

April 11, 2024

TESTIMONY OF THE OFFICE OF THE PUBLIC DEFENDER (OPD) REGARDING:

House Bill No. 7048

ENTITLED, AN ACT RELATING TO CRIMINAL PROCEDURE – SENTENCE AND EXECUTION.

Chairman Craven and Members of the Judiciary Committee:

The OPD supports H7048, which would require sentencing courts to consider the effects of incarceration on the dependents of a defendant when determining the appropriateness of imposing a term of incarceration. While we believe that sentencing courts are already considering this type of mitigation, we nevertheless believe codifying such a requirement promotes fairness and justice.

We believe the key points in support of H7048 include:

1. **Consideration of Impact on Dependents:** H7048 acknowledges the significant and often long-lasting impact that a term of incarceration can have on the dependents of a defendant. By requiring courts to consider these effects, the bill would ensure that presentence reports and defense attorney mitigation includes such information. This promotes a more thoughtful and holistic approach to sentencing that recognizes the interconnectedness of individuals within families and communities.
2. **Flexibility in Sentencing Decision:** As long-time advocates for judicial discretion in sentencing, we support that the bill does not tie the hands of the court in terms of sentencing. It strikes a balance by introducing a factor for consideration without mandating a particular outcome, allowing courts the flexibility to make informed and just decisions on a case-by-case basis.
3. **Limitations on Exceptions:** H7048 does not override cases where home confinement is prohibited or where a term of incarceration is required, such as certain domestic and firearm-related offenses.

In conclusion, we believe that H7048 encourages a more thoughtful evaluation of the consequences of incarceration on dependents, and urges the committee to support passage

Sincerely,

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