



Maryland State's Attorneys' Association

3300 North Ridge Road, Suite 185

Ellicott City, Maryland 21043

410-203-9881

FAX 410-203-9891

Rich Gibson
President

Steven I. Kroll
Coordinator

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BILL NUMBER: HB 361 – Sherry and Christian's Law

POSITION: Support

The Maryland State's Attorney's Association (MSAA) supports HB 361, Sherry and Christian's Law.

Sherry 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 a number of other bills, including House Bill 977 – Jamari's Law, 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 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.

When this bill was considered last session, it passed the Senate without a single "nay" vote. The time for this bill is now, and the Maryland State's Attorney's Association urges this Committee's favorable report.