

SB0179_Penalties_and_Procedures_Violent_Firearms

Uploaded by: Cecilia Plante

Position: FAV



**TESTIMONY FOR SB0179
Penalties and Procedures
Violent Firearms Offender Act of 2024**

Bill Sponsors: Senators Watson, Carozza, and Muse

Committee: Judicial Proceedings

Organization Submitting: Maryland Legislative Coalition

Person Submitting: Aileen Alex, co-chair

Position: FAVORABLE

I am submitting this testimony in favor of SB0179 on behalf of the Maryland Legislative Coalition. The Maryland Legislative Coalition is an association of activists - individuals and grassroots groups in every district in the state. We are unpaid citizen lobbyists, and our Coalition supports well over 30,000 members.

Crime rates are surging, making this a priority issue for the Governor Moore and the Maryland Legislative Coalition. According to Axios, Baltimore now has the fourth highest gun homicide rate in the country as of 2022.

The Violent Firearms Offender Act, resubmitted from last year's session, makes the commission of a crime with a firearm a felony instead of a misdemeanor. The bill also would increase penalties for illegal use of a firearm to a minimum sentence of five years, ten years for each additional offense. MLC strongly supports bills directed at reducing the use of guns in commission of a crime.

Despite this emphasis on gun-related crime reduction, this bill also provides for better reentry services for former inmates. Before release of an incarcerated individual from a state correctional facility, the Commissioner of Corrections is to furnish contact information for entities that specialize in reentry services, housing assistance, substance use disorder treatment, and mental health services along with information on Medicaid or the Maryland Health Benefit Exchange. MLC supports efforts that would reduce recidivism and help former inmates become productive members of society.

Therefore, the Violent Firearms Offender Act of 2024 could lead to two beneficial outcomes: a reduction in the use of guns in the commission of crimes and the successful reentry of former inmates.

The Maryland Legislative Coalition supports this bill and recommends a **FAVORABLE** report in committee.

Letter of Support for SB0179 to MD Senate Judicial

Uploaded by: City Council Bowie

Position: FAV



City of Bowie

15901 Fred Robinson Way
Bowie, Maryland 20716

January 23, 2024

Judicial Proceedings Committee
Maryland State Senate
c/o Senator William C. Smith, Jr.
2 East Miller Senate Office Building
11 Bladen Street
Annapolis, MD 21401

Subject: Letter of Support for Senate Bill 0179 - Criminal Justice Reforms

Dear Senator Smith,

I am writing on behalf of the City Council of the City of Bowie to express our support for Senate Bill 0179, a critical piece of legislation aimed at making important reforms in our criminal justice system. The bill addresses the treatment of probation and parole violations related to firearm use or possession, provision of reentry kits, assistance in obtaining Medicaid benefits, and alterations to penalties for certain firearm-related offenses.

We believe that Senate Bill 0179 represents a significant step towards a more equitable and rehabilitative criminal justice system. Specifically, establishing that a violation involving the use or possession of a firearm is not a technical violation for certain purposes recognizes the complex nature of such cases and allows for a more nuanced approach to probation, parole, or mandatory supervision.

The provision requiring the Commissioner of Correction to provide incarcerated individuals with a re-entry kit and assistance in obtaining Medicaid benefits under certain circumstances demonstrates a commitment to supporting successful reintegration into society. Access to essential resources and healthcare services is crucial in empowering individuals to rebuild their lives and contribute positively to their communities.

Furthermore, the bill's adjustments to prohibitions against using firearms in the commission of crimes and the classification of certain offenses as crimes of violence are essential in ensuring that our laws effectively address the severity of criminal activities while maintaining a fair and just legal framework.

As representatives of the City of Bowie, we believe that Senate Bill 0179 aligns with our commitment to promoting a criminal justice system that is both effective and compassionate. We urge the members of the Judicial Proceedings Committee to support this legislation and contribute to the advancement of reforms that will benefit our community and the broader state of Maryland.

Thank you for your dedication to criminal justice issues, and we appreciate your consideration of our support for Senate Bill 0179.

Sincerely,

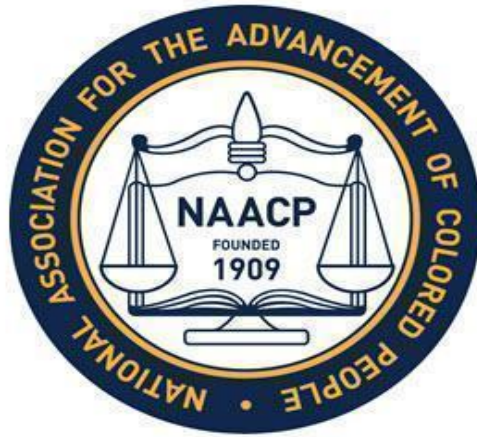
A handwritten signature in blue ink, appearing to read "Timothy J. Adams", with a stylized flourish at the end.

Bowie City Council
Timothy J. Adams
Mayor

SB 179 Favorable vote.pdf

Uploaded by: Ryan Coleman

Position: FAV



Randallstown

P.O. Box 731 Randallstown, MD 21133

Jan 24, 2024
Immediate Release

Contact: Ryan Coleman, President
randallstownnaacp@gmail.com

Randallstown NAACP supports SB 179-Crimes and Corrections - Penalties and Procedures (Violent Firearms Offender Act of 2024)

Probation is the most frequently utilized correctional alternative in the criminal justice system in Maryland. Typically, probation has nine conditions that the probationer must abide by. In essence this is a contract that must be followed. However, many are not abiding by the terms and are allowed to roam the region committing other crimes making Baltimore County and Maryland unsafe. We can not have individuals on probation carrying guns.

More than 700 Marylanders died of gun violence in 2022, an average of two people every day. Violence in Black communities is a direct cause and consequence of the systematic, structural disadvantage of these populations. Research shows that high rates of gun violence seen today have been forged by past and present racial discrimination, including historic racial segregation and disinvestment. As gun violence plagues these communities, it leads to diminished economic opportunities and a lack of investment, creating a vicious cycle. This reality provides not only a strong impetus for action, but also a reminder that solutions to this problem must address the underlying inequalities driving gun violence in Black communities. We must do all we can to interrupt the flow and possession of guns.

SB 179 ensures probationers get additional resources and protects public safety. **The Randallstown NAACP requests a favorable vote on SB 179.**

SB 28 and SB 179 (Violent Firearms Offender Act of

Uploaded by: Elizabeth Hilliard

Position: UNF



NATASHA DARTIGUE
PUBLIC DEFENDER

KEITH LOTRIDGE
DEPUTY PUBLIC DEFENDER

MELISSA ROTHSTEIN
CHIEF OF EXTERNAL AFFAIRS

ELIZABETH HILLIARD
ACTING DIRECTOR OF GOVERNMENT RELATIONS

POSITION ON PROPOSED LEGISLATION

BILL: SB 28 and SB 179 (Violent Firearms Offender Act of 2024)

POSITION: Unfavorable

DATE: January 24, 2024

The Maryland Office of the Public Defender respectfully requests that the Committee issue an unfavorable report on Senate Bills 28 and 179.

Senate Bill 28 is an emergency bill that establishes that a violation of probation, parole, or any mandatory supervision that involves use/possession of a firearm is not a technical violation. It also requires incarcerated individuals with reentry kits and assistance obtaining medical benefits. Additionally, the bill alters the elements of prohibitions in using a firearm in the commission of a PWID of a CDS offense being a crime of violence for certain purposes. Senate Bill 28 also prohibits a dealer or others from selling, renting, loaning, or transferring a regulated firearm to a purchaser, lessee, borrower, or transferee who intends to use the firearm for a certain purpose.

Senate Bill 179 establishes that a violation of probation, parole, or any mandatory supervision that involves use/possession of a firearm is not a technical violation. It requires incarcerated individuals with a reentry kit and assistance obtaining medical benefits. It alters the prohibition against using a certain firearm in the commission of the offense of PWID of a CDS to be a crime of violence for certain purposes. It lastly alters the penalties for unlawful possession of a regulated firearm.

The national and local dialogue on reducing violent crime instinctively focuses on harsher penalties and longer incarceration as the only appropriate response to criminality. This focus persists despite overwhelming research and people's conventional wisdom that such an approach is merely after-the-fact and cannot prevent violent crime or recidivism. These "tough on crime" initiatives have been proposed and implemented for decades, resulting in increased distrust in government and the police, and the mass incarceration of people of color, which

itself results in a cycle of economic and social harms. Although the Maryland Office of the Public Defender appreciates the inclusion of reentry options in Senate Bill 28, they are better implemented on their own without increased carceral responses to the public health concern of violence and particularly gun violence.

Violent Crime Needs to be Addressed at Its Roots

Based on our experience, the Maryland Office of the Public Defender believes that the prevalence of violent crime is not due to the absence of harsh penalties available or imposed by judges, but in two overarching deficiencies: social and economic injustice, and a lack of quality policing and police-community relations.

We believe limited opportunities for citizens to get adequate education, livable-wage jobs, and quality housing leads to poverty, and in many cases, violence is an outgrowth of poverty and each ends up in a tragic cycle. A common sense approach to combatting crime would entail learning from failed policies and laws that have exacerbated problems of crime within our communities and broken systems of justice and rehabilitation. Proponents of tough on crime policies like Senate Bills 28 and 179 fail to understand that safety is inextricably intertwined with equity and economic opportunity. Investing in and expanding opportunities for Maryland's communities is a smarter way to address public safety. Instead of attempting to resolve a complex problem with a simple yet costly solution of expanding prison populations, a more thoughtful and comprehensive effort should entail the following: adequate and equitable fund our schools; fair and affordable housing opportunities; employment opportunities for Marylanders returning from incarceration; and investment in community-based crime-intervention programs, which work.

For example, the violence experienced in Baltimore City is almost exclusively located in low income, African American neighborhoods. Data indicates that approximately 25% of Baltimoreans live below the poverty line. Life expectancy between neighborhoods differs by up to 20 years: Roland Park: 83, Upton/Druid Heights 63 (State of Health White Paper, March 2017). Thirty percent (30%) of children in Baltimore city have an Adverse Childhood Experience (ACE) score of 2 or more (more than two incidences of domestic violence, living with someone with a substance abuse problem, death of a parent or being a victim/witness to violence (State of Health White Paper, March 2017). Until we reset our priorities to focus on

the root causes of violence, any initiatives that seek to increase punishment for violent crimes after the crime has been committed are expensive and misplaced. Moreover, distrust of the criminal justice system and failed policies and scandals - like mass-arrest policies, indictments of multiple members of the City Gun Task Force, and unsafe, inhumane treatment in carceral facilities, impede the proper functioning of justice-serving efforts of the criminal legal system. Ensuring that we hold the criminal legal system, from law enforcement to probation agents and all those in-between, accountable while focusing efforts on protective, proactive community services will make our communities safer than even the harshest penalty.

Research and data show that harsh criminal penalties do not deter crime or prevent recidivism. The increased carceral responses to gun use and possession included in this bill will exacerbate existing sentencing disparities, undermine public safety, and do nothing to increase the “certainty” of punishment. The evidence suggests that deterrent effects from longer prison sentences are minimal to nonexistent, and any minimal effect is severely costly - financially to the state, and to the stability of that person’s life.¹ This negatively impacts public safety. Studies demonstrate that unnecessary incarceration, especially when compared to more cost effective non-custodial responses such as programming or probation, “does not prevent reoffending and has a criminogenic effect on those who are imprisoned.”²

Compared to long sentences, some other DOC programs benefit our clients better, fulfill the laws’ intent more faithfully, and carry a cheaper cost. These programs accomplish these things by reducing recidivism. For example, the Alternatives to Violence Project (“AVP”) reduces recidivism. Over the course of either two or three days, it allows inmates to solve conflicts without violence by giving them social skills like empathy, communication, interpersonal trust, self-respect, learning from example, and participating in social activities. The psychologist Marsha Miller and the therapist John Shuford measured AVP’s effect on recidivism. They found, “At the end of three years following release, only 11.5

¹ Webster et al, *Reducing Violence and Building Trust*, Johns Hopkins Center for Gun Policy and Research. Nagin, *Deterrence in the Twenty-First Century*, Crime and Justice Vol. 42 No. 1, August 2013. One study limited to the Federal System, titled, “Length of Incarceration and Recidivism” did challenge the claim that longer sentences did not reduce recidivism. However, that study specifically found that increasing a sentence from 3 to 5 years as proposed by SB 751 would not improve public safety by decreasing recidivism. See USSC, Length of Incarceration and Recidivism (Apr. 29, 2020), https://www.ussc.gov/sites/default/files/pdf/research-and-publications/researchpublications/2020/20200429_Recidivism-SentLength.pdf (“USSC Report”).

² Webster et al, *Reducing Violence and Building Trust*, Johns Hopkins Center for Gun Policy and Research, pp. 24. Nagin, *Deterrence in the Twenty-First Century*, Crime and Justice Vol. 42 No. 1, August 2013.

percent of the AVP participants had new felony convictions and only half of these were for violent offenses.”³ By contrast, 68% of prisoners nationwide recidivate during the three years after release, according to Mariel Alper and Joshua Markman, the statisticians at the Bureau of Justice Statistics.⁴

Compared to lengthy sentences, AVP boasts a better-document record of reducing recidivism. Our clients become more likely to follow the law not after staying in prison for the longest possible time, but after leaving prison equipped with therapeutic, educational, and vocational tools. By reducing recidivism, these programs serve as better alternatives to long sentences, better fulfill the laws’ intent, and, perhaps most convincingly, carry a lower cost than increased periods of incarceration.

There are many other strategies that would produce a far greater return on investment in addressing the problems these bills seeks to address. To name a few: addressing unmet needs in reentry, collaborating with community-based organizations and academic institutions to develop, implementing and evaluating programs to reduce the risk of an individual previously charged with illegal gun possession from committing gun related crimes, and expanding anti-violence programs such as ROCA and its evidence-based cognitive behavioral therapy model. Our communities deserve to be safe, and to ensure their safety the Maryland General Assembly must implement smart, evidence-based policies that will prevent crime.

For all of the above reasons, OPD respectfully urges an unfavorable report.

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

³ Miller and Shuford obtained these statistics from randomly selecting 300 AVP participants at the Delaware Correctional Center. Marsha L Miller & John A Shuford, *The Alternatives to Violence Project in Delaware: A ThreeYear Cumulative Recidivism Study* (Drane Family Fund of the New Hampshire Charitable Foundation), ii-4 (2005), at ii, 1, 4.

⁴ Alper and Markman used the same methodology as the sentencing commission’s study, mentioned above. Mariel Alper & Joshua Markman, *2018 Update on Prisoner Recidivism: A 9-Year Follow-up Period (2005-2014)* (Bureau of Justice Statistics), 15 (2018), <https://www.bjs.gov/content/pub/pdf/18upr9yfup0514.pdf>.

SB179 SB28.pdf

Uploaded by: Gregory Brown

Position: UNF



Testimony for the Senate Judicial Proceedings Committee

January 25TH, 2024

SB179 and SB 28: Crimes and Corrections – Penalties and Procedures (Violent Firearms Offender Act of 2024)

GREGORY BROWN
PUBLIC POLICY
COUNSEL

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 opposes SB179 and SB28, bills that seek to exclude the use or possession of a firearm from the definition of a technical violation, as well as implement new or harsher mandatory minimum sentencing schemes for various firearm-related offenses.

Criminal penalties are disproportionately levied against communities of color

New criminal penalties and lengthy sentences, such as the ones being proposed in SB179 and SB28 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.

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

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. By increasing the number of persons subject to incarceration, SB179 and SB 28 threatens to undermine 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,

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

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 the 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 SB179 and SB28.

AMERICAN CIVIL
LIBERTIES UNION
FOUNDATION OF
MARYLAND

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