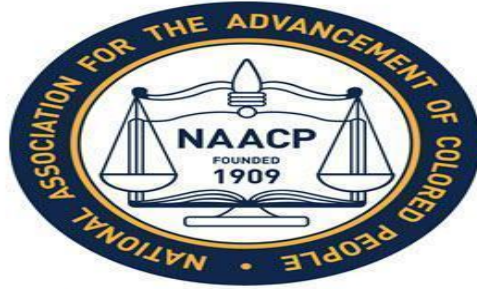


SB0744.pdf

Uploaded by: Ryan Coleman

Position: FAV



Randallstown

P.O. Box 731 Randallstown, MD 21133

March 10, 2023
Immediate Release

Media Contact: Ryan Coleman
randallstownnaacp@gmail.com

Randallstown NAACP is in favor of SB 0744 Crimes and Corrections-Penalties and Procedures.

Our review of the academic literature found that a broad array of evidence indicates that gun availability is a risk factor for homicide, both in the United States and across high-income countries. Case-control studies, ecological time-series and cross-sectional studies indicate that in homes, cities, states and regions in the U.S., where there are more guns, both men and women are at a higher risk for homicide, particularly firearm homicide.

Baltimore has faced unique challenges related to violent crime. Since 2015, the city has seen an excess of 300 homicides per year—the overwhelming majority gun-related. By way of comparison, a total of 292 people were murdered in New York City in 2017, which has a population nearly 14 times larger. Further over 35% of the homicide suspects (2022 in Baltimore City and Baltimore County) are under the supervision of the Division and Parole and Probation.

Substantive violations occur if you commit a new crime during the probation period. A substantive violation is something more than a breach of a probation condition that is a byproduct of the original offense. A substantive violation is a separate act that involves committing a separate criminal offense. Case law has found that carrying a handgun while a felony is a substantive violation of probation. Further, the bill provides resources to hopefully reintegrate the offender into society. **Therefore, the Randallstown NAACP is in favor of SB 0744.**

SB 744 Testimony.pdf

Uploaded by: Gregory Brown

Position: UNF



Testimony for the Judicial Proceedings Committee

March 14th, 2023

SB 744- Crimes and Corrections – Penalties and Procedures

(Violent Firearms Offender Act of 2023)

GREGORY BROWN
PUBLIC POLICY
COUNSEL

UNFAVORABLE

AMERICAN CIVIL
LIBERTIES UNION
OF MARYLAND

3600 CLIPPER MILL
ROAD
SUITE 350
BALTIMORE, MD 21211
T/410-889-8555
F/410-366-7838

WWW.ACLU-MD.ORG

OFFICERS AND
DIRECTORS
HOMAYRA ZIAD
PRESIDENT

DANA VICKERS
SHELLEY
EXECUTIVE DIRECTOR

ANDREW FREEMAN
GENERAL COUNSEL

The ACLU of Maryland urges an unfavorable report on SB 744, which would expand the definition of a crime of violence to include use of a firearm in the commission of possession with the intent to distribute a CDS.

Harsh criminal penalties are disproportionately levied against communities of color

Lengthy sentences, such as the one being proposed in SB 744 have historically been levied disproportionately against persons of color. In Maryland, African Americans make up only 30% of the general population, but over 70% of the incarcerated population. Until the state can identify causes of and begin to undo the racial disparities that permeate every dimension of the criminal legal system, we strongly discourage this body from enacting new or enhancing existing criminal penalties.

Enhanced sentences are expensive and yield little or no public safety returns

By expanding the crimes of violence statute, SB 744 is effectively a sentence enhancement. Enhanced sentences require that the state expend unjustified resources housing persons who may otherwise be appropriate for release. Maryland currently expends on average \$3,800 per month per inmate in state facilities. A few years ago, the General Assembly passed the Justice Reinvestment Act in an effort to curb the bloated prison population while maintaining public safety. SB 744 potentially undermines the progress and savings under the JRA, which the state is only just beginning to realize.

Moreover, no evidence indicates that there is a public safety benefit to increasing sentence lengths. Indeed, the evidence shows that more

severe sentences do not deter crime more effectively than less severe sentences.¹ In researching the correlation between severe sentences and crime deterrence, Professors Durlauf & Nagin found that the marginal deterrent effect of increasing already lengthy prison sentences is modest at best and evidence suggests the possibility of a negative criminogenic effect from imprisonment.²

In its final report to the General Assembly, the Justice Reinvestment Coordinating Council noted:

A growing body of criminological research demonstrates that prison terms are not more likely to reduce recidivism than noncustodial sanctions. For some offenders, *including drug offenders*, technical violators, and first-time offenders, studies have shown that prison can actually increase the likelihood of recidivism. There is also growing evidence that, for many offenders, adding days, months, or years to prison sentences has no impact on recidivism.³ (*internal citations omitted*)

For the forgoing reasons, the ACLU of Maryland respectfully urges an unfavorable report on SB 744.

¹ Durlauf & Nagin, *Imprisonment and Crime: Can Both Be Reduced?*, 10 CRIMINOLOGY & PUBL. POL'Y, 13, 37-38 (2011)

² *Id.*

³ Maryland Justice Reinvestment Coordinating Council—Final Report (December 2015).

AMERICAN CIVIL
LIBERTIES UNION
FOUNDATION OF
MARYLAND

AMERICAN CIVIL
LIBERTIES UNION
FOUNDATION OF
MARYLAND

SB0744 - MSBA Opposition Letter (2023.03.14).docx.

Uploaded by: Shaoli Katana

Position: UNF



MSBA Main Office
520 West Fayette Street
Baltimore, MD 21201
410-685-7878 | msba.org

Annapolis Office
200 Duke of Gloucester Street
Annapolis, MD 21401
410-269-6464 | msba.org

MEMORANDUM

To: Members of the Senate Judicial Proceedings Committee
From: Maryland State Bar Association (MSBA) - Shaoli Katana, Esq., Advocacy Director
Subject: Senate Bill 744 - Crimes and Corrections – Penalties and Procedures (Violent Firearms Offender Act of 2023)
Date: March 14, 2023
Position: Oppose

The Maryland State Bar Association (MSBA) respectfully opposes **Senate Bill 744 - Crimes and Corrections – Penalties and Procedures (Violent Firearms Offender Act of 2023)**. SB744 establishes that a violation of a condition of probation, parole, or mandatory supervision that involves the use or possession of a firearm is not a technical violation for certain purposes; requires the Commissioner of Correction to provide a certain inmate with a certain reentry kit and assistance in obtaining Medicaid benefits under certain circumstances; alters the elements of certain prohibitions against using a certain firearm in the commission of a certain crime; etc.

MSBA represents more attorneys and judges than any other organization across the State in all practice areas. MSBA serves as the voice of Maryland's legal profession. Through its Laws Committee and various practice-specific sections, MSBA monitors and takes positions on legislation of importance to the legal profession.

SB744 establishes and alters penalties for gun-related crimes and offenses, including several mandatory sentencing provisions. MSBA opposes these provisions of the bill, as they interfere with judicial discretion and a judge's important role in analyzing the particulars of a case and individual circumstances before sentencing.

MSBA has concerns with the details of this legislation and respectfully requests an unfavorable report. For additional information, please feel free to contact Shaoli Katana at MSBA at shaoli@msba.org.

SB744_DPSCS_LOI.pdf

Uploaded by: Catherine Kahl

Position: INFO



Department of Public Safety and Correctional Services

Office of Government & Legislative Affairs

45 Calvert Street, Suite 7A, Annapolis, MD 21401
(443) 240-8696 • www.dpscs.maryland.gov

STATE OF MARYLAND

WES MOORE
GOVERNOR

ARUNA MILLER
LT. GOVERNOR

CAROLYN J. SCRUGGS
ACTING SECRETARY

CHRISTINA LENTZ
ACTING
DEPUTY SECRETARY
ADMINISTRATION

ANNIE D. HARVEY
ACTING
DEPUTY SECRETARY
OPERATIONS

VACANT
ASSISTANT SECRETARY

JENNIFER A. BESKID
DIRECTOR

BILL NUMBER: SENATE BILL 744

POSITION: LETTER OF INFORMATION

EXPLANATION: This bill would require the Commissioner of Correction to provide an incarcerated individual with a re-entry kit prior to release as well as assistance in providing Medicaid benefits.

Comments:

The Department operates the Division of Correction (DOC), the Division of Pretrial Detention and Services (DPDS), and the Division of Parole and Probation (DPP).

- DOC operates 13 State correctional facilities housing offenders sentenced to periods of incarceration for 18 months and longer.
 - DPDS operates the Baltimore City Pretrial Complex which houses pretrial detainees and incarcerated individuals sentenced to incarceration for periods of 18 months and less.
 - DPP supervises parolees, probationers and those on mandatory release from correctional facilities.
-
- Successful re-entry is absolutely critical to the Department's mission of public safety. The Programs, Treatment and Re-entry Services Unit provides robust rehabilitative and re-entry services to those returning to the community so they can live productive lives.
 - SB 744 would require the Commissioner of Correction to provide each incarcerated individual with a re-entry kit, upon release, containing:
 - at least a one week of supplies for basic human needs, including clothing and toiletries;
 - an identification card;
 - contact information for entities that provide reentry services, housing assistance, substance use disorder

treatment; mental health services; public transportation information, to include local public transportation schedules and maps; and

- if the inmate is not eligible for Medicaid, information on the Maryland Health Benefits Exchange
- Currently, upon release from the Division of Correction, each incarcerated individual is provided a Release Envelope that he/she must sign for, acknowledging receipt of the following:

Identification documents:

- If the individual made a request and consented in writing;
 - Birth Certificate
 - Social Security Card
 - MVA Identification Card
- DD214 - if the individual is a veteran;
- DOC release card/release certificate; and
- Any documents the individual had at intake.

Other contents:

- Funds remaining in the individuals' inmate bank account;
- Any personal property the individual had at intake;
- Continuity of Care Form that details ongoing treatment, medications, diet, and general guidelines for continued care;
- 30 day supply of medication;
- Entitlement documentation:
 - Medicaid number, and Medicaid card if the facility has received it
 - Maryland Health Connection contact information
 - Information on eligibility for and how to apply for SNAP benefits and other programs such as Temporary Disability Assistance Program (TDAP) or Temporary Cash Assistance (TCA) with their local Department of Human Services; and as applicable
- Notice of Sexual Offender Registration Requirement.
- In FY 2022, a total of 3,428 incarcerated individuals were released to the community. Based on this total, if the Department provided each individual seven days of clothing, the projected cost to the Department would be approximately **\$1.5**

million. The Department anticipates comparable costs in FY 2024.

- **CONCLUSION:** The Department of Public Safety and Correctional Services respectfully requests the Committee consider this information as it deliberates Senate Bill 744.