

HOUSE BILL 1309

E2, E4

6lr1601
CF SB 752

By: **Delegates Crutchfield, Acevero, Addison, Alston, Amprey, Bartlett, Bofo, Boyce, Coley, Conaway, Davis, Fennell, Forbes, Harrison, Hill, Holmes, Ivey, A. Johnson, Lehman, Lewis, J. Long, Martinez, McCaskill, Mireku–North, Odom, Pasteur, Patterson, Phillips, Queen, Roberson, Roberts, Rogers, Ross, Ruff, Sample–Hughes, Simmons, Smith, Spiegel, Stinnett, Taveras, Taylor, Toles, Turner, Wells, White Holland, Wilkins, Williams, Wims, Woods, and Young**

Introduced and read first time: February 12, 2026

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Commission to Review and Assess Racial Disparities in the State Criminal**
3 **Justice System – Establishment**

4 FOR the purpose of establishing the Commission to Review and Assess Racial Disparities
5 in the State Criminal Justice System to study and make recommendations on certain
6 matters involving the disparate treatment of African Americans, Hispanics, and
7 other non–White individuals in the State’s criminal justice system and other
8 criminal justice issues in the State; and generally relating to the Commission to
9 Review and Assess Racial Disparities in the State Criminal Justice System.

10 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
11 That:

12 (a) There is a Commission to Review and Assess Racial Disparities in the State
13 Criminal Justice System.

14 (b) The Commission consists of the following members:

15 (1) two members of the Senate of Maryland, appointed by the President of
16 the Senate;

17 (2) two members of the House of Delegates, appointed by the Speaker of
18 the House;

19 (3) the Public Defender of Maryland, or the Public Defender’s designee;

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (4) the Attorney General, or the Attorney General's designee;

2 (5) one representative of the Administrative Office of the Courts, appointed
3 by the Chief Justice of the Supreme Court of Maryland;

4 (6) the President of the Maryland State's Attorneys' Association, or the
5 President's designee;

6 (7) the Executive Director of the Maryland State Commission on Criminal
7 Sentencing Policy, or the Executive Director's designee;

8 (8) four members of the public with a demonstrated interest and experience
9 in advocating for improvements to the State's criminal justice system, with two members
10 appointed by the President of the Senate and two members appointed by the Speaker of the
11 House; and

12 (9) the following members appointed by the Governor:

13 (i) one representative of a nonprofit entity whose work involves
14 justice reform, such as the Vera Institute of Justice; and

15 (ii) one representative of a crime victims' advocacy group.

16 (c) (1) The President of the Senate and the Speaker of the House shall each
17 designate one cochair of the Commission.

18 (2) The cochairs designated under paragraph (1) of this subsection shall
19 each have experience:

20 (i) practicing criminal law in both a prosecutorial and defense
21 capacity;

22 (ii) in judicial and administrative matters; and

23 (iii) in data-driven criminal justice research in an academic or
24 nonprofit context.

25 (d) (1) The Department of Legislative Services, with assistance from an
26 academic institution such as the University of Maryland or Morgan State University, shall
27 provide staff for the Commission.

28 (2) To the extent practicable, the staff provided under paragraph (1) of this
29 subsection shall have experience in data-driven criminal law research and expertise in
30 criminal justice reform and other areas relevant to the work of the Commission.

31 (e) A member of the Commission:

1 (1) may not receive compensation as a member of the Commission; but

2 (2) is entitled to reimbursement for expenses under the Standard State
3 Travel Regulations, as provided in the State budget.

4 (f) (1) The Commission shall study and make recommendations on:

5 (i) the disparate treatment of African Americans, Hispanics, and
6 other non-White individuals in the State's criminal justice system, including:

7 1. how cumulative impacts may result from disparate
8 policing, arrests, charging, pretrial detention, sentencing, community supervision, and
9 prosecution, including diversion and plea policies; and

10 2. the impacts of disparate mandatory minimum sentencing,
11 including for convictions for:

12 A. offenses involving firearms; and

13 B. individuals who are not alleged to be principals in the first
14 degree;

15 (ii) the need and alternative methods available to improve any racial
16 disparities and lack of transparency in the State's criminal justice system;

17 (iii) improvements available to the systemic structures for
18 race-neutral risk and needs assessments diversion, sentencing alternatives, rehabilitative
19 sentencing, and reduction of recidivism;

20 (iv) the possibility of using resources of the Division of Parole and
21 Probation in the Department of Public Safety and Correctional Services to conduct pretrial
22 and presentence race-neutral risk and needs assessments that could be considered by
23 parties at the time of plea discussions and by judges at the time of sentencing;

24 (v) the potential to increase judicial discretion at sentencing to allow
25 judges to more closely consider as sentencing factors, including for individuals charged with
26 or convicted of crimes of violence or sex offenses:

27 1. the intent of the individuals being sentenced; and

28 2. the possibility for rehabilitation and reduction in
29 recidivism;

30 (vi) the possibility of modifying or abolishing the State's felony
31 murder doctrine for cases for individuals who are not alleged to be principals in the first
32 degree;

1 (vii) the design and expansion of programs intended to:

2 1. reduce State prison populations;

3 2. be rehabilitative; and

4 3. further reduce the length of prison sentences in a manner
5 that is consistent with public safety; and

6 (viii) data collection methods for the ongoing monitoring of racial
7 disparities at each stage of the State's criminal justice system, including identifying gaps
8 in existing data.

9 (2) The Commission shall:

10 (i) meet on or before September 16, 2026, and continue to meet at
11 least quarterly thereafter until submission of the final report required under subsection (g)
12 of this section; and

13 (ii) hold at least four public hearings to examine, discuss, and review
14 the items described in paragraph (1) of this subsection.

15 (g) (1) On or before October 1, 2027, the Commission shall submit an interim
16 report of its findings and recommendations to the Senate Judicial Proceedings Committee
17 and the House Judiciary Committee, in accordance with § 2-1257 of the State Government
18 Article.

19 (2) On or before September 1, 2028, the Commission shall submit a final
20 report of its findings and recommendations to the Senate Judicial Proceedings Committee
21 and the House Judiciary Committee, in accordance with § 2-1257 of the State Government
22 Article.

23 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
24 1, 2026. It shall remain effective for a period of 3 years and, at the end of June 30, 2029,
25 this Act, with no further action required by the General Assembly, shall be abrogated and
26 of no further force and effect.