



Maryland State's Attorneys' Association

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DATE: **March 6, 2024**

BILL NUMBER: **HB 1335 – Sherry's and Christian's Law**

POSITION: **Support**

The Maryland State's Attorneys' Association (MSAA) supports House Bill 1335, Sherry's and Christian's Law.

Sherry's and Christian's Law is one star in a constellation of bills before this Committee this session that will improve the ability of the criminal legal system to secure justice for victims of traffic offenses that result in death, and to hold the individuals that commit those offenses accountable for their conduct. Together with HB 264 and HB 683, this bill conforms the way courts treat these types of cases with their seriousness.

From the perspective of a victim's family, the outcome of a traffic collision that causes the death of their family member is the same regardless of the *mens rea* of the accused. Whether the other driver was acting intentionally, with gross negligence, with criminal negligence, or with ordinary, civil negligence, this family has still lost their loved one. But unlike in circumstances involving intentional, grossly negligent, or criminally negligent conduct, a driver whose ordinary negligence results in the death of another can prepay the negligent driving citation without appearing in court and never truly understand the harm their conduct has caused.

This bill corrects that – without increasing the penalties in any way – by requiring the at-fault driver to appear in court. Sherry's and Christian's Law recognizes that incarceration isn't appropriate in cases involving ordinary negligence while still offering a victim's family an opportunity to express their grief to a court, and requiring the defendant to see the tragic, permanent, and avoidable effects of their negligence first-hand.

The past two sessions this legislation has been considered, it has received a unanimously favorable report from the Judicial Proceedings Committee and has been passed without a single "nay" vote on the floor of the Senate. The Maryland State's Attorneys' Association urges this Committee's favorable report on Sherry's and Christian's Law.