UNFAVORABLE - HB 1044 - death of a young victim

Maryland Alliance for Justice Reform

Working together for a criminal justice system that better serves our communities

To: Chair Sandy Bartlett and House Judiciary Committee
From: Phil Caroom, MAJR Executive Committee chair
Date: March 10, 2026

HB 1044 intends to get tough with any Marylander who causes the death of a child victim. But, its strategy of demanding further incarceration and limiting judicial discretion mistakes the most important purpose of our state's criminal laws.

Particularly, section ii) of the bill is directed to <u>family or household members convicted of negligently</u> causing the death of a young child. This might involve a young mother who thoughtlessly left a baby in a car with the windows up while getting groceries in warm weather. It might involve a father who was under the influence of drugs or who overslept when a small child needed medical attention. It might involve an adolescent whose parents overlooked the symptoms of severe mental illness or possible suicide.

The family member's experience of the death of a much-loved child, in itself, already may impose a much greater burden than the Court's sentence ever could. If the sentencing judge recognizes such situations, he or she might impose a sentence that involves suspended incarceration, mental health or substance abuse treatment – alternatives that both would cost taxpayers much less than prison, and that would benefit public safety much more by treating the causes of the original tragedy.

HB 1044 also disregards the possibility that a defendant already may have served <u>many months of incarceration before the plea or trial date,</u> such that sentencing guidelines may call for the defendant's release rather than continued incarceration.

For all these reasons, MAJR suggests that HB 1044 may impose inappropriate limits on a judge's discretion and urges that legislators give it an unfavorable report.

–
Please note: Phil Caroom provides this testimony for MAJR and not for the Md. Judiciary.
–