



MONTGOMERY COUNTY, MARYLAND  
WOMEN'S DEMOCRATIC CLUB

P.O. Box 34047, Bethesda, MD 20827

[www.womensdemocraticclub.org](http://www.womensdemocraticclub.org)

**HB0337 – Criminal Procedure – Sentencing – Primary Caregiver  
Judiciary Committee – February 8, 2022  
FAVORABLE**

Thank you for this opportunity to submit written testimony concerning an important priority of the **Montgomery County Women's Democratic Club (WDC)** for the 2022 legislative session. WDC is one of Maryland's largest and most active Democratic Clubs, with hundreds of politically active women and men, including many elected officials.

**WDC urges the passage of HB337.** The goal of this legislation is to encourage courts to consider keeping families intact by using community-based programs as an alternative to incarceration. HB337 would allow a person convicted of a **non-violent** crime to request that the sentencing court consider the convicted person's status as a primary caretaker of a child or dependent adult in determining whether to impose a sentence of incarceration. HB337 would require the court to make written findings about the defendant's caretaker status and the available alternatives to incarceration.

**A parent's incarceration causes lifelong trauma and adverse outcomes for children.** The CDC characterizes the "instability due to parental separation or household members being in jail or prison" as an "Adverse Childhood Experience" (ACE) and says: "ACEs are linked to chronic health problems, mental illness, and substance use problems in adulthood. ACEs can also negatively impact education, job opportunities, and earning potential."<sup>1</sup>

An estimated six percent of our state's children will experience a parent's incarceration during childhood. That percentage is significantly higher in Black communities since 70 percent of Maryland's prison population is Black (despite a Black population statewide of only 30%). Increasingly, the incarcerated parent will be a mother. Since 1980, Maryland's population of women in jail has increased 462 percent, and the percentage of women in prison has increased 264 percent.<sup>2</sup> In 2016, 58 percent of women and 48 percent of men incarcerated in Maryland's prisons reported having at least one minor child.<sup>3</sup> On any given day, 90,000 children in Maryland have a parent under correctional supervision.<sup>4</sup>

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<sup>1</sup> [cdc.gov/violenceprevention/aces/fastfact.html?CDC\\_AA\\_refVal=https%3A%2F%2Fwww.cdc.gov%2Fviolenceprevention%2Ffacestudy%2Ffastfact.html](https://www.cdc.gov/violenceprevention/aces/fastfact.html?CDC_AA_refVal=https%3A%2F%2Fwww.cdc.gov%2Fviolenceprevention%2Ffacestudy%2Ffastfact.html)

<sup>2</sup> <https://www.vera.org/downloads/pdfdownloads/state-incarceration-trends-maryland.pdf>

<sup>3</sup> <https://bjs.ojp.gov/content/pub/pdf/pptmcspi16st.pdf>

<sup>4</sup> <https://goc.maryland.gov/incarceration/>



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When a parent is incarcerated, that parent's child suffers an ongoing trauma every day, every month, and every year of the incarcerated caregiver's term.<sup>5</sup> An ACE of long duration creates "toxic stress," which is compounded when children live in under-resourced or racially segregated neighborhoods and experience housing and food insecurity owing to a parent's incarceration and loss of income. Toxic stress from ACEs can change brain development and negatively affect attention, decision-making, learning, and responses to stress. Children who grow up with toxic stress may have difficulty forming healthy, stable relationships; may have unstable work histories as adults; and may face lifelong struggle with finances, jobs, and depression.<sup>6</sup> Children with incarcerated mothers are more likely to become incarcerated themselves.<sup>7</sup>

**Reducing Family Separation Offers Better Outcomes for Caregivers and Children.** This legislation will promote better outcomes by allowing more primary caregivers to participate in community-based sentencing alternatives and keep their families intact. The CDC notes that preventing an ACE from occurring is the simplest way to avoid its potentially devastating consequences.<sup>8</sup> Keeping parents and children together leads to better outcomes for the system-involved caregivers, especially regarding drug treatment and recidivism. For example, women who keep their children with them during a residential drug treatment program are much more likely to complete the program.<sup>9</sup> Also, mothers in Washington State who participated in an alternative sentencing program had a recidivism rate of eight percent, while incarcerated women who were separated from their children had a 29 percent recidivism rate.<sup>10</sup>

**Community Alternatives to Incarceration Save Money.** Maryland pays roughly \$44,000 per year to incarcerate one person. By contrast, an alternative program for women in Oklahoma that included housing assistance, drug treatment, mental health services, education, employment assistance, and parenting classes cost \$17,000 for an 18-24 month stay.<sup>11</sup> Incarcerating a caregiver who committed a non-violent crime is more expensive, with poorer

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<sup>5</sup> We note, too, that in many cases, a parent will spend significant time in pre-trial detention if they do not have the financial resources for bail. Any jail or prison sentence will be on top of this initial separation of parent and child.

<sup>6</sup> [cdc.gov/violenceprevention/aces/fastfact.html?CDC\\_AA\\_refVal=https%3A%2F%2Fwww.cdc.gov%2Fviolenceprevention%2Fstudy%2Ffastfact.html](https://www.cdc.gov/violenceprevention/aces/fastfact.html?CDC_AA_refVal=https%3A%2F%2Fwww.cdc.gov%2Fviolenceprevention%2Fstudy%2Ffastfact.html)

<sup>7</sup> <https://assets.aecf.org/m/resourcedoc/aecf-asharedsentence-2016.pdf>

<sup>8</sup> [cdc.gov/violenceprevention/aces/fastfact.html?CDC\\_AA\\_refVal=https%3A%2F%2Fwww.cdc.gov%2Fviolenceprevention%2Fstudy%2Ffastfact.html](https://www.cdc.gov/violenceprevention/aces/fastfact.html?CDC_AA_refVal=https%3A%2F%2Fwww.cdc.gov%2Fviolenceprevention%2Fstudy%2Ffastfact.html)

<sup>9</sup> 4 One study found that 88% of women who had their children with them at a residential drug treatment program completed the program, while only 12% of those who were separated from their children finished the program.

[https://humanimpact.org/wp-content/uploads/2018/02/HIP\\_LAcaretakers\\_2018.pdf](https://humanimpact.org/wp-content/uploads/2018/02/HIP_LAcaretakers_2018.pdf)

<sup>10</sup> [https://humanimpact.org/wp-content/uploads/2018/02/HIP\\_LAcaretakers\\_2018.pdf](https://humanimpact.org/wp-content/uploads/2018/02/HIP_LAcaretakers_2018.pdf)

<sup>11</sup> [https://humanimpact.org/wp-content/uploads/2018/02/HIP\\_LAcaretakers\\_2018.pdf](https://humanimpact.org/wp-content/uploads/2018/02/HIP_LAcaretakers_2018.pdf)



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outcomes for both the parent and the child, especially after adding the costs of placing a child in the foster care system. It is likely impossible to fully quantify the significant, downstream fiscal costs of attempting to remedy the adverse effects of parental incarceration on children.

**In summary, HB337 is both good policy and good fiscal management.** It gives the primary caregiver a second chance to remain with a child or dependent adult; if the caregiver fails to comply with the terms of the community-based sentence, she faces incarceration. HB337 has the potential to prevent the toxic stress that children experience when a primary caregiver is incarcerated. It is a first, but vitally important, step in breaking the cycle of inter-generational trauma and poverty, particularly in Maryland's underserved and overincarcerated Black communities. HB337 recognizes, in Maryland law, that when we incarcerate a parent, we destroy the lives of innocent children, too.

**We ask for your support for HB337 and strongly urge a favorable Committee report.**

Respectfully,

Leslie Milano  
President