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TESTIMONY OF THE OFFICE OF THE PUBLIC DEFENDER REGARDING:

House Bill No. 8452

**ENTITLED, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT --
CORRECTIONS DEPARTMENT**

Chairwoman Hagan McEntee and Members of the House Judiciary Committee:

The Office of the Public Defender **opposes** House 8452, which would prohibit defendants who are serving probation for driving under the influence/death resulting from earning good time off their probationary period. We know how devastating this crime can be on the families of the victims, and our position is not intended to diminish their loss. However, our stance against this bill is rooted in the principles of fairness, rehabilitation, and the preservation of a balanced criminal legal system.

Probation good-time credit serves as a vital component of our justice system, designed to incentivize rehabilitation and provide tangible rewards for individuals who demonstrate a genuine commitment to their recovery and reintegration into society. By allowing probationers to earn time off their probationary periods through positive behavior and adherence to rehabilitation programs, probation good time fosters a sense of hope and motivation among those striving to turn their lives around.

The proposed bill threatens to undermine the fundamental purpose of probation good-time credit by singling out a specific group of individuals—those with DUI convictions resulting in death—and denying them access to this incentive for rehabilitation. This approach not only fails to address the root causes of the issue but also perpetuates a punitive mindset that impedes the potential for meaningful rehabilitation and societal reintegration.

Furthermore, it is essential to recognize that the offense of DUI resulting in death does not necessarily involve an intent to cause harm. There is no denying that the effects are truly life-shattering, but—unlike offenses with a more culpable *mens rea*, such as murder or manslaughter, or even felony assault—DUI offenses often result from a lapse in judgment or a momentary of control, rather than a premeditated act of violence. Denying probation good-time credit to individuals convicted of DUI/death resulting offenses while maintaining such credits for offenses that require a more culpable *mens rea* seems inverted.

We urge the Senate Judiciary Committee to reject H8452 in its current form. Instead, we encourage lawmakers to explore alternative approaches that prioritize rehabilitation, address the root causes of substance use disorder and impaired driving, and promote fairness and equity within our criminal justice system.

Sincerely,

/s/ Angela M. Yingling

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Legislative Liaison

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