

SENATE BILL 149

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9lr1028
CF HB 542

By: Senators Hough, Cassilly, Ready, Salling, Smith, West, Carter, Hester, Lee, Waldstreicher, Washington, and Zirkin

Introduced and read first time: January 21, 2019

Assigned to: Judicial Proceedings

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: February 12, 2019

CHAPTER _____

1 AN ACT concerning

2 **Task Force to Study Crime Classification and Penalties**

3 FOR the purpose of establishing the Task Force to Study Crime Classification and
4 Penalties; providing for the composition, chair, and staffing of the Task Force;
5 prohibiting a member of the Task Force from receiving certain compensation, but
6 authorizing reimbursement of certain expenses; requiring the Task Force to study
7 certain issues related to the classification of and penalties for criminal and civil
8 violations in the State; requiring the Task Force to report its findings to the Governor
9 and the General Assembly on or before a certain date; providing for the termination
10 of this Act; and generally relating to the Task Force to Study Crime Classification
11 and Penalties.

12 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
13 That:

14 (a) There is a Task Force to Study Crime Classification and Penalties.

15 (b) The Task Force consists of the following members:

16 (1) three members of the Senate of Maryland, appointed by the President
17 of the Senate;

18 (2) three members of the House of Delegates, appointed by the Speaker of
19 the House;

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 (3) the Attorney General, or the Attorney General's designee;

2 (4) the Executive Director of the Maryland Sentencing Commission, or the
3 Executive Director's designee;

4 (5) the Executive Director of the Governor's Office of Crime Control and
5 Prevention, or the Executive Director's designee;

6 (6) the president of the Maryland State's Attorneys' Association, or the
7 president's designee;

8 (7) an expert in the subject matter of criminal sentencing, appointed by the
9 president of the Maryland State's Attorneys' Association;

10 (8) the Public Defender, or the Public Defender's designee;

11 (9) an expert in the subject matter of criminal sentencing, appointed by the
12 Public Defender; and

13 (10) the chair of the Justice Reinvestment Oversight Board.

14 (c) The members of the Task Force shall designate the chair of the Task Force.

15 (d) The Department of Legislative Services shall provide staff for the Task Force.

16 (e) A member of the Task Force:

17 (1) may not receive compensation as a member of the Task Force; but

18 (2) is entitled to reimbursement for expenses under the Standard State
19 Travel Regulations, as provided in the State budget.

20 (f) The Task Force shall:

21 (1) review the penalties for all criminal and civil violations throughout the
22 Maryland Code;

23 (2) study the history and legislative intent of the classification of criminal
24 and civil violations throughout the Maryland Code, including the constitutional
25 implications and collateral consequences that arise as a result of classification;

26 (3) study criminal classifications and penalty schemes in other states and
27 how those classifications and schemes compare to those in the State; and

28 (4) make recommendations regarding the current statutory scheme for
29 criminal and civil violations throughout the Maryland Code, including:

1 (i) whether there are violations that should be reclassified as civil
2 offenses, misdemeanors, or felonies;

3 (ii) whether there are penalties that should be altered;

4 (iii) whether the State would benefit from:

5 1. the imposition of standardized crime classifications and
6 penalties;

7 2. the codification of a default mental state as an element of
8 criminal liability; and

9 3. the codification of affirmative defenses and their elements;

10 (iv) whether statutory changes are necessary for provisions of
11 criminal law that lack an explicit mens rea; and

12 (v) what limitations, if any, should be placed on the ability of
13 administrative boards, agencies, local governments, appointed commissioners, or of other
14 persons or entities to enact rules, regulations, ordinances, or laws providing for criminal
15 penalties.

16 (g) On or before December 31, 2020, the Task Force shall report its findings and
17 recommendations to the Governor and, in accordance with § 2-1246 of the State
18 Government Article, the General Assembly.

19 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June
20 1, 2019. It shall remain effective for a period of 2 years and 1 month and, at the end of June
21 30, 2021, this Act, with no further action required by the General Assembly, shall be
22 abrogated and of no further force and effect.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.