three members of the Senate of Maryland, appointed by the President~~  
12 ~~of the Senate~~ one member appointed by the Chair of the Senate Judicial Proceedings  
13 Committee;

14 (2) ~~three members of the House of Delegates, appointed by the Speaker of~~  
15 ~~the House~~ one member appointed by the Chair of the House Judiciary Committee;

16 (3) the Attorney General, or the Attorney General's designee;

17 (4) ~~the Executive Director of the Maryland Sentencing Commission, or the~~  
18 ~~Executive Director's designee;~~

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



~~(5) the Executive Director of the Governor's Office of Crime Prevention, Youth, and Victim Services, or the Executive Director's designee;~~

~~(6) (4) the ~~president~~ President of the Maryland State's Attorneys' Association, or the ~~president's~~ President's designee;~~

~~(7) an expert in the subject matter of criminal sentencing, appointed by the president of the Maryland State's Attorneys' Association;~~

~~(8) (5) the Public Defender, or the Public Defender's designee;~~

~~(9) an expert in the subject matter of criminal sentencing, appointed by the Public Defender;~~

~~(10) the chair of the Justice Reinvestment Oversight Board; and~~

~~(11) an instructor from a law school in the State with expertise in criminal law, appointed by the Governor.~~

(6) the Executive Director of the Maryland Network Against Domestic Violence, or the Executive Director's designee; and

(7) the following members appointed by the President of the Maryland State Bar Association:

(i) one member of the State Bar with expertise in victims' rights;  
and

(ii) one member of the State Bar who is a member of the Criminal Law Section of the Association.

(c) ~~The members of the Task Force~~ Chair of the Senate Judicial Proceedings Committee and Chair of the House Judiciary Committee shall designate the chair of the Task Force.

(d) The Office of the Attorney General shall provide staff for the Task Force.

(e) A member of the Task Force:

(1) may not receive compensation as a member of the Task Force; but

(2) is entitled to reimbursement for expenses under the Standard State Travel Regulations, as provided in the State budget.

(f) The Task Force shall:

1           ~~(1) review the penalties for all criminal and civil violations throughout the~~  
2 ~~Maryland Code;~~

3           ~~(2) study the history and legislative intent of the classification of criminal~~  
4 ~~and civil violations throughout the Maryland Code, including the constitutional~~  
5 ~~implications and collateral consequences that arise as a result of classification;~~

6           ~~(3) study criminal classifications and penalty schemes in other states and~~  
7 ~~how those classifications and schemes compare to those in the State; and~~

8           ~~(4) make recommendations regarding the current statutory scheme for~~  
9 ~~criminal and civil violations throughout the Maryland Code, including:~~

10           ~~(i) whether there are violations that should be reclassified as civil~~  
11 ~~offenses, misdemeanors, or felonies;~~

12           ~~(ii) whether there are penalties that should be altered;~~

13           ~~(iii) whether the State would benefit from:~~

14           ~~1. the imposition of standardized crime classifications and~~  
15 ~~penalties;~~

16           ~~2. the codification of a default mental state as an element of~~  
17 ~~criminal liability; and~~

18           ~~3. the codification of affirmative defenses and their elements;~~

19           ~~(iv) whether statutory changes are necessary for provisions of~~  
20 ~~criminal law that lack an explicit mens rea; and~~

21           ~~(v) what limitations, if any, should be placed on the ability of~~  
22 ~~administrative boards, agencies, local governments, appointed commissioners, or of other~~  
23 ~~persons or entities to enact rules, regulations, ordinances, or laws providing for criminal~~  
24 ~~penalties~~

25           (1) study and make recommendations regarding a method for classifying  
26 crimes and civil offenses under State law; and

27           (2) identify and logically categorize all crimes and civil offenses that exist  
28 under State law.

29           (g) On or before ~~December 31, 2024,~~ December 31, 2023, the Task Force shall  
30 report its findings and recommendations to the Governor and, in accordance with § 2-1257  
31 of the State Government Article, the General Assembly.

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1           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June  
 2 1, 2023. It shall remain effective for a period of ~~2 years~~ 1 year and 1 month and, at the end  
 3 of June 30, ~~2025~~ 2024, this Act, with no further action required by the General Assembly,  
 4 shall be abrogated and of no further force and effect.

Approved:

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Governor.

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President of the Senate.

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Speaker of the House of Delegates.