

**Department of Legislative Services**  
Maryland General Assembly  
2025 Session

**FISCAL AND POLICY NOTE**  
**First Reader**

House Bill 1423  
Judiciary

(Delegate Crutchfield)

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**Commission to Review and Assess Racial Disparities in the State Criminal  
Justice System - Establishment**

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This bill establishes the Commission to Review and Assess Racial Disparities in the State Criminal Justice System, to be staffed jointly by the Maryland State Commission on Criminal Sentencing Policy (MSCCSP) and the Department of Legislative Services (DLS). The commission must report its findings to the Senate Judicial Proceedings Committee and the House Judiciary Committee by September 1, 2026. **The bill takes effect July 1, 2025, and terminates June 30, 2027.**

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**Fiscal Summary**

**State Effect:** General fund expenditures increase by *at least* \$80,000 in FY 2026 and \$22,000 in FY 2027 for known staffing costs, as discussed below. Any expense reimbursements for commission members are assumed to be minimal and absorbable within existing budgeted resources. Revenues are not affected.

**Local Effect:** None.

**Small Business Effect:** None.

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**Analysis**

**Bill Summary:** The commission must study and make recommendation on:

- the disparate treatment of African Americans, Hispanics, and other non-White individuals in the State's criminal justice system, including (1) how cumulative impacts may result from disparate policing, arrests, charging, pretrial detention,

- sentencing, community supervision, and prosecution, including diversion and plea policies and (2) the impacts of disparate mandatory minimum sentencing, including convictions for offenses involving firearms and felony murder cases in which the defendants clearly did not intend to commit murder;
- the need and alternative methods available to improve any racial disparities and lack of transparency in the State's criminal justice system;
  - improvements available to the systemic structures for race-neutral risk and needs assessments diversion, sentencing alternatives, rehabilitative sentencing, and reduction of recidivism;
  - the possibility of amending the Maryland Sentencing Guidelines with respect to the offender score calculation methodology, for the purpose of reducing the impact of any previously existing racial and ethnic differences caused by excessive policing;
  - the possibility of using resources of the Division of Parole and Probation within the Department of Public Safety and Correctional Services to conduct pretrial and presentence race-neutral risk and needs assessments that could be considered by parties at the time of plea discussions and by judges at the time of sentencing;
  - the potential to increase judicial discretion at sentencing to allow judges to more closely consider as sentencing factors, including for individuals charged with or convicted of crimes of violence for sex offenses, (1) the intent of the individuals being sentenced and (2) the possibility for rehabilitation and reduction in recidivism;
  - the possibility of modifying or abolishing the State's felony murder doctrine for cases where individuals clearly did not intend to commit murder;
  - the design and expansion of programs intended to reduce State prison populations, be rehabilitative, and further reduce the length of prison sentences in a manner that is consistent with public safety; and
  - data collection methods for the ongoing monitoring of racial disparities at each stage of the State's criminal justice system.

The commission must hold at least four public hearings to examine, discuss, and review the items listed above. Commission members may not receive compensation but are entitled to reimbursement for expenses under the standard State Travel Regulations.

### **Current Law:**

#### *Maryland State Commission on Criminal Sentencing Policy – Data Collection and Guidelines Compliance*

MSCCSP was created to oversee sentencing policy in Maryland and is primarily responsible for maintaining and monitoring the State's voluntary sentencing guidelines, which are intended to promote fair and proportional sentencing while eliminating sentencing disparity.

MSCCSP is authorized to adopt sentencing guidelines to be considered by courts when determining the appropriate sentence for a criminal defendant, as well as the collection and automation of sentencing guidelines data. All sentencing guidelines data are provided on the sentencing guidelines worksheet, which is completed to determine the recommended sentencing guidelines outcome and to record sentencing data for offenses prosecuted in circuit court. After a sentencing judge or the judge's designee completes the worksheet, the judge reviews the worksheet for completeness and accuracy and submits a copy of the worksheet (paper or electronic) to MSCCSP. The commission's staff use data collected from these worksheets to analyze sentencing trends, monitor circuit court sentencing compliance, and adopt changes to the guidelines consistent with legislative intent when necessary.

On or before January 31 of each year, MSCCSP must report to the General Assembly on (1) any changes to the sentencing guidelines made during the previous year; (2) review judicial compliance with the sentencing guidelines, including compliance by crime and judicial circuit; (3) review reductions or increases in original sentences that have occurred because of reconsiderations of sentences imposed under § 14-101 of the Criminal Law Article (mandatory sentences for crimes of violence); and (4) categorize information on the number of reconsiderations of sentences, as specified.

*Department of Legislative Services – Racial Equity and Impact Notes Unit*

The Racial Equity Impact Note (REIN) unit evaluates the racial impact of selected criminal justice legislation. REIN performs statistical analysis on available criminal justice-related data and provides an objective-based assessment of potential disparities among racial and ethnic groups that may be exacerbated or created by the legislation.

The assessments are published in the form of a racial equity impact statement, which can be found online as part of a bill's legislative history. Factors that determine whether a REIN is published for a bill or group of bills include whether (1) there is sufficient data available to provide an objective analysis of the bill's provisions; (2) the topics addressed in the bill include current issues of concern for minority residents in the State; and (3) providing information surrounding key decision points in the criminal justice system will inform legislators and the public of possible policy implications of legislation.

**State Expenditures:** General fund expenditures increase by *at least* \$80,000 in fiscal 2026 and \$22,000 in fiscal 2027 for *known* costs associated with the commission. General fund expenditures likely further increase, the extent to which depends on the nature of the joint staffing assignment between MSCCSP and DLS, the availability of relevant data, and the potential need for consultant costs. The full extent of any such costs – and the portion attributable to each entity – cannot be reliably predicted at this time.

The commission is charged with making recommendations on numerous topics within a relatively short time frame; further, MSCCSP notes that some of the data that is critical to informing the commission's work is not readily available. For example, there is no streamlined source or method to collect statewide information on prosecution data; MSCCSP also anticipates the need to review felony murder cases manually on a case-by-case basis to decipher which met the elements of felony murder. The minimum estimate above assumes that MSCCSP requires at least one senior researcher dedicated to the commission, with associated expenditures of approximately \$80,000 in fiscal 2026 and \$22,000 in fiscal 2027. The estimate reflects a start-date of October 1, 2025, operating costs, and one-time programming costs of approximately \$2,500. The contractual position is assumed to terminate September 30, 2026, shortly after the commission's final report is due.

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### **Additional Information**

**Recent Prior Introductions:** Similar legislation has not been introduced within the last three years.

**Designated Cross File:** None.

**Information Source(s):** Maryland State Commission on Criminal Sentencing Policy; Department of Legislative Services

**Fiscal Note History:** First Reader - March 6, 2025  
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