

The Just Criminal Justice Group, LLC



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Owner/Manager

TESTIMONY SUBMITTED IN OPPOSITION TO:

House Bill No. 5924

BY Roberts, Craven, Lima, Chippendale, Hull,
Casimiro, Corvese, Ackerman, Brien, Bennett
ENTITLED, AN ACT RELATING TO CRIMINAL
OFFENSES -- SEXUAL ASSAULT (Increases
minimum sentence for first degree sexual
assault and provides first 10 years of a
sentence for first degree sexual assault not be
subject to a suspension or deferment of
sentence.)

Senate Bill No. 562

BY de la Cruz, E Morgan
ENTITLED, AN ACT RELATING TO CRIMINAL
OFFENSES -- SEXUAL ASSAULT {LC1623/1}
(Increases minimum sentence for first degree
sexual assault and provides first 10 years of a
sentence for first degree sexual assault not be
subject to a suspension or deferment of
sentence.)

- I oppose the two (2) identical pieces of legislation referenced here because they legislation create mandatory minimum sentences or otherwise inhibit the exercise of judicial discretion. If enacted into law they would interfere with the court's ability to fashion fair and appropriate sentences in criminal cases.
- Inhibiting the exercise of judicial discretion as this legislation does can result in absurd and unfair results. Rather than arriving at a sentence that is informed by the facts and circumstances of the case and background of the defendant, both of which are unique in every case, the sentence is mandated and dictated by the state's charging decision.
- Arguments against mandatory minimum sentences or otherwise interfering with the exercise of judicial discretion as this legislation does would interfere and, in some cases, eliminate entirely the court's ability to fashion an appropriate sentence in a criminal case, can be summarized as follows:
 - Restricting a judges' ability to consider the specific circumstances of a case and the individual involved can lead to unjust outcomes, as judges cannot tailor sentences to fit the unique factors of each case.
 - Disproportionately harsh sentences can result, especially for non-violent offenses or first-time offenders. This undermines the principles of fairness and proportionality in the criminal justice system.
 - Tying a judge's hands can result in a sentence that emphasizes punishment and incarceration over rehabilitation without addressing underlying issues such as addiction or mental health issues. As a result, the root causes of criminal behavior are left unaddressed and can perpetuate cycles of crime and incarceration.

- Sentencing schemes like those created here have been criticized for contributing to racial disparities in the criminal justice system that disproportionately affect minority communities, leading to higher rates of incarceration among people of color.
- Such sentencing schemes contribute to overcrowding in prisons and increased costs for taxpayers resulting in an inefficient use of resources. In contrast the availability of alternative sentencing approaches, such as diversion programs or probation, when available via the exercise of judicial discretion, may be more effective and cost-efficient.
- Judges are legal experts who are trained to weigh evidence, consider legal principles, and make informed decisions. Limiting their discretion in sentencing undermines their expertise and may result in less effective and fair outcomes.
- Judicial discretion allows judges to impose sentences that prioritize rehabilitation and reintegration into society, rather than simply focusing on punishment. This approach can help offenders address underlying issues such as addiction or mental health problems and reduce the likelihood of reoffending.
- Judicial discretion also serves as a check on potential injustices that may arise from rigid sentencing laws or mandatory minimums. Allowing judges to exercise discretion ensures that the criminal justice system remains flexible and responsive to evolving societal norms and values.

Thank you for the opportunity to express myself on the important issues presented by this legislation. Please feel free to contact me at anytime with any questions or concerns you may have.

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