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PREpare for PARole and REentry

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## **HB0264 OPPOSITION - Criminal Law - Manslaughter by Vehicle or Vessel - Increased Penalties (Jamari's Law)**

Increased sentences are costly. “In Fiscal Year 2022, the monthly cost of room and board, and health care per inmate was \$4,968” - which amounts to \$59,616 per year per person.<sup>1</sup> At the end of 2023, the Attorney General and Office of the Public Defender announced the Maryland Equitable Justice Collaborative, an initiative to address the ongoing problem of Mass Incarceration. At the time, they did not yet know that in 2022, Maryland saw its first increase in prison population in decades.<sup>2</sup> Given these numbers and the direction of Maryland’s leadership, the decision to double a sentencing guideline should not be taken lightly.

HB0264 seeks to double the sentence for first offenses of Manslaughter by Vehicle or Vessel, a non-violent crime which involves no intent, from 10 to 20 years (thereby increasing the potential financial cost by \$596,260 per conviction). It is named for a case that involves an alcohol-related crash, but it is important to note that this is not an alcohol-related statute, and subsection (d)(2) of the statute already includes an enhanced penalty for individuals with a prior conviction of intoxicated driving raising the penalty to 15 years. This statute is broadly applicable to individuals who have accidents as a result of distraction, medical emergencies, speeding, and other errors whether or not the individual was at fault for the accident. In my work as a parole advocate, in addition to intoxicated driving, I have seen cases of seizure, reactions to legally prescribed medication, exhaustion, and even combinations of factors wherein my client was speeding and the “victim” driver ran a stop sign or made an illegal or unsafe turn in front of them. The only thing every case has in common is they had no intent to cause harm to another person.

Increased prison sentences do not deter crime under any circumstances. There is nothing that can deter an accident because fear of consequences requires intent and

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<sup>1</sup> Maryland Manual, Maryland at a Glance, <https://msa.maryland.gov/msa/mdmanual/01glance/html/criminal.html>

<sup>2</sup> Bureau of Justice Statistics, Prisoners in 2022, Full Report, <https://bjs.ojp.gov/document/p22st.pdf>

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knowing action. Increasing the sentence for involvement in a fatal car accident will do nothing to prevent future car accidents or protect Marylanders from loss and injury, but the money this bill would waste on the incarceration of nonviolent offenders could be used in other ways to improve road safety and reduce intoxicated driving and other causes of car accidents. Healthy People 2020 (summary attached) made a number of actionable, well-supported suggestions for how to reduce the incidence of substance-related accidents, many of which Maryland has not even discussed, and this is just a single study among many. I urge you to oppose HBO264 and start a conversation about how to prevent accidents and save lives.