



ARCHDIOCESE OF BALTIMORE † ARCHDIOCESE OF WASHINGTON † DIOCESE OF WILMINGTON

February 1, 2022

**SB 21
Criminal Procedure – Sentencing – Primary Caretaker**

Senate Judicial Proceedings Committee

Position: Support

The Maryland Catholic Conference offers this testimony in SUPPORT of Senate Bill 21. The Catholic Conference represents the public-policy interests of the three (arch)dioceses serving Maryland, including the Archdioceses of Baltimore and Washington and the Diocese of Wilmington, which together encompass over one million Marylanders.

Senate Bill 21 would allow a defendant convicted of a nonviolent crime the ability to petition their sentencing court to consider their status as a “primary caretaker”. A primary caretaker is a person who has responsibility for a minor child or vulnerable adult, providing for things such as their housing, health, financial support, or education. The bill allows a court, in consideration of the primary caretaker status, to seek diversionary sentences that do not involve imprisonment, including but not limited to substance abuse treatment, domestic violence education and prevention, vocational training, educational services, anger management, financial literacy, family counselling or parenting classes.

As an advocate for restorative justice, the Maryland Catholic Conference supports opportunities to give people the chance to amend their lives through an alternatives to imprisonment. Particularly where the subject offense is a nonviolent offense, there is often little threat to public safety and the benefits of keeping families intact far outweigh the need for more punitive measures.

There are many cases where counseling, substance abuse rehabilitation, anger management, or a service requirement might be more a more constructive sentence. However, that consideration is compounded when the person being sentenced has minor children or vulnerable adults counting on them for their care. As the United States Conference of Catholic Bishops states, “People must be held accountable for their actions but justice and restoration must be the object of punishment which must have a constructive and reformatory purpose” (*Restorative Justice: Healing and Transformation of Persons, Families and Communities, USCCB, 2015*).

Alternative sentences considering primary caretaker status gives the judiciary one more option for resolving a case with the well-being of the children and families in mind when sentencing for nonviolent crimes. It is for these reasons that we urge a favorable report on Senate Bill 21.