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POSITION ON PROPOSED LEGISLATION

BILL: HB 0207 Motor Vehicles - Reckless Driving and Aggressive Driving - Penalties

FROM: Maryland Office of the Public Defender

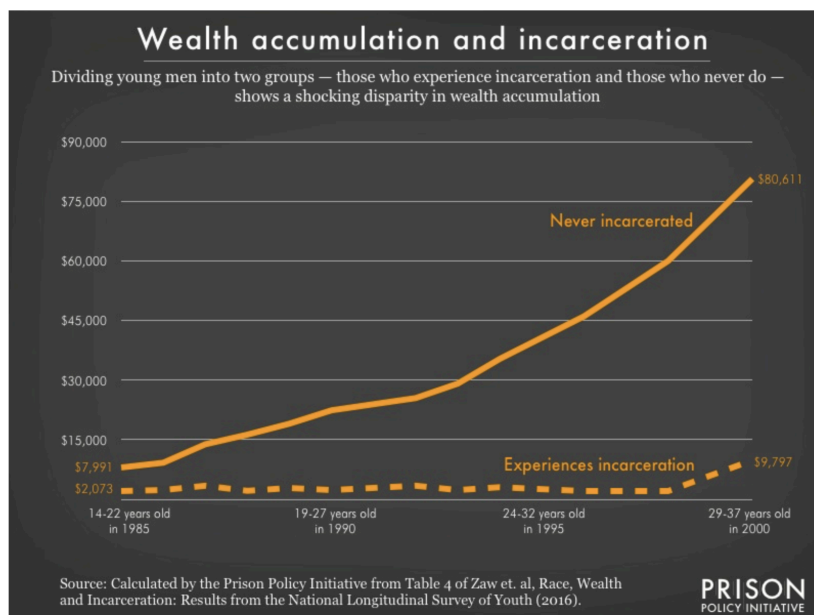
POSITION: Unfavorable

DATE: 1/22/2024

The Maryland Office of the Public Defender respectfully requests that the Committee issue an unfavorable report on House Bill 0207.

Creating additional carceral responses to poor decision making will not make Maryland safer. We know that deterrence is effectuated not by the length of a sentence or the scope of the penalty, rather the swiftness and certainty with which the sentence is imposed. Accordingly, more important than including periods of incarceration as a potential consequence to reckless driving is ensuring that officers stop reckless drivers.

We know, also, that even a few days in jail can completely derail an individual's life. Jailing a person for even one day can result in lost employment, child care, housing, and financial security. The research shows that incarceration drastically decreases an individual's earning potential:



When it comes to the economic impacts of incarceration, one point becomes very clear: men who experience incarceration maintain lower levels of wealth throughout their lifetimes compared to men who are never incarcerated. This disparity is present before, during, and after a person is incarcerated. (The data stops in 2000 because of small numbers of survey respondents for some subgroups; the authors note that the wealth trends remain in the years that followed.)

This lost potential is more drastically felt by Black and brown individuals. Author Khaing Zaw explains, “When it comes to wealth and incarceration outcomes, the disadvantages of being black or Hispanic compound the disadvantages of poverty.” This impact may be in part because the potentially disparate impact of even a brief period of incarceration is seen in employment opportunities. Devah Pager, who conducted research about the impact of a criminal record on gaining employment, found that between white men and Black men, white men who had a record of incarceration were more likely to be called back for a job interview compared to Black men with no history of incarceration. The “mark” of incarceration is harsh for everyone, but for Black men, it can be financially crippling for a lifetime. Although road safety is important, the harms caused by relying on incarceration to respond to traffic violations will certainly outweigh any benefit.

Moreover, the statute contains a subjective standard, which is not likely to get much clarity from appellate courts since the offense is not able to be prayed to circuit court. Thus, there could be significant disparity in the application of the statute.

For these reasons, the Maryland Office of the Public Defender urges this Committee to issue an unfavorable report on House Bill 207.

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