

Department of Legislative Services
Maryland General Assembly
2021 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 763
Judiciary

(Delegate Shetty)

Task Force to Study Crime Classification and Penalties - Alterations

This bill extends the Task Force to Study Crime Classification and Penalties and its associated reporting deadline by one year. Under the bill, the task force must report its findings and recommendations to the Governor and the members of the General Assembly by December 31, 2021. **The bill takes effect June 1, 2021, and the task force terminates June 30, 2022.**

Fiscal Summary

State Effect: Any expense reimbursements for task force reimbursements are assumed to be minimal and absorbable within existing budgeted resources. Revenues are not affected.

Local Effect: None.

Small Business Effect: None.

Analysis

Current Law: Chapter 372 of 2019 requires the task force to:

- review the penalties for all criminal and civil violations throughout the Maryland Code;
- study the history and legislative intent of the classification of criminal and civil violations throughout the Maryland Code, including the constitutional implications and collateral consequences that arise as a result of classification;

- study criminal classifications and penalty schemes in other states and how those classifications and schemes compare to those in the State; and
- make recommendations regarding the current statutory scheme for criminal and civil violations throughout the Maryland Code, including (1) whether there are violations that should be reclassified as civil offenses, misdemeanors, or felonies; (2) whether there are penalties that should be altered; (3) whether the State would benefit from the imposition of standardized crime classifications and penalties, the codification of a default mental state as an element of criminal liability, and the codification of affirmative defenses and their elements; (4) whether statutory changes are necessary for provisions of criminal law that lack an explicit *mens rea*; and (5) what limitations, if any should be placed on the ability of administrative boards, agencies, local governments, appointed commissioners, or of other persons or entities to enact rules, regulations, ordinances, or laws providing for criminal penalties.

A member of the task force may not receive compensation but is entitled to reimbursement for expenses under the standard State travel regulations, as provided in the State budget.

Additional Information

Prior Introductions: None.

Designated Cross File: SB 471 (Senator Washington)(By Request) - Judicial Proceedings.

Information Source(s): Department of Legislative Services

Fiscal Note History: First Reader - February 10, 2021
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