

Task Force to Study Crime Classification and Penalties

November 2020



**THE PEOPLE'S
COMMISSION**
TO DECRIMINALIZE MARYLAND
@DecrimMaryland



Overview

The People's Commission to Decriminalize Maryland exists to reduce the disparate impact of the justice system on youth and adults who have been historically targeted and marginalized by local and state criminal and juvenile laws based on their race, gender, disability or socio-economic status. Through a statewide collaboration with organizations and affected individuals, the People's Commission conducted an examination of the existing Maryland code and court systems to identify the specific ways that juvenile and criminal laws disproportionately harm historically marginalized groups

Participating Organizations

- Advocates for Children and Youth
- Baltimore Action Legal Team
- Baltimore Harm Reduction Coalition
- Baltimore Safe Haven
- Baltimore Youth Arts
- Cause Engagement Associates
- Center for Children's Law and Policy
- Community for Law in Action
- Disability Rights Maryland
- FreeState Justice
- Health Care for the Homeless
- Homeless Persons Representation Project
- Job Opportunity Task Force
- Justice Policy Institute
- Maryland Justice Project
- NARAL Pro-Choice Maryland
- National Alliance on Mental Illness - Maryland
- Open Society Institute - Baltimore
- Out for Justice
- Power Inside
- Public Justice Center
- Rebuild, Overcome, and Rise (ROAR) Center at University of Maryland, Baltimore (UMB)
- School of Law - University of Baltimore
- Sex Workers Outreach Project - Baltimore
- University of Maryland School of Law
- Women's Law Center of Maryland
- Youth as Resources
- Youth Empowered Society

What is Decriminalization?

Decriminalization is the elimination of policies and practices that expose marginalized communities to increased justice involvement, not because of a legitimate public safety concern, but primarily because of behaviors and conduct that arise from their status or identity. Decriminalization also includes the implementation of policies and practices that do not rely on the police, courts, and corrections to respond to this category of behaviors and conduct



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Priority Areas

Drug Policy

Eliminating criminal and financial penalties associated with possession and use of drugs, and pursuing public health-oriented policies to address issues of chronic substance abuse and addiction.

Homelessness

Reducing the harm of criminalizing people who have to live their private lives in public due to being unhoused, and reallocating resources from criminalization into safe affordable housing options.

Poverty

Eliminating the laws that reinforce cycles of poverty by inflicting criminal-legal sanctions (incarceration, loss of license, excessive fees, and criminal records) on individuals because of their inability to pay or economic status.

Sex Work

Eliminating all criminal penalties for prostitution under specified state codes and passing administrative policies to protect those engaged in sex work from exploitation.

Youth

Changing and eliminating laws that bring young people--disproportionately youth of color--to the attention of the justice system for behaviors that are either typical in adolescence or a reflection of how we have marginalized large segments of Maryland's youth.



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Community Engagement

- Past
 - Regional Meetings
 - Regional Survey
- Future
 - Decrim Clinics



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Drug Policy

- Decriminalize Possession of Drug Paraphernalia for use under §5-620 and §5-619
- Reduce Penalties and Eliminate Escalating Penalties for Narcotics Under §5-607, §5-608, and §5-609
- Establish a Higher Standard of Proof for Possession with Intent to Distribute (§5-602)



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Homelessness

- Repeal 10-201(c)(3) Failure to Obey a Lawful Order
- Repeal §6-205 Fourth Degree Burglary
- Amend §6-403 and §11-107 to make an exception for those experiencing homelessness
- Remove criminal penalties for fare evasion under 17-705 and make it a civil offense without the possibility of jail time
- Eliminate municipal codes that penalize loitering, panhandling, camping and solicitation as they disproportionately target those who are homeless



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Poverty

- Revise §5-201 and any related law such that electronic monitoring fees are based off of the defendant's ability to pay
- Make expungement more easily accessible
- Stop wealth discrimination in auto insurance
- Child Support Reform



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Sex Work

- Eliminate §11-303, 11-304, 11-306 and 11-307
- Automatically expunge prostitution-related offenses from the records of those who have been charged or convicted of these offenses



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Youth

- Eliminate “status offenses” “violations” and “Child in Need of Supervision” from the “Juvenile Causes” section of the Maryland Code.
- Narrow the definition of “delinquent act” in Maryland to focus on public safety, not minor misbehavior.
- Greatly expand and standardize access to community-based diversion options
- Prohibit incarceration of youth for engaging in common adolescent behavior, minor misbehavior, and other reasons that do not pose a legitimate risk to public safety



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Where to Find Us?

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