



THE SENATE OF MARYLAND  
ANNAPOLIS, MARYLAND 21401

**Testimony of Senator Jill P. Carter  
In Favor of SB0021 - Criminal Procedure - Sentencing - Primary  
Caretaker  
Before the Judiciary Committee  
On February 1, 2022.**

**Chair Smith, Vice Chair Waldstreicher, and Members of the  
Committee:**

**Senate Bill 21 is a bill designed to help keep families intact by providing that primary caretakers of dependents, within 10 days of conviction for a nonviolent crime, may file a motion requesting that the court consider their status as a primary caretaker in sentencing.**

**When a motion is filed, the court must consider whether a suitable alternative to incarceration exists given the person's status as a primary caretaker, among other things. Such an alternative would allow the caretaker to remain with their dependent and in their community while participating in a rehabilitative service. If the court determines a suitable alternative does not exist, it must provide written explanation.**

**Last year, in 2021, approximately 500 women were incarcerated in state correctional facilities, most of whom were imprisoned for non-violent crimes and the majority of whom are mothers. The consequences of incarcerating mothers are devastating to their children and other vulnerable dependents who rely on their daily presence. Studies have proven that children of incarcerated parents suffer higher rates of physical and mental health problems, including asthma, high cholesterol and depression, and higher rates of social challenges, including behavioral issues and homelessness.**

**Senate Bill 21 embodies the belief that nonviolent offenders should be provided a chance to continue taking care of their dependents while serving out their sentences for committing nonviolent crimes.**

**I understand that some may question the necessity of this bill, considering that the family status of a defendant may already be considered during trial. While it is true that the court may be notified and aware of the personal circumstances of a defendant prior to conviction, there is no requirement that the court consider this information in sentencing.**

**Under the current Sentencing Guidelines Manual produced by the Maryland State Commission on Criminal Sentencing Policy, while judges are encouraged to consider alternatives to incarceration, nowhere in the manual does it suggest judges should consider the defendant's family status. Similarly, while an offender may file a motion to reconsider after conviction and therefore accuse the court of an error or claim that there is new evidence, Senate Bill 21 explicitly asks the court to consider the defendant's primary caretaker status at sentencing.**

**It is essential that we keep families together and prevent parental incarceration from damaging the health of any more children when suitable alternatives exist. For these reasons, I urge the committee to give a favorable report on Senate Bill 21. Thank you.**

**Respectfully,**

A handwritten signature in blue ink that reads "Jill P. Carter". The signature is written in a cursive, flowing style.

**Jill P. Carter**