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# MSCCSP

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## Maryland State Commission on Criminal Sentencing Policy

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David A. Soulé, Ph.D.

**TO:** Senate Judicial Proceedings Committee

**FROM:** MSCCSP

**RE:** SB 763  
Collection and Publication of Criminal Case and Prosecutorial Information

**DATE:** March 1, 2022

**POSITION:** Oppose

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The Maryland State Commission on Criminal Sentencing Policy (MSCCSP or Commission) convened via videoconference on February 22, 2022, to solicit feedback on Senate Bill (SB) 763. Thirteen of the 19 Commissioners participated in the videoconference. By unanimous vote with 5 abstentions, the Commission voted to oppose SB 763.

The Commissioners voted to oppose SB 763 because the legislation substantially expands the scope and purpose of the MSCCSP beyond criminal sentencing policy and therefore the legislation is inconsistent with the Commission's historical and statutory purpose. The Commission was not created to collect and publish data to monitor prosecutor decisions. SB 763 would require the Commission to create and host a database capable of storing information on more than 75 data points for an estimated 750,000 prosecutions per year.<sup>1</sup> For comparison, in fiscal year 2019, the MSCCSP received data for just over 11,000 guidelines-eligible sentencing events in circuit courts. Accordingly, SB 763 would substantially expand the number of cases tracked by the MSCCSP and would substantially expand the scope of the Commission's work beyond criminal sentencing in circuit courts to include all prosecution charging decisions and practices. The MSCCSP fiscal year 2022 budget is \$573,117. The estimated cost for the Commission to meet the requirements of SB 763 is approximately \$265,000 in year-one and \$155,000 per subsequent year. The MSCCSP does not have the existing

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<sup>1</sup> The estimated 750,000 prosecutions per year is based on the number of circuit court criminal filings, district court criminal filings, and motor vehicle filings from FY 2019, which was the last full fiscal year before COVID.

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infrastructure and resources to meet the substantial additional requirements created by SB 763.

Finally, the legislation would require the Commission to publish data that identifies individual judges and prosecutors. Consistent with the Commission's position regarding SB 392/HB 412 (2022), the Commission opposes publishing data that identifies individual judges. The sentencing guidelines are voluntary and were never intended to impose a limit on judicial discretion, or to gather and/or publish judge-specific sentencing information.

For these reasons, the MSCCSP opposes SB 763.