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THE SENATE OF MARYLAND
ANNAPOLIS, MARYLAND 21401

February 1st, 2024

The Maryland State Senate Judicial Proceedings Committee
The Honorable William C. Smith, Jr.
2 East Miller Senate Building
Annapolis, Maryland 21401

Re: Senate Bill 379: Task Force to Study Crime Classification – Renaming, Membership, and Duties

Dear Chairman Smith and Members of the Committee,

Last year, the General Assembly passed Senate Bill 209 which established the Task Force to Study Crime Classification. The reason for the task force was to try to address the fact that most of the State's criminal laws were passed by the General Assembly on a "one-off" basis, without regard for offenses already in the criminal code or the penalties associated with other similar offenses. So, in many cases, crimes which, viewed objectively, would be considered similar have quite disparate penalties associated with them. Some misdemeanors are punishable by up to 20 years in prison while some felonies are punishable by far less jail time. There are still civil offenses in Maryland dating from British common law, uncodified in any statute.

The Task Force met frequently this past summer and fall and issued a report shortly before the end of the year making recommendations suggesting how a follow-up task force could best try to categorize crimes and civil offenses within current state laws so that, to draw an analogy, apples would be treated in a similar way while peaches would be treated consistently but differently than apples.

Senate Bill 379 represents an attempt to respond to the recommendations of the Task Force. It would establish a continuation of the Task Force, but in slightly altered form.

First, it would rename the Task Force to Study Crime Classification as the Task Force to Study Crime Reclassification and Penalties.

Second, the bill would alter the membership of the task force. This past year's Task Force included a member of the Senate Judicial Proceedings Committee and a member of the House Judiciary Committee, a designee of the Attorney General, a designee of the Maryland State's Attorney's Association, a designee of the Office of the Public Defender and a designee of the Maryland Network Against Domestic Violence and two appointees of the Maryland State Bar Association. Senate Bill 379 would add to the Task Force the Executive Director of the

Maryland Sentencing Commission, and a designee of the Governor's Office of Crime Prevention, Youth and Victim Services.

Third, the bill re-defines the duties of the Task Force. It limits the Task Force's scrutiny to criminal and civil violations in the Criminal Law Article, the Criminal Procedure Article, the Public Safety Article and the Maryland Sentencing Guidelines and assigns the Task Force to make recommendations as to whether violations should be categorized by classes of misdemeanor and felony to correspond with the severity of the offenses. The Task Force is further assigned the job of determining whether there are penalties that should be altered because they are disproportionately lenient or severe and whether the remaining common law offenses in Maryland should be codified. Finally, because the work of the Task Force is expected to be quite time consuming, the Task Force is given two years to complete the work assigned to it.

Senate Bill 379 is simply the natural progression to build upon what we learned and accomplished from last year's Task Force. It will help to ensure that the State's punishments best fit the crimes.

I appreciate the Committee's consideration of Senate Bill 379 and will be happy to answer any questions the Committee may have.