HB 959 would prevent any person who ever has been convicted of a “crime of violence” from having a plea agreement for any future charge. This proposal apparently is an extreme over-reaction against an inappropriate plea agreement somewhere in history, but it is not well thought out or at all workable.

Plea agreements, for many generations, have resolved over 90% of criminal charges in the U.S. Without plea agreements, Maryland criminal courts would grind to a halt. Plea agreements are used to disposed of traffic offenses (including speeding, red-light running, driving-while-influenced), misdemeanors (including minor fights, simple possession of drugs, disorderly conduct), and felonies (including, break-ins to steal from a garage, drug distribution, and theft of an item valued over $500). Some felonies are classed as “crimes of violence”--even though no weapons, violence or injuries may be involved (including break-ins stealing from a “storehouse” or robberies without weapons).

No plea agreements are possible, by definition, unless the prosecutor offers them. Prosecutors, many times, will offer a plea agreement because their evidence is weak on the day of trial – for example, if a key witness has failed to appear. Forbidding prosecutors from offering a plea agreement to someone based on their prior record, in effect, could compel the prosecutor to take a weak case to court and to get no conviction at all, as opposed to a compromised plea agreement that would result in a new conviction and a court-ordered sentence and supervision. It also could have the effect of requiring lengthy and inconvenient trials in otherwise undisputed traffic or misdemeanor cases.

For all these reasons, MAJR opposes HB 959 which would impose a blanket ban of plea agreements even for someone whose criminal record was nonviolent and long past.