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Baltimore City

Education, Health, and
Environmental Affairs Committee

Chair
Joint Committee on Ending
Homelessness

Chair
Joint Committee on Children,
Youth, and Families



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SUPPORT - SB 471/HB 763
TASK FORCE TO STUDY
CRIME CLASSIFICATION AND PENALTIES

Dear Chair Smith, Vice Chair Walderstreicher, and committee members,

The Task Force to Study Crime Classification and Penalties is charged with:

- reviewing penalties for all criminal and civil violations throughout the Maryland Code;
- studying the history and legislative intent of the classification of criminal and civil violations throughout the Maryland Code, including the constitutional implications and collateral consequences that arise as a result of classification;
- studying the criminal classifications and penalty schemes in other states and how those classifications and schemes compare to those in the State; and
- making recommendations regarding the current statutory scheme for criminal and civil violations throughout the Maryland Code, including
 - (1) whether there are violations that should be reclassified as civil offenses, misdemeanors, or felonies;
 - (2) whether there are penalties that should be altered;
 - (3) whether the State would benefit from the imposition of standardized crime classifications and penalties, the codification of a default mental state as an element of criminal liability, and the codification of affirmative defenses and their elements;
 - (4) whether statutory changes are necessary for provisions of criminal law that lack an explicit mens rea; and
 - (5) what limitations, if any, should be placed on the ability of administrative boards, agencies, local governments, appointed commissioners, or other persons or entities to enact rules, regulations, ordinances, or laws providing for criminal penalties.

The task force met twice prior to the 2020 legislative session, anticipating to resume its work shortly after *Sine Die*. However, due to the unprecedented nature of the ongoing COVID-19 pandemic, the task force was unable to meet again until November 12, 2020. The final task force meeting in 2020 was held December 18.

The task force voted to make the following recommendations:

- (1) **due to the scope of the task force's responsibilities and delays caused by the ongoing COVID-19 pandemic, the General Assembly should extend the work of the task force for a period of one year and authorize the task force to obtain technical and research assistance in its work;**
- (2) the General Assembly should adopt a standard crime classification system and consider a default *mens rea* for appropriate criminal offenses in the State; and
- (3) the General Assembly should define and distinguish misdemeanor and felony offenses.

SB 471 extends the due date to December 31, 2021, by which the Task Force to Study Crime Classification and Penalties is required to submit a report on certain findings and recommendations to the Governor and General Assembly. The bill also extends the termination date for the Task Force to June 30, 2022.

The members of the task force and I greatly look forward to the opportunity to continue our important work. For these reasons, I urge a favorable report on SB471.

In Partnership,



Mary Washington