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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**

**House Judiciary Committee**

**March 22, 2022**

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

Chair Clippinger, Vice Chair Moon, and Members of the Committee:

Senate Bill 392 will bring much-needed transparency to our criminal justice system by requiring the State Commission on Criminal Sentencing Policy to publish specific 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), disaggregated by county:

1. Number and percentage of sentencing events in each disposition category, as indicated on the sentencing guidelines worksheet;
2. Number and percentage of sentencing events that resulted in a departure from the sentencing guidelines; and
3. For sentencing events that resulted in a departure from the sentencing guidelines, the departure reasons cited and the number and percentage of events in which each reason was cited.

Additionally, the Sentencing Commission will also include in its annual report for each crime of violence, disaggregated by county and crime:

1. Average total sentence;
2. Average nonsuspended sentence; and
3. For sentences in which a portion of the sentence was suspended, the average percentage of the total sentence suspended.

The information and data above that the Commission is required to report will be reported by circuit for the first, second, and fourth judicial circuits.

This important data will also be published as a data dashboard that the Sentencing Commission creates and maintains, allowing the public to have unfettered access to this information. 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.