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STATE'S ATTORNEY

Date: February 20, 2024
Bill: HB 758
Position: Favorable with Amendment

The Office of the State's Attorney for Wicomico County and Jamie L. Dykes, State's Attorney for Wicomico County, support initiatives – like HB 758 – that take violence against educators seriously, and urge the Judiciary Committee to issue a favorable report with an amendment regarding the penalty provision.

Violence in our schools has become a public health crisis, one with devastating effects on our communities. The incidence of violence against educators has increased in the wake of the COVID-19 pandemic, impacting general well-being, teacher attrition, and student outcomes.¹ HB 758 telegraphs that much-needed message that assaulting teachers is not tolerated by classifying assault in the second degree, currently a misdemeanor, as a crime of violence pursuant to MD. CODE ANN., CRIM. LAW (“CL”) § 14-101 if the victim of the assault is a school employee or contractor.

The Office of the State's Attorney for Wicomico County applauds this initiative, but urges this Committee to consider an amendment that would find an alternative mechanism to increase the ability of prosecutors to hold offenders that assault school staff accountable. The list of crimes included in CL § 14-101 is, and ought to remain, reserved exclusively for the most heinous offenses – offenses like murder, rape, and arson. CL § 14-101 treats these offenses with commensurate seriousness by imposing significant mandatory minimum sentences for subsequent violations that may not be appropriate considering the continuum of conduct contemplated by misdemeanor assault, even if perpetrated against an educator. A number of alternatives exist that would accomplish this objective short of expanding CL § 14-101, such as limiting the parole eligibility of individuals convicted of crimes against school personnel, or establishing suspendable mandatory minimum sentences that courts are required to impose upon conviction. The Office of the State's Attorney for Wicomico County looks forward to a continuing dialogue about the most appropriate means to ensure accountability for these serious crimes, and urges this Committee issue a favorable report with appropriate amendments.

¹ Tim Walker, *Violence, Threats Against Teachers, School Staff Could Hasten Exodus from Profession*, NEATODAY (Mar. 18, 2022), available at <https://www.nea.org/nea-today/all-news-articles/violence-threats-against-teachers-school-staff-could-hasten-exodus-profession>.