



Testimony for the House Judiciary Committee

February 28TH, 2024

HB41 and HB316: Crimes and Corrections – Penalties and Procedures (Violent Firearms Offender Act of 2024)

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The ACLU of Maryland opposes HB41 and HB316, 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 HB41 and HB316 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, HB 41 and HB 316 threaten 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 HB41 and HB316.

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² *Id.*

³ Maryland Justice Reinvestment Coordinating Council—Final Report (December 2015).

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