

**MARYLAND JUDICIAL CONFERENCE**  
**GOVERNMENT RELATIONS AND PUBLIC AFFAIRS**

Hon. Mary Ellen Barbera  
Chief Judge

187 Harry S. Truman Parkway  
Annapolis, MD 21401

**MEMORANDUM**

**TO:** House Judiciary Committee  
**FROM:** Legislative Committee  
Suzanne D. Pelz, Esq.  
410-260-1523  
**RE:** House Bill 485  
Criminal Law – Hate Crimes – Penalty (Educate against Hate Act)  
**DATE:** January 29, 2020  
(2/11)  
**POSITION:** Oppose

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The Maryland Judiciary opposes House Bill 485. This bill requires the court to order a person who is found in violation of Title 10, Subtitle 3 of the Criminal Law Article to complete at least eight hours of education instruction relating to the group or community against whom the person has committed a prohibited act.

The Judiciary traditionally opposes legislation that includes mandatory provisions. The Judiciary believes it is important for judges to weigh the facts and circumstances for each individual case when imposing a sentence. Provisions that place restrictions on the judge prevent the judge from considering legislative intent or factors unique to the case. Recognizing that lawmakers are responsible for enacting penalties for crimes, judges are mindful of various mitigating factors in crafting a sentence that most appropriately fits the individual defendant and the crime.

cc. Hon. Vaughn Stewart  
Judicial Council  
Legislative Committee  
Kelley O'Connor