
BILL NO.: Senate Bill 21
TITLE: Criminal Procedure – Sentencing – Primary Caretaker
COMMITTEE: Judicial Proceeding
DATE: February 1, 2022
POSITION: **SUPPORT**

Senate Bill 21 would require judges to take into consideration whether a person convicted of a non-violent offense is a primary caretaker of a dependent, and if so, whether that person can be placed into a community-based alternative to incarceration that would prevent the separation of the caretaker and their dependent. Because the Women's Law Center (WLC) believes that keeping families together whenever possible is in the best interest of children, families, and our society at large, we are in favor of SB21.

Across the country, there has been a disturbing gender disparity in recent prison population trends. While recent reforms nationally have reduced the total number of people in state prisons since 2009, almost all the decrease has been among men. Women are being incarcerated at a significantly higher rate than men, with the number of women in Maryland prisons having increased by over 400% over the past 40 years¹. At the same time, it is estimated that up to 90,000 children in Maryland have a parent that is either in prison, jail, or under parole/probation. Well over half of incarcerated women in Maryland are mothers, and more than half were primary caretakers prior to incarceration. Those women are more likely than men to have been incarcerated for a drug or property offense, or other non-violent crimes. When they are then sent to prison and separated from their children, both suffer.

Children with incarcerated parents have been shown to have higher rates of physical and mental health problems, as well as social behavior and educational challenges, including depression, anxiety, and PTSD. Children with incarcerated mothers are more likely to end up in poverty, as 80% of incarcerated mothers are single mothers. Traveling to prison can be logistically challenging for children, and even more traumatizing and confusing for children, with frightening security scans and visitation rules that forbid parents from touching their children. Additionally, Maryland policy typically results in newborn babies being separated from their incarcerated mothers directly after birth, leaving both unable to engage in critical bonding.

Ultimately, allowing non-violent offenders who are primary caretakers the ability to remain within their communities will help the hidden victims of crime, namely the children left behind. As such, the WLC urges a favorable report on SB 21.

The Women's Law Center of Maryland is a private, non-profit, legal services organization that serves as a leading voice for justice and fairness for women. It advocates for the rights of women through legal assistance to individuals and strategic initiatives to achieve systemic change, working to ensure physical safety, economic security, and bodily autonomy for women in Maryland.