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**To:** Members of The House Judiciary Committee

**From:** Doyle Niemann, Chair, Legislative Committee, Criminal Law and Practice Section

**Date:** 3/11/2020

**Subject:** **HB43 – Criminal Procedure – Plea Agreement Terms and the Violence Prevention Initiative Criteria**

**Position:** **Oppose**

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The Legislative Committee of the Criminal Law & Practice Section of the Maryland State Bar Association (MSBA) **Opposes HB43 – Criminal Procedure – Plea Agreement Terms and the Violence Prevention Initiative Criteria.**

This bill would eliminate diminution credits and parole as an option when a defendant is convicted of a crime of violence and makes other changes.

The definition of “a crime of violence” has been expanded considerably in recent years and there continue to be proposals to add more crimes to that list. Eliminating credit for good behavior and the possibility of parole would be unfair and counterproductive.

It would significantly complicate plea negotiations, which is where the majority of crimes are resolved, leading to more trials and more burden on the judicial system – as well as on the victims and witnesses who would face an uncertain outcome in a trial.

It would remove incentives for defendants who have been convicted to moderate their behavior while in custody so as to earn credits or be eligible for parole. This would have a negative impact on our correctional facilities and staff.

For the reasons stated, we **Oppose HB43 – Criminal Procedure – Plea Agreement Terms and the Violence Prevention Initiative Criteria.**

If you have questions about the position of the Criminal Law and Practice Section’s Legislative Committee, please feel free to address them to me at 240-606-1298 or at [doyleniemann@verizon.net](mailto:doyleniemann@verizon.net).

Should you have other questions, please contact The MSBA’s Legislative Office at (410)-269-6464 / (410)-685-7878 ext: 3066 or at [Richard@MSBA.org](mailto:Richard@MSBA.org) and [Parker@MSBA.org](mailto:Parker@MSBA.org).