
MSCCSP



Maryland State Commission on Criminal Sentencing Policy

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David A. Soulé, Ph.D.

University of Maryland
4511 Knox Road, Suite 309
College Park, MD 20742-8660
(301) 403-4165 / phone
(301) 403-4164 / fax
www.msccsp.org

TO: House Judiciary Committee

FROM: MSCCSP

RE: House Bill 1458
Maryland State Commission for Criminal Sentencing Policy –
Sentencing Guidelines – Plea Agreements (Truth in Plea Deals
Act of 2020)

DATE: March 10, 2020

POSITION: Oppose

The Maryland State Commission on Criminal Sentencing Policy (MSCCSP or Commission) convened via teleconference on February 20, 2020, to solicit feedback on House Bill (HB) 1458. Eleven of the 19 Commissioners participated in the call. By a unanimous vote of 9 to 0 (with one vote to abstain and one non-vote from the acting Chair who typically does not vote unless to break a tie), the Commission voted to oppose HB 1458. The Commission does not oppose the concept of the proposed legislation, but it believes the bill is premature at this time and should not be passed without first giving the Commission the opportunity to conduct the requisite research and consider the issue. In its recently released 2019 annual report, the Commission indicated plans to review in 2020 the current definition of binding American Bar Association (ABA) pleas, with the understanding that the review would necessitate a fuller discussion of guidelines compliance and the longstanding ABA plea agreement compliance rule.¹ The Commission appreciates the legislature's concerns and asks that the legislature defer to allow the Commission to systematically study the issue and report its findings to the legislature by the start of the 2021 General Assembly session.

¹ An ABA plea is a disposition resulting from a plea agreement that the court approved relating to a particular sentence, disposition, or other judicial action, and the agreement is binding on the court under Maryland Rule 4-243(c). The MSCCSP deems all sentences pursuant to an ABA plea agreement guidelines-compliant (COMAR 14.22.01.17). The MSCCSP adopted the ABA plea agreement compliance policy in 2001 to acknowledge that ABA plea agreements reflect the consensus of the local view of an appropriate sentence within each specific community. The ABA plea agreement compliance policy allows the court to set a guidelines compliant sentence which considers the individual needs of the offender, such as substance abuse treatment, as opposed to incarceration.