

**MARYLAND JUDICIAL CONFERENCE**  
**GOVERNMENT RELATIONS AND PUBLIC AFFAIRS**

Hon. Joseph M. Getty  
Chief Judge

187 Harry S. Truman Parkway  
Annapolis, MD 21401

**MEMORANDUM**

**TO:** Senate Budget and Taxation Committee  
Senate Finance Committee

**FROM:** Legislative Committee  
Suzanne D. Pelz, Esq.  
410-260-1523

**RE:** Senate Bill 781  
Public Safety and Behavioral Health Improvement Act

**DATE:** February 23, 2022  
(3/8)

**POSITION:** Oppose

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The Maryland Judiciary opposes Senate Bill 781. This bill requires the Governor's Office of Crime Prevention, Youth, and Victim Services to take certain actions related to the inclusion of performance data and information in reports and the creation of a scorecard of quantifiable safety indicators.

The Judiciary is opposed to the provision which requires the Governor's Office of Crime Prevention, Youth, and Victim Services to create an annual "scorecard" that includes "rates of judicial compliance with state sentencing policies by race and type of case." First, it is unclear what "state sentencing policies" means. Assuming this provision refers to compliance with Maryland Sentencing Guidelines, it misunderstands the purpose of the guidelines, which is descriptive, not prescriptive. The Maryland Sentencing Commission should not be called upon to issue such a report as it exceeds that agency's statutory purpose.

Further, the Judiciary is also concerned that presentation of such data can present an inaccurate picture of sentencing decisions—especially if broken down by individual judges—since judges must consider a wide-range of factors in making sentencing decisions, and that can result in sentences that are higher or lower than the range provided by the sentencing guidelines.

In addition, the bill is unclear whether the Judiciary is expected to play any role in collecting or recording that data. Operationally, this type of data is very difficult if not impossible to produce by the Judiciary, even if it were adequately clear what it is seeking.

cc. Hon. Katie Fry Hester  
Judicial Council  
Legislative Committee  
Kelley O'Connor