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POSITION ON PROPOSED LEGISLATION

BILL: HB 959 Criminal Procedure – Plea Agreements – Crime of Violence

FROM: Maryland Office of the Public Defender

POSITION: Oppose

DATE: 2/24/2023

The Maryland Office of the Public Defender respectfully requests that the Committee issue an unfavorable report on House Bill 959.

HB 959 would prohibit plea agreements in any case involving a person who was convicted of a crime of violence. It does not appear to limit the types of crimes precluded from a plea nor does it include a time limit from when the conviction was imposed, resulting in a sweeping application for felony and misdemeanor cases alike. Limiting the ability to accept a plea, essentially forcing someone to go to trial even when the parties and the court agree on an appropriate resolution, has constitutional implications that may not stand. It will also create an extreme backlog that would overwhelm the criminal justice system.

The vast majority of criminal cases are resolved through a plea agreement, with estimates tending to range between 90 to 95 percent of all cases.¹ A large segment of these cases would now be forced to go to trial, massively increasing the workload for defenders, prosecutors and judges alike. For our office alone, the resources needed for all cases involving an individual who was previously convicted of a crime of violence to go to full trial on any subsequent charge would incur costs of the magnitude of at least 300% of our current budget for adult criminal representation -- including personnel for Circuit Court practice, appellate and post-conviction practice, panel attorneys, case-related expenses, and the administrative costs associated with

¹ Bureau of Justice Assistance, U.S. Department of Justice, Plea and Charge Bargaining Research Summary (2011) <https://bja.ojp.gov/sites/g/files/xyckuh186/files/media/document/PleaBargainingResearchSummary.pdf>.

these increases. The backlog resulting from these trials would also result in unconscionable delays in trial dates.

For these reasons, the Maryland Office of the Public Defender urges this Committee to issue an unfavorable report on HB 959.

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

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