

HB0088/443225/1

BY: Senator Hough

AMENDMENTS TO HOUSE BILL 88  
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike “– Alcohol Offenses –” and substitute “and”; strike line 3 in its entirety and substitute “– Classifications”; in line 7, after “fine;” insert “establishing the Task Force to Study Crime Classification and Penalties; providing for the composition, chair, and staffing of the Task Force; prohibiting a member of the Task Force from receiving certain compensation, but authorizing reimbursement of certain expenses; requiring the Task Force to study certain issues related to the classification of and penalties for criminal and civil violations in the State; requiring the Task Force to report its findings to the Governor and the General Assembly on or before a certain date;”; in line 8, after “changes;” insert “providing for the termination of certain provisions of this Act;”; and in the same line, strike “alcohol” and substitute “classification of”.

AMENDMENT NO. 2

On page 8, after line 15, insert:

“SECTION 2. AND BE IT FURTHER ENACTED, That:

(a) There is a Task Force to Study Crime Classification and Penalties.

(b) The Task Force consists of the following members:

(1) three members of the Senate of Maryland, appointed by the President of the Senate;

(2) three members of the House of Delegates, appointed by the Speaker of the House;

(Over)

- (3) the Attorney General, or the Attorney General's designee;
  - (4) the Executive Director of the Maryland Sentencing Commission, or the Executive Director's designee;
  - (5) the Executive Director of the Governor's Office of Crime Control and Prevention, or the Executive Director's designee;
  - (6) the president of the Maryland State's Attorneys' Association, or the president's designee;
  - (7) an expert in the subject matter of criminal sentencing, appointed by the president of the Maryland State's Attorneys' Association;
  - (8) the Public Defender, or the Public Defender's designee;
  - (9) an expert in the subject matter of criminal sentencing, appointed by the Public Defender; and
  - (10) the chair of the Justice Reinvestment Oversight Board.
- (c) The members of the Task Force shall designate the chair of the Task Force.
- (d) The Department of Legislative Services shall provide staff for the Task Force.
- (e) A member of the Task Force:
- (1) may not receive compensation as a member of the Task Force; but

(2) is entitled to reimbursement for expenses under the Standard State Travel Regulations, as provided in the State budget.

(f) The Task Force shall:

(1) review the penalties for all criminal and civil violations throughout the Maryland Code;

(2) study the history and legislative intent of the classification of criminal and civil violations throughout the Maryland Code, including the constitutional implications and collateral consequences that arise as a result of classification;

(3) study criminal classifications and penalty schemes in other states and how those classifications and schemes compare to those in the State; and

(4) make recommendations regarding the current statutory scheme for criminal and civil violations throughout the Maryland Code, including:

(i) whether there are violations that should be reclassified as civil offenses, misdemeanors, or felonies;

(ii) whether there are penalties that should be altered;

(iii) whether the State would benefit from:

1. the imposition of standardized crime classifications and penalties;

2. the codification of a default mental state as an element of criminal liability; and

3. the codification of affirmative defenses and their elements;

(iv) whether statutory changes are necessary for provisions of criminal law that lack an explicit mens rea; and

(v) what limitations, if any, should be placed on the ability of administrative boards, agencies, local governments, appointed commissioners, or of other persons or entities to enact rules, regulations, ordinances, or laws providing for criminal penalties.

(g) On or before December 31, 2020, the Task Force shall report its findings and recommendations to the Governor and, in accordance with § 2-1246 of the State Government Article, the General Assembly.

SECTION 3. AND BE IT FURTHER ENACTED, That Section 1 of this Act shall take effect October 1, 2019.”;

in line 16, strike “2.” and substitute “4.”; in the same line, after “That” insert “, except as provided in Section 3 of this Act.”; in line 17, strike “October” and substitute “June”; and in the same line, after the period insert “Section 2 of this Act shall remain effective for a period of 2 years and 1 month and, at the end of June 30, 2021, Section 2 of this Act, with no further action required by the General Assembly, shall be abrogated and of no further force and effect.”.