



**Testimony of Molly Gill
Vice President of Policy, FAMM
Hearing on SB 166
February 7, 2019
Senate Committee on Judicial Proceedings**

I thank Chair Zirkin, Vice Chair Smith, and the members of the Senate Committee on Judicial Proceedings for the opportunity to submit testimony on behalf of FAMM. **We oppose SB 166 because it will create excessive sentences that do not make us safer; it will create unjust results that undermine respect for the justice system; and it is not evidence-based.**

FAMM is a nonpartisan, nonprofit sentencing reform advocacy group founded in Washington, D.C. in 1991. FAMM's mission is to protect public safety and promote efficiency in the criminal justice system by advocating for individualized, proportional criminal sentencing laws. We are not against punishment or prisons. We simply believe that sentences should fit the crime and the offender, and that judges are in the best position to decide the proper punishment in each and every case.

FAMM shares the legislature and the city of Baltimore's concern about the disturbing level of violent crime and homicides in Baltimore. Collaboration between the state and city's many institutions and community organizations – including law enforcement – is clearly needed to overcome this record of violence. However, state leaders must not succumb to disproven crime prevention strategies, but rather should seek effective, efficient, just, and lasting solutions. SB 166 is not one of them.

SB 166 will produce excessive punishments that are costly, but do not increase safety.

Felonies and crimes of violence are already punished severely in Maryland; requiring an extra five or 10 years in addition to the sentence for the underlying crime, with no parole eligibility, will produce sentences that are excessively lengthy. The bill's mandatory minimums will keep people in prison in spite of their rehabilitation and long after they age out of crime and cease to be a public safety risk. This excessive incarceration and its consequent increase in elderly prisoners will fail to make the public safer, but will come at huge cost to taxpayers. No one is safer when people are held in prison long after they pose a threat.

SB 166 will create unjust results that undermine respect for the justice system. SB 166 would require an extra five years in prison for a battered woman who fires a shot at her abuser in self-defense – and for a man who murders someone execution-style with premeditation. Clearly, these cases are different, yet the law gives courts no flexibility to make a meaningful distinction at sentencing. Not all felonies are the same, not all people are the same, and not all cases are the same. The Committee should avoid creating penalties that eliminate distinctions that matter. Unjust sentences erode community support for the criminal justice system – support that is essential to policing, prosecution, and bringing people to justice.



Most importantly, **there is no evidence to support the claim that mandatory minimum sentences reduce crime or gun violence**, and enhancing the penalties of existing laws will not produce better results, either. A 2013 report by the Bluhm Legal Clinic at Northwestern Law School found that “the evidence indicates, repeatedly, that mandatory minimum sentences will not reduce gun violence. On the contrary, such restrictions are both costly and counterproductive.” The same report concluded:

Decades of empirical research, including a recent meta-analysis reviewing over 29 separate studies of the effectiveness of policies and programs that attempt to reduce firearm violence, have established that ‘policies [like enhanced prison terms] rooted in the deterrence theory framework... have been shown to have little empirical support.’

The Bluhm report also notes that at least four states – Michigan, Massachusetts, Florida, and Virginia – have experimented with mandatory minimums for gun-related offenses, and all experiments have failed. Furthermore, a 2003 study of Virginia’s “Project Exile” mandatory gun sentence enhancements, conducted by Steven Raphael and Jens Ludwig, “demonstrated fairly conclusively that [Project Exile] is a bust. It has no impact. It did not work.” We know why. Crime rates respond to policies that ensure swift and certain sanctions on those who choose to break the law. The fear of being caught and punished quickly, not lengthy sentences, deters crime.

FAMM’s opposition to this legislation is not rooted in sympathy for anyone who chooses to engage in violent crime. Rather, our opposition is rooted in the belief – backed by all credible evidence – that mandatory minimums make law-abiding citizens less safe. Mandatory minimums tie the hands of local courts that know their communities best. Bills like SB 166 earmark resources for incarceration that would be better used by implementing more proactive strategies for decreasing crime in the city. Criminal justice policy requires exactly the kind of flexibility that SB 166 eliminates.

We understand the pressure to enact and expand tougher penalties in the face of heightened violence; however, Maryland cannot afford to allow politics to crowd out the evidence. Therefore, **we urge you to oppose SB 166.**

Thank you for considering our views. FAMM is happy to assist you as you consider this important issue.