

Department of Legislative Services  
 Maryland General Assembly  
 2024 Session

FISCAL AND POLICY NOTE  
 Third Reader - Revised

Senate Bill 379

(Senator West, *et al.*)

Judicial Proceedings

Judiciary

**Task Force to Study Crime Classification - Renaming, Membership, and Duties**

This bill (1) renames the Task Force to Study Crime Classification to be the Task Force to Study Crime Reclassification and Penalties; (2) expands the membership of the task force; (3) alters the duties of the task force; and (4) specifies that a task force member serves at the pleasure of the person who appointed them to the task force. The task force must report its findings and recommendations to the Governor and the General Assembly by December 31, 2025. **The bill takes effect June 1, 2024, and terminates June 30, 2026.**

**Fiscal Summary**

**State Effect:** General fund expenditures for the Office of the Attorney General (OAG) increase by \$177,300 in FY 2025 and by \$155,900 in FY 2026, as discussed below. Any expense reimbursements for members of the task force are assumed to be minimal and absorbable with existing budgeted resources. Revenues are not affected.

(in dollars)	FY 2025	FY 2026	FY 2027	FY 2028	FY 2029
Revenues	\$0	\$0	\$0	\$0	\$0
GF Expenditure	177,300	155,900	0	0	0
Net Effect	(\$177,300)	(\$155,900)	\$0	\$0	\$0

*Note:() = decrease; GF = general funds; FF = federal funds; SF = special funds; - = indeterminate increase; (-) = indeterminate decrease*

**Local Effect:** None.

**Small Business Effect:** None.

## Analysis

**Bill Summary/Current Law:** Chapter 712 of 2023 established the Task Force to Study Crime Classification, to be staffed by OAG. The task force is required to (1) study and make recommendations regarding a method for classifying crimes and civil offenses under State law and (2) identify and logically categorize all crimes and civil offenses that exist under State law. Pursuant to Chapter 712, the task force was required to report its findings and recommendations to the Governor and the General Assembly by December 31, 2023. Chapter 712 terminates June 30, 2024.

The bill repeals those responsibilities and instead, requires the Task Force to Study Crime Reclassification and Penalties (1) to review the penalties for all criminal and civil violations in the Criminal Law Article, Criminal Procedure Article, Public Safety Article, and Maryland Sentencing Guidelines and (2) make recommendations regarding the current scheme for criminal and civil violations in the Criminal Law Article, Criminal Procedure Article, Public Safety Article, and Maryland Sentencing Guidelines. The task force's recommendations must include:

- whether violations should be categorized by classes of misdemeanor and felony to correspond with the severity of offenses;
- whether there are violations that should be reclassified as civil offenses, misdemeanors, or felonies;
- whether there are penalties that should be altered because they are disproportionately lenient or severe;
- whether remaining common law offenses should be codified; and
- whether statutory changes are needed for provisions of criminal law that lack an explicit *mens rea*.

In a December 2023 letter, the Task Force to Study Crime Classification described some of the research it had conducted, summarized the proceedings of six meetings it held from September 2023 through December 2023, and made the following recommendations: (1) clarify the intent of the task force legislation and the scope of the reclassification of offenses; (2) narrow the offenses to be reviewed by the task force; (3) ensure adequate staff support for the task force; and (4) ensure adequate time for the task force to complete its responsibilities (ideally two years).

**State Expenditures:** OAG advises that its current staff cannot accommodate the bill's requirements, and given its current workloads, the scope of the task force's responsibilities, the research required, and the reporting deadline, one contractual attorney and one part-time paralegal are needed to implement the bill. The Department of Legislative Services concurs with the assessment.

Accordingly, general fund expenditures increase by \$177,257 in fiscal 2025, which accounts for a 30-day startup delay. This estimate reflects the cost of hiring one contractual attorney and one contractual part-time paralegal to staff the task force and complete the required report. It includes salaries, fringe benefits, one-time start-up costs, and ongoing operating expenses.

Contractual Positions	1.5
Salaries and Fringe Benefits	\$162,745
Operating Expenses	<u>14,512</u>
<b>Total FY 2025 State Expenditures</b>	<b>\$177,257</b>

Future year expenditures reflect full salaries with annual increases and employee turnover as well as annual increases in ongoing operations and the termination of the task force at the end of fiscal 2026.

This estimate does not include any health insurance costs that could be incurred for specified contractual employees under the State's implementation of the federal Patient Protection and Affordable Care Act.

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### **Additional Information**

**Recent Prior Introductions:** Similar legislation has not been introduced within the last three years.

**Designated Cross File:** None.

**Information Source(s):** Office of the Attorney General; Department of Legislative Services

**Fiscal Note History:** First Reader - January 31, 2024  
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