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**SB 392 State Commission on Criminal Sentencing Policy - Plea Agreements and Annual Report
(The Judicial Transparency Act of 2022)**

Position: Support

Senate Judicial Proceedings Committee

February 10, 2022

**Keiffer Mitchell, Chief Legislative Officer & Senior Counselor, Governor's Office
Erin Chase, Deputy Legislative Officer, Governor's Office**

Chair Smith, Vice Chair Waldstreicher, and Members of the Committee:

Senate Bill 392 is an emergency bill that will bring much-needed transparency to our criminal justice system by requiring the State Commission on Criminal Sentencing Policy to publish specific case-by-case information on how violent offenders are being sentenced across our state.

Senate Bill 392 would require the Sentencing Commission to include in its annual report for each crime of violence as defined by Criminal Law Article § 14-101(a):

1. The crime of which the defendant was convicted;
2. The sentence imposed;
3. The applicable sentencing guidelines range;
4. The disposition of the case, as indicated on the sentencing guidelines worksheet (MSCCSP binding plea agreement; other plea agreement; plea, no agreement; court trial; jury trial);
5. For convictions in which a portion of the sentence is suspended, the amount of time suspended and the percentage of the sentence suspended;
6. For sentencing events that resulted in a departure from the guidelines, the departure reason cited;
7. The court and judicial circuit with jurisdiction over the case; and
8. The sentencing judge.

Additionally, Senate Bill 392 states that plea agreements cannot be considered compliant with the sentencing guidelines unless the sentence falls within the actual guidelines range, which will produce greater transparency in the annual report published by the State Commission on Criminal Sentencing Policy.

Marylanders must understand what happens in courtrooms across our state. A lack of transparency promotes distrust and insecurity. Senate Bill 392 will make accessible to stakeholders and policymakers information that will better enable informed decision making on how to improve our criminal justice system.

There are certainly instances in which a sentence outside of the sentencing guidelines may be appropriate. Senate Bill 392 allows the public to see if, on the aggregate, there are significant outliers in the trends of how violent criminals are sentenced and provides a starting point of information to find out why. The legislation also provides for information on why a sentence outside of the guidelines may have been imposed.

Policy decisions and reforms are only as good as the data that drives them. A criminal justice system in which outcomes are obfuscated by inaccessible proceedings and complex processes leads to a lack of knowledge about a fundamental aspect of government. Public officials in our judicial branch should be held to the same standards of transparency as elected officials in our legislative and executive branches. Senate Bill 392 brings us closer to a transparent criminal justice system.

For these reasons, the Administration respectfully requests a favorable report on Senate Bill 392.