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TO: The Honorable Will Smith Jr.
Chair, Judicial Proceedings Committee

FROM: Hannibal G. Williams II Kemerer
Chief Counsel, Legislative Affairs, Office of the Attorney General

RE: SB209 - Task Force to Study Crime Classification and Penalties (**Support with Amendments**)

The Office of the Attorney General “OAG” supports Senate Bill 209, Sen. Christ West’s bill with amendments. The OAG is requesting uncodified language mandating two full-time and one part-time AAGIV and a part-time paralegal to meet the needs of this task force. The bill would require the task force to “review the penalties for all criminal and civil violations throughout the Maryland Code”; to study the history and legislative intent of all of these classifications, including their constitutional implications and collateral consequences; also to study the classifications and penalty schemes in other states; and then make recommendations for potential changes along a variety of axes. The projected scope of work this could create is staggering.

The attorneys in the Criminal Appeals Division of OAG would be the most likely source of staffing for it, as the research and analysis the task force would require is very similar to the research and analysis that the Division does already in appeals in criminal cases, and it would draw on expertise and research history in the Division. Nevertheless, to prepare the research material necessary for that kind of analysis of even a single criminal statute (or topically connected set of statutes) would be equivalent to the research and writing demands of a very substantial appellate brief of the kind that an Assistant AG in the Criminal Appeals Division would likely take several weeks to prepare. To reiterate, this task force would require such research and analysis for every criminal and civil violation in the Code.

The Division is already spread thin at current staffing levels. A task force of this magnitude, in addition to the Division’s other current workload, cannot be completed without the additional attorney staffing we are requesting. In addition, given the volume of work and the

This bill letter is a statement of the Office of Attorney General’s policy position on the referenced pending legislation. For a legal or constitutional analysis of the bill, Members of the House and Senate should consult with the Counsel to the General Assembly, Sandy Brantley. She can be reached at 410-946-5600 or sbrantley@oag.state.md.us

amount of work product the task force can be expected to generate, we would need the additional support staffing requested in order to support the coordination of the task force meetings, compilation and distribution of work product to task force members, and assembly of the required report.

For the foregoing reasons, the Office of the Attorney General requests the favorable report with our office's requested amendments on Senate Bill 209.

cc: The Hon. Chris West & Committee Members