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BILL NUMBER: SB 66

POSITION: Favorable

The Maryland State's Attorneys' Association (MSAA) supports Senate Bill 66 – Jamari's Law – and urges this Committee to issue a favorable report.

Jamari's Law remedies a startling injustice that exists in Maryland law, one that trivializes the killing of another if caused by grossly negligent conduct behind the wheel of an automobile, by increasing the maximum penalties available to a sentencing court. The urgent need for this legislation was recognized last session when it was passed by the Senate, not just with bipartisan support but unanimously.

Grossly negligent manslaughter by motor vehicle requires the State to prove that a defendant has engaged in conduct that is of extreme or outrageous character and evinces a wanton or reckless disregard for human life – this is conduct that truly shocks the conscience, and is so far removed from the realm of ordinary civil negligence. Reported opinions discussing this offense examine scenarios like street racing in and out of traffic at speeds exceeding 100 miles per hour,¹ or a particularly tragic case in which a driver struck a pedestrian pushing a stroller with her three-year-old grandchild, and then dragged that stroller for another half mile.²

When viewed in light of the extreme conduct required to support a conviction, the current maximum penalty for grossly negligent manslaughter by motor vehicle – ten years – is plainly inadequate, particularly because it is considered “nonviolent” for the purposes of parole eligibility, meaning that individuals convicted of this offense become eligible for release on parole after having served only 25% of their sentence. Treating this offense like misdemeanor assault (a crime which requires proof only of a harmful or offensive physical contact but carries an identical maximum penalty) or burglary of a storehouse (which not only carries a more severe maximum penalty, but is also treated as a violent crime for the purposes of parole eligibility, requiring service of 50% of the sentence before consideration for release) is insulting to families of victims after they've lost their loved one in a preventable and senseless tragedy.

When a jury finds beyond a reasonable doubt that a defendant has engaged in conduct that constitutes grossly negligent manslaughter by motor vehicle, courts need more in order to

fashion a sentence that more closely approximates justice; MSAA is again urging this Committee's support for this critical bill.

1 *Henson v. State*, 133 Md. App. 156 (2000).

2 *DeHogue v. State*, 190 Md. App. 532 (2010).