

**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 867  
Criminal Law – Hate Crimes – First Responders  
**DATE:** February 17, 2021  
(3/10)  
**POSITION:** Oppose

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The Maryland Judiciary opposes Senate Bill 867. Senate Bill 867 expands the hate crime statute by adding §10-306 to the Criminal Law Article. This provision prohibits hate crimes against first responders. Upon conviction the penalty is a term of imprisonment no less than one year and no more than five years and a fine of \$5,000. This penalty is a mandatory minimum and the court may not suspend any part of the mandatory minimum sentence of one year. Any sentence imposed must be consecutive to and cannot be concurrent with any other sentence imposed for any crime based on the act establishing a violation of this section.

The Judiciary traditionally opposes legislation that includes mandatory penalties. 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. Paul Corderman  
Judicial Council  
Legislative Committee  
Kelley O'Connor

