



THE MARYLAND HOUSE OF DELEGATES
ANNAPOLIS, MARYLAND 21401

Testimony in Support

HB763 – Task Force to Study Crime Classification and Penalties - Alterations

Chairman Clippinger, Vice-Chair Atterbeary and Members of the Judiciary Committee, thank you for the opportunity to testify today in support of HB763, a bill that will extend the work of the Task Force to Study Crime Classification and Penalties, established by state law in 2019 for one year. Should this bill pass, the task force would be required to report its findings by 12/31/21, and it would terminate on 6/30/22.

The task force was established in 2019 and had a very large job. A lot of great work was done, however more time is needed in order to fully complete the scope of work prescribed to it under the law.

Under the 2019, the task force is required to:

- review the penalties for all criminal and civil violations throughout the Maryland Code;
- study 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;
- study criminal classifications and penalty schemes in other states and how those classifications and schemes compare to those in the State; and
- make 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 of other persons or entities to enact rules, regulations, ordinances, or laws providing for criminal penalties.

If provided an additional year, we hope to be able to provide a thorough report of our findings, as outlined above, in advance of the convening of the 2022 Maryland General Assembly Session.

I respectfully request a favorable report of HB763. Thank you.