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POSITION ON PROPOSED LEGISLATION

BILL: HB 0937- Criminal Law- Attempted Second- Degree Murder- Penalty

FROM: Maryland Office of the Public Defender

POSITION: Unfavorable

DATE: 02/24/2023

The Maryland Office of the Public Defender respectfully requests that the Committee issue an unfavorable report on House Bill 937.

House Bill 0937 proposes to raise the maximum penalty of attempted second degree murder from 30 years to 40 years. It would not make the public safer, it will not prevent criminal behavior nor create reform. We oppose this bill.

Prison only serves two purposes: 1) to punish people and 2) to keep people convicted of crimes off the street¹. The latter comes at a great cost to state residents. A maximum sentence of thirty years in prison is sufficient time to punish someone convicted of attempted second degree murder. Anything longer is insufficient, costly and unnecessary.

A longer sentence will not improve public safety. The science is overwhelmingly clear that increasing penalties as a response to crime is ineffective as a deterrent. This is specifically true for a crime such as attempted second-degree murder in which the crime itself means that there was no forethought or intention to cause death. Further, it has also been established that long sentences do not reduce recidivism. On the contrary, longer sentences may increase the likelihood of a person re-offending as it increases the possibility of being desensitized from the threat of future incarceration and increases the likelihood of learning more effective ways to reoffend. Additionally, the longer a person is institutionalized in the prison system, the harder it is for that person to transition back into society.

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

Longer sentences costs the state more money. Local state and federal governments spend anywhere from \$20,000 to \$50,000 annually to keep a person behind bars². In addition to not increasing public safety, longer sentences increases the amount of time that the state must pay for a person's incarceration. People who have successfully served time and been released, having received the necessary mental health, substance treatment, education and vocational training are more likely to go into their communities, work and contribute to their own livelihood and well-being, as well as society's as a whole. Creating longer sentences for crimes continues to put the financial burden on tax payers to pay for the livelihood of people who could otherwise care for themselves.

Lastly, most people age out of committing crime. Any adult sentenced to thirty years in prison will more likely have done just that by the time they are eligible for parole. Adding additional time will not create a more positive affect on a person who is fifty returning home and trying to gain employment versus a person who is sixty trying to return home, gain employment and relearn societal norms and values.

If this body wants to be tough on crime, then it is time to start investing in the many disparities that cause crime and investing in people before they commit a crime and while they are incarcerated. Instead of increasing the time in prison, increase the resources that people have access to in their communities while simultaneously increasing the resources that are available for people who are incarcerated. This is what prevents crime not increasing penalties.

For these reasons, the Maryland Office of the Public Defender urges this Committee to issue a favorable report on House Bill 0937.

Submitted by: Maryland Office of the Public Defender, Government Relations Division.

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² <https://www.aclu.org/issues/smart-justice/mass-incarceration>