

## MARYLAND ALLIANCE FOR JUSTICE REFORM

Working to end unnecessary incarceration and build strong, safe communities



### ***2020 Maryland Legislative Session***

The coronavirus pandemic brought a premature shutdown—three weeks early—of the 2020 Maryland General Assembly Session and halted what had been a promising campaign to address long-standing criminal justice needs in our state.

Despite these challenges, 10 bills MAJR-supported bills passed and 5 MAJR-opposed bills did not pass—a new record. Sadly, a number of other bills that made promising starts—winning support in one House—did not have the time needed to complete their process in the other side of the legislature.

As the pandemic could present lethal risks to Marylanders in our state’s medically-underprepared prisons and jails, MAJR has contacted the Governor’s office. With former DPSCS Secretary Stu Simms as our spokesperson, MAJR offered bipartisan support for Governor Hogan to take precautionary measures for preemptive release of nonviolent, elderly and medically-at-risk inmates with appropriate conditions. MAJR also has joined the National Council of Churches, ACLU, and other organizations to offer more public support for such protective measures.

**Here are some details of our successes from the session:**

### **FRONT DOOR measures to reduce causes of incarceration:**

**Kirwan plan** - **HB 1300** / SB 1000, in the long run, may represent the most important steps in decades towards ending Maryland’s “school-to-prison” pipeline with a) equalized public school funding, regardless of local poverty, b) more pre-K education, c) behavioral health measures instead of damaging suspensions and expulsion for troubled students, and d) better vocational programs for students who aren’t college-bound.

**Pretrial risk-screening** - Following four years of MAJR efforts, **HB 49** establishes a pretrial services grant fund to support every Maryland county in adoption of evidence-based, race-neutral risk scoring instruments to be re-validated every 5 years.

**“Crisis intervention” / diversion for mental health** - **SB 305** set up a state center for “crisis intervention” training of police, teaching them best practices for managing Marylanders’ with mental health difficulties. A related bill—**SB 441**—directs establishment of 24hour crisis intervention programs with lists & contact information to be distributed to law enforcement officers, courts and health officials in each Maryland County.

**Drivers' license suspensions**—Revising current law that results in frequent drivers' license suspensions—and resultant jailable offenses for driving suspended, **HB 280** / SB 384 permit installment payments on traffic fines of \$150 or more.

**Juvenile Fees**—**HB 36** will bar Courts from compelling parents to pay sometimes-oppressive court costs, child support and attorney's fees in juvenile delinquency cases.

## BACK DOOR measures for better outcomes after prison:

**Women's prerelease and reentry**—**SB 684** requires the State to re-establish a comprehensive, evidence-based prerelease program to assist with women prisoners' reentry in or near zip codes where most have lived.

**Identification cards**—**SB 77** repeals an obstacle to returning citizens' employment by directing Maryland prisons to assist in obtaining copies of birth certificates, Social Security cards and MVA identification cards.

**Partial expungement**—**HB 1336**, championed by Job Opportunity Task Force, makes three significant changes to state law: a) it adds fourth degree (storehouse and lesser) burglary to expungable offenses, b) provides that Maryland courts' online public database may no longer publish records of acquittals, stets and nol pros charges; and c) establishes a "Partial Expungement Workgroup" to make other recommendations as to Maryland's "unit rule" preventing expungement of multiple charges although only a single lesser offense may result in conviction.

**Marijuana Expungement**—**HB 83** also directs that removes from Maryland courts' online public database references to convictions for solely possession of marijuana prior to 2014 when possession of small quantities of marijuana were legalized.

## BEHIND THE WALLS and near-misses:

Every bill in MAJR's Behind the Walls category fell victim to the pandemic-shortened Session. There also were "near misses" in other categories. These included:

**Correctional education "milestones,"** —**SB 971** provides incentives for Maryland prisoners to achieve the most important education and job-training to prevent recidivism; passed the Senate but ran out of time in the House.

**Governor out-of-Parole**—**HB 1219** depoliticizes Maryland's parole process for those with life sentences and to bring our system in line with that of 47 other U.S. states; passed the House but ran out of time in the Senate.

**Law enforcement diversion**—**HB 1166**, to train and inform police officers of alternatives to arrest, passed the House but ran out of time in the Senate.

**Felony murder rule**—**SB 919**, a bill to revise or at least require a commission's study of Maryland's antiquated felony-murder rule (a legal fiction exposing unwitting accomplices to life sentences) passed the Senate but ran out of time in the House.

**Voting**—Two bills (**HB 568** and **SB 91**) to facilitate voting by Marylanders who have been imprisoned passed in one House but not the other, then ran out of time for reconciliation of the competing plans.

## OPPOSED BILLS

MAJR actively opposed bills that would have reinstated Maryland's death penalty, increased pressure on elected judges to impose longer prison sentences, permitted more punitive Parole penalties, and reduced prisoners' possible credits for good behavior. None of these passed.

On balance, good progress was made on criminal justice initiatives, despite this season's challenges.

## MAJR in Annapolis

Also, this Session we modified our tradition of offering a Legislative Breakfast at the suggestion of MAJR sponsor Senator Delores Kelley. This year, instead, we held a "Justice Reinvestment legislators' work group" meeting early in the Session which was helpful in identifying important issues and allies.



As before, we did hold a successful **MAJR "Lobby Day,"** this time honoring departing Senate President Mike Miller with an award for his years of service and his leadership on the Maryland's landmark 2016 Justice Reinvestment Act. More than 50 citizen lobbyists visited the offices every member of our key committees—**House Judiciary** and **Senate Judicial Proceedings**.

## FUTURE PLANS

As we look ahead toward the coming 2020-2021 year for Maryland Criminal Justice policy, MAJR will try to chart an effective course:

1. Addressing with the current coronavirus public-health crisis;
2. Seeking to address our "unfinished business" from the 2020 Session;
3. Focusing on Maryland's intractable racial disparities still incarcerating African-Americans more than twice their share of our State's population; and
4. Taking stock of Maryland's ongoing unsuccessful "war on drugs" — marijuana in particular

With coronavirus guidelines, MAJR's executive committee recognizes that our traditional "General Meeting" process may not be doable health-wise. So, we will begin to consider logistics for an alternative as we look far ahead to a better future for all Marylanders.

Thanks again to all MAJR members and our legislative sponsors for your ongoing support this year!

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MAJR is a nonpartisan association of over fifty community organizations and churches with members in every part of the state, formed to support justice reinvestment. Individual supporters include judges, attorneys, corrections professionals, as well as returning citizens, victims, and service providers.

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