



## Testimony for the Judiciary Committee

February 28<sup>th</sup>, 2023

### HB 937 Criminal Law – Attempted Second–Degree Murder – Penalty

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#### UNFAVORABLE

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The ACLU of Maryland opposes HB 937, which would increase the maximum sentence allowed for second-degree murder from 30 years to 40 years. Increasing criminal penalties does little to deter crime and only serves the goals of mass incarceration. Additionally, increasing the stay of incarcerated people in Maryland corrections facilities is costly for the state.

Lengthening sentences for crime does not have the deterrent effect that supporters of this bill would argue. The likelihood of being caught for committing a crime has a more powerful deterrent effect than the penalties for that crime.<sup>1</sup> Increasing these penalties will do little for deterrence and be a boon for the racial gap in sentencing. The penalty increase in HB 937 would fall under a judge's discretionary sentencing power and thus leave Black defendants vulnerable to serving longer sentences than white offenders. Punitive sentencing policies in Maryland have resulted in a deeply racially disproportionate criminal justice system that is acutely impacting those serving the longest prison terms.<sup>2</sup> Increasing criminal penalties would only deepen the racial disparities in sentencing in this state.

Enhanced sentences require that the state expend unjustified resources housing persons who may otherwise be appropriate for release. This is not only a waste of existing correctional resources; it is also a waste of current and future taxpayer dollars. 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

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<sup>1</sup> <https://www.ojp.gov/pdffiles1/nij/247350.pdf>

<sup>2</sup> <https://justicepolicy.org/research/policy-briefs-2019-rethinking-approaches-to-over-incarceration-of-black-young-adults-in-maryland/>

while maintaining public safety. HB 715 potentially undermines the progress and savings under the JRA, which the state is only just beginning to realize.

For the foregoing reasons, the ACLU of Maryland opposes HB 937.

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