



THE MARYLAND HOUSE OF DELEGATES
ANNAPOLIS, MARYLAND 21401

February 8, 2022

**Testimony in SUPPORT of HB 337 - Criminal Procedure - Sentencing - Primary
Caretaker**

Summary: HB 337 allows people who have been convicted of a nonviolent offense and are primary caretakers for a child or vulnerable adult to file a motion with the court to have their caretaker status considered in their sentencing, which will allow the court to consider sentencing them to community-based alternatives to incarceration.

Overview: When someone is incarcerated, they are not the only one harmed by their confinement—their entire family is impacted by their absence. This is especially true if the incarcerated person has dependents that rely on them for any number of needs, including housing, health, education, family ties, and safety.

When primary caretakers are incarcerated, their families are immediately destabilized and left on their own to replace the lost income and caregiving. In some instances, this may result in children being sent to foster care, an often traumatic experience for parent and child.

These negative consequences do not only have short-term impacts on family members. Incarceration of a parent has been repeatedly identified as an Adverse Childhood Experience (ACE) and often leads to many negative impacts for the child later in life, including decreased future income and physical and mental health problems.

HB 337 works to keep families together by requiring the court to consider a person's status as a primary caretaker—if the court determines that the person is a primary caretaker and identifies an appropriate community-based alternative to incarceration, such as drug or alcohol treatment, they can sentence that person to the program instead of incarceration. These programs not only keep nonviolent offenders out of our prisons and jails, but also help reduce recidivism—in Washington, women who participated in the Parent Sentencing Alternative program had a recidivism rate of 8%, whereas women who were incarcerated and separated from their children had a recidivism rate of 29%.

While judges can currently consider this legislation, there is currently no legal requirement to do so, which means that defendants must rely on the personal generosity of judges to determine if they are incarcerated or sentenced to these community-based programs. HB 337 standardizes this process and ensures that all primary caretakers will be able to have their caretaker status considered by the court.

HB 337 will help thousands of Maryland families stay together—in Maryland, 90,000 children have a parent under some type of correctional supervision, and studies estimate that about 60 percent of women in prison and 80 percent of women in jails are mothers. In 2021, approximately half of women incarcerated in DPSCS correctional facilities were convicted of a nonviolent offense. This bill offers an alternative treatment program for these people that will allow them to still pay their debt to society while keeping families together and working to improve their lives.

Conclusion: HB 337 helps nonviolent offenders receive access to the supportive services they need to make a positive change in their lives while also allowing them to continue to provide for their dependents.

Thank you and I ask for a favorable report on HB 337.