



BILL NO: House Bill 1233
TITLE: Correctional Services - Inmates - Intake and Release Requirements (Reentry Success Act of 2021)
COMMITTEE: Judiciary
HEARING DATE: March 9, 2021
POSITION: **OPPOSE UNLESS AMENDED**

The Maryland Network Against Domestic Violence (MNADV) is the state domestic violence coalition that brings together victim service providers, allied professionals, and concerned individuals for the common purpose of reducing intimate partner and family violence and its harmful effects on our citizens. **MNADV urges the House Judiciary Committee to issue an unfavorable report on HB 1233 unless it is amended.**

MNADV supports and believes that there should be a robust and wide array of services that are available to support persons reentering the community to ensure their success. Pre-release services are effective and help reduce recidivism. Therefore, MNADV supports those provisions of HB 1233 found starting on page 1, line 23 through page 2, line 10 that would require the necessary forms be provided and assistance be offered to those persons re-entering the community so they can have photo identification, medical assistance, food supplement program benefits, public transportation passes, and a 30-day supply of medication.

MNADV is opposed to the provisions of HB 1233 as drafted regarding mediation between “the inmate and an individual identified by the inmate as essential for the successful reentry of the inmate into society.” In particular, MNADV is concerned about the empowerment of the incarcerated individual to select who that individual might be. Domestic violence remains one of the most underreported crimes with almost 600,000 unreported incidents of nonfatal domestic violence victimizations occurring each year between 2006-2015.¹ There are no protections in place in the context of this bill to ensure that the individual selected to be a part of the mediation is not a victim of domestic violence by the incarcerated person, even if unreported. While court records might reflect the named victims in a case that does not encompass the entire possible sphere of impact that a crime may have had on others, and those persons could be selected as the essential person for successful reentry.

¹ Brian A. Reaves, Ph.D., *Bureau of Justice Statistics, Police Response To Domestic Violence, 2006-2015, 2017*, https://www.bjs.gov/index.cfm?ty=pbdetail&iid=5907&utm_source=juststats&utm_medium=email&utm_content=prdv0615_report_detail_page&utm_campaign=prdv0615&ed2f26df2d9c416fbddddd2330a778c6=lohfkfgkz-lktztdoo

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MNADV also questions the sole use of mediation in HB 1233 rather than referring to the larger framework of restorative justice. In a traditional mediation there is presumed to be a moral balance between the parties. In a restorative justice framework, there is a moral imbalance because of the offense. Restorative justice promotes healing, accountability, and justice in a collaborative manner. Mediation is more focused on reaching a mutually agreeable resolution with a neutral party without requiring the acknowledgment of a harm done and a need to restore a victim.

MNADV is committed to the successful reentry of formerly incarcerated persons into society and looks forward to working with others during the interim to develop the appropriate protections so that restorative justice can be offered as part of the reentry planning process.

For the above stated reasons, the **Maryland Network Against Domestic Violence urges an unfavorable report on HB 1233 unless it is amended.**