



Good afternoon Chairman Smith, Vice-Chair Waldstreicher and members of the Judicial Proceedings Committee.

My name is Ivan Bates, and I was fortunate enough to be elected by the great citizens of Baltimore City last year to be their State's Attorney. And one of the main principles of my campaign that the citizens of Baltimore emphasized the need for me to tackle on Day One is the need to get these illegal handguns out of the hands of those shooting and killing people on a daily basis.

This is the reasoning behind my sole piece of legislation this session, which is before you today in the form of SB889, and I would like to thank Senator Cory McCray for recognizing the importance of this legislation and introducing it for us in the Senate.

As you can see by the written testimony you should have received online, we are not the only concerned citizens of this state that feel as if the need to pass this legislation is long overdue. Joining us in this fight to tackle the illegal gun problem we have witnessed across our great state is:

Congressman Kweisi Mfume

Baltimore City **Mayor, Brandon Scott**

The County Executive from Gorgeous Prince George's County, **Ms. Angela Alsobrooks**

The County Executive and the State's Attorney for Baltimore County, **Johnny Olszewski Jr and Scott Shellenberger**, respectively.

In fact, all 24 Maryland State's Attorneys have backed this bill. As have dozens of local community association, faith-based and business leaders from across the state.

Simply put, SB889 is an issue of fairness and equity. It fixes a problem that currently exists which is that those 18-20 years of age currently face a 5-year maximum sentence and/or a \$10,000 fine if caught illegally wearing, carrying or transporting a firearm under **[PS § 5-133 (d)]**.

However, those one year older, 21-years old and above only face a 3-year maximum sentence and/or a \$2,500 fine for that same offense under **[CL §4-203]**

I am looking to **align the penalties for PS § 5-133 (d) with that of CL §4-203** so that it is uniformed across the board for those 18 years of age and older and offering a stiffer penalty for those considering illegally possessing weapons in our city and state.

Why?



Following the passage of the **Justice Reinvestment Act in 2016**, those charged and convicted of misdemeanor offenses are only required to do **25% of their time**. So those who receive the maximum sentence of 3-years are only serving 8-9 months, which is basically time-served – because they are waiting on trial for about that long.

Whereas someone who receives the maximum sentence on a five-year sentence may only receive roughly 16-18 months, only a few months more, but they are also likely to be given DOC time, which now serves as a deterrent that the local time does not. Those serving local time are surrounded by those from their neighborhood, they can see their girlfriend and friends on visits on a regular basis, and hang on the phone all day with local call charges not disturbing their way of life.

However, when you are being sent to Hagerstown, or Cumberland or across the bridge over to ECI, or any one of the various Department of Corrections facilities, that becomes an entirely different story. Phone calls are more expensive, which prevents the regular phone calls home, they don't see their family and friends on a regular basis, and they are given a more structured routine, having to work or do something productive as opposed to local jail where that is not required.

You'll hear testimony about how we are ripping these offenders away from their loved ones and that has an adverse effect on them, but if we really want to save these offenders lives, we need to ensure that they understand the significance of their actions. **I would much rather sentence someone to 18-months behind bars for carrying an illegal firearm than to have to sentence them to 18-years to life for using that handgun on someone.**

The **United States Sentencing Commission** put forth a study of recidivism following the *1984 Sentencing Reform Act (SRA)*, understanding that this was central to their work. That report showed how in their first study entitled Rhodes, that longer prison terms modestly reduced recidivism, reducing more than 1% point per every 7 1/2 months per sentence, while **the second report found offenders receiving sentences of more than 60 months (or 5-years) incarceration had lower odds of recidivism when compared to similar offenders receiving shorter sentences.**

This is significant because the opposition will have you believe that longer sentences do not deter crime, when in fact they do, as outlined by the federal government and the most extensive report done on the comparison of length of sentencing v recidivism.

Specifically, the odds of recidivism were approximately 30 percent lower for offenders incarcerated for more than 120 months and approximately 17 percent lower for offenders incarcerated for more than 60 months up to 120 months. The Commission did not find any statistically significant relationship between length of incarceration and recidivism for offenders incarcerated for less than 60 months.



The realities of today's society is that people are carrying illegal firearms at an alarming rate, and if you really want to know how the law-abiding citizens of this state feel, I would encourage you to ask them yourself. Do a poll of those in your neighborhoods and communities to see if they rather you strengthen the laws on the books for those wearing, carrying and transporting illegal firearms or if they'd rather you do nothing at all; and I will bet my entire paycheck that the majority would say they'd rather strengthen the laws.

Why am I so sure? Because after knocking on 15,000 doors during last year's election, that is what the overwhelming majority of the citizens of Baltimore told me; and I am someone who tends to believe what I have seen and heard rather than some hypothetical or theoretical beliefs from those who aren't in these neighborhoods having to endure the daily gun violence happening in our streets.

Conclusion:

These are the realities my prosecutors are facing, and we need every tool available to be able to prosecute violent crime, especially those that involve the wearing, carrying and/or transporting of illegal firearms.

Thank you, Mr. Chairman and members of the Judicial Proceedings Committee for your time and consideration regarding SBO889, it is deeply appreciated. Hopefully, based on the conversation we have had today, you would be so inclined to either consider supporting this legislation, or choosing another vehicle for the language to be included.

Yours in Service,

A handwritten signature in black ink, appearing to read "Ivan J. Bates", with a long horizontal flourish extending to the right.

Ivan J. Bates, Esq.
Baltimore City State's Attorney