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April 1, 2025

TESTIMONY OF THE OFFICE OF THE PUBLIC DEFENDER REGARDING:

House Bill No. 5648

ENTITLED, AN ACT RELATING TO CRIMINAL PROCEDURE—SENTENCE AND EXECUTION

Chairman Craven and Members of the House Judiciary Committee:

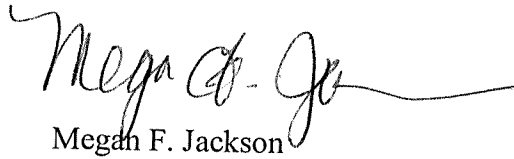
The Office of the Public Defender supports HB5648, which would require sentencing courts to consider the effects of incarceration on the dependents of a defendant when determining the appropriateness of imposing a term of incarceration. While we believe that sentencing courts are already considering this type of mitigation, we nevertheless believe codifying such a requirement promotes fairness and justice.

We believe the key points in support of HB5648 include:

1. **Consideration of Impact on Dependents:** The proposed bill 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 reports include 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 appreciate 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:** HB5648 does not interfere with existing mandatory sentencing requirements, such as in cases where home confinement is prohibited or where a term of incarceration is required, for example certain domestic and firearm-related offenses.

In conclusion, we believe that HB5648 encourages a more thoughtful evaluation of the consequences of incarceration on dependents and urges the committee to support passage.

Sincerely,

A handwritten signature in black ink, appearing to read "Megan F. Jackson", with a long horizontal flourish extending to the right.

Megan F. Jackson
Legislative Liaison
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