

OPPOSE HB 100, HB 101 & HB 102

MARYLAND ALLIANCE FOR JUSTICE REFORM

Working to end unnecessary incarceration and build strong, safe communities



TO: Chairman Joseph Vallario and House Judiciary Committee

FROM: Phil Caroom, MAJR Executive Committee

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Maryland Alliance for Justice Reform (MAJR) commends the Governor's plans, in general, to support local law enforcement efforts and to provide more resources to respond to the opioid epidemic. However, MAJR also opposes the three Administration bills—HB 100, HB 101, and HB 102—as misguided, each for the same reasons:

- Each bill dramatically increases criminal penalties, but current laws already permit judges to impose lengthy consecutive sentences on handgun users and repeat offenders. New penalties are not necessary to permit harsh sentences in appropriate cases. In reality, the most common cause of reduced penalties is plea bargains accepted by prosecutors in the large majority of criminal cases.

- Each bill substantially would remove a judge's discretion not to impose substantial jail penalties in instances where circumstances make this inappropriate—for example, in cases that involve mental illness short of insanity, that involve minimal public threat or harm, or that involve mitigating circumstances such as the minor role of a youthful offender.

- Because HB 100, 101 and 102 each seek longer prison sentences and delayed access to treatment, each disregards the lessons of Maryland's Justice Reinvestment Act (JRA) study and JRA policy as adopted. The Pew Institute, summarizing nationally-recognized scientific research, described important reasons that longer prison sentences, by themselves, do not end the cycle of criminal activity:

[D]ata and research demonstrat[e] that longer prison terms do not reduce recidivism.... [Also, r]esearch suggests that a high percentage of criminal justice-involved individuals suffer from substance abuse and mental health disorders requiring treatment and support....

*While prison may provide access to [some] substance abuse treatment, it is not the most cost-effective environment in which to deliver it. Further, **research indicates that incarcerating drug offenders can actually increase the likelihood they will recidivate once they leave prison.***

This is because prison can exacerbate the criminal risk factors that drive recidivism by expanding the sphere of antisocial influence. [Final JRCC Report of Dec. 2015, at pp. 28 and 13; emphasis added, footnotes omitted.]

Maryland prison sentences cost taxpayers over \$38,000 per inmate per year. More effective drug treatment, mental health treatment, and job programs with intensive community supervision may yield better results in terms of stopping drug addiction and crime, as well as costing only a fraction of prisons' cost.

For all these reasons, MAJR encourages the committee to give an unfavorable report to HB 100, HB 101, and HB 102.

NOTE: Phil Caroom offers this testimony for MAJR and not for the Md. Judiciary