

MD Judiciary - Testimony SB 852.pdf

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Position: UNF

MARYLAND JUDICIAL CONFERENCE
GOVERNMENT RELATIONS AND PUBLIC AFFAIRS

Hon. Mary Ellen Barbera
Chief Judge

187 Harry S. Truman Parkway
Annapolis, MD 21401

MEMORANDUM

TO: Senate Judicial Proceedings Committee
FROM: Legislative Committee
Suzanne D. Pelz, Esq.
410-260-1523
RE: Senate Bill 852
Crimes – Penalties and Procedures
DATE: February 17, 2021
(3/3)
POSITION: Oppose

The Maryland Judiciary opposes Senate Bill 852. Senate Bill 852 establishes and alters various penalties and conditions of sentencing regarding certain firearm-related violations

This bill, on page nine, requires the court to order that a person convicted of theft of a firearm restore the firearm to the owner or pay the owner the value of the firearm. Although the Judiciary has no position on the policy aims of the legislation, 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 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. Michael Hough
Judicial Council
Legislative Committee
Kelley O'Connor

