



RACIAL EQUITY IMPACT NOTE

DEPARTMENT OF LEGISLATIVE SERVICES
MARYLAND ▪ GENERAL ▪ ASSEMBLY

2025 Session
HB1423

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

Bill Summary

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 House Judiciary Committee on or before September 1, 2026.

Racial Equity Impact Statement

Documented data confirms that Black individuals and other minorities encounter disproportionate and disparate outcomes within the State's criminal justice system. The commission's data review and subsequent recommendations would likely be helpful in evaluating existing structural inequities on both the State and local level. The insights gained from the commission's recommendations would be a significant step to broadening the practice of data-informed policymaking throughout State institutions responsible for implementing rules, policies, and laws within the criminal justice system.

Analysis

The bill establishes the Commission to Review and Assess Racial Disparities in the State Criminal Justice System. The commission must study and make recommendations 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 (DPSCS) 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.

Current Law and Practice

Racial disparities are widely seen across various agencies in the State. The General Assembly has addressed this issue by, among other things, requiring criminal justice related State agencies to report periodically on their activities to better understand the nature and magnitude of racial disparities at various decision points. These reports usually include demographic data or other data

types that provide insight into how various subgroups of the population are impacted. Below is a sampling of State-level data collection and reporting activity.

Racial Equity Impact Notes: Chapter 508 of 2022 requires DPSCS, the Maryland Department of State Police (DSP), the Maryland Police Training and Standards Commission, and the Governor's Office of Crime Prevention and Policy (GOCPP) to submit annually to DLS specified demographic information relating to public safety and criminal justice.

The racial equity impact note (REIN) function within DLS uses the data collected under Chapter 508 to assist in evaluating the equity impacts of selected criminal justice legislation. The REIN function performs statistical analyses 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 note, which can be found online as part of a bill's legislative history.

Hate-Bias Reporting: DSP must collect and analyze information about incidents apparently directed against an individual or group because of race, color, religious beliefs, sexual orientation, gender, disability, national origin, or homelessness. Each local law enforcement agency and the State Fire Marshal must provide DSP with information relating to such hate crimes and DSP must make monthly reports to the Maryland Commission on Civil Rights with the required information.

Race-based Traffic Stop Reporting: Since 2001, various laws have required law enforcement agencies in the State to (1) adopt policies against race-based traffic stops to be used as a management tool to promote nondiscriminatory law enforcement practices and (2) collect and report data related to race-based traffic stops. Chapters 625 and 626 of 2019 made permanent the data collection and reporting program related to race-based traffic stops. GOCPP maintains an online interactive dashboard of the traffic stop data collected from local law enforcement agencies.

Department of Juvenile Services Reporting: The Department of Juvenile Services (DJS) is responsible for assessing the individual needs of referred youth and providing intake, detention, probation, commitment, and after care services. According to DJS, the data it collects is used to assess impacts resulting from its decision-making that affect youths, families, partners, and other stakeholders. DJS annually publishes a data resource guide that summarizes its activities by demographic.

MSCCSP Reporting: The goal of MSCCSP is that sentencing should be fair and proportional and that sentencing policies should reduce unwarranted disparity, including any racial disparity, in sentences for individuals who have committed similar crimes and have similar criminal histories. The voluntary sentencing guidelines provide a common framework for judges whereby individuals with similar criminal histories who are convicted of similar offenses are treated alike. The commission reports data annually, highlighting the racial breakdown of sentences in the circuit court.

Racial Disparity Studies in Other States

At least six other states have similar task forces, commissions, or advisory bodies that focus on racial disparity in the application of government policies, rules, and law enforcement: California, Connecticut, Kansas, New Jersey, Oregon and Vermont.

Potential Impacts of the Bill

In Maryland and many other states, systemic inequities exist at many decision points in the criminal and juvenile justice systems. Reasons for these inequities are complex as they result from the interplay between numerous factors, including laws, policies, and practices. This cycle is especially harmful as it reinforces itself through an individual's life. Long term studies show that many individuals who are arrested have prior criminal histories and those with a greater number of prior arrests were more likely to be arrested again. Thus, one contact with the criminal justice system often creates more. Black individuals and other minorities are deeply affected by disparities in charges, arrests, convictions, sentencing, incarcerations, parole, probation, and expungement. At the end of this cycle are the collateral consequences of having gone through an often systemically unfair criminal justice process.

A 2016 report conducted by the Governor's Office of Crime Prevention and Policy finds that there are notable collateral consequences to having a criminal record that often exacerbate the challenges of social reintegration following imprisonment. Even individuals convicted of criminal charges that do not face imprisonment may still see significant adverse effects as a result of having a criminal record. These adverse effects include reduced access to housing, public services, voting, holding public office, employment opportunities, and professional licensure. That report recommended several approaches to removing barriers to public and private-sector employment for individuals with a criminal history. A 2021 DLS report details the collateral consequences of a conviction that are currently mandated in State law, including voting rights, jury service, licensing and employment, and alcoholic beverage licenses. DPSCS reports that for fiscal 2022 through 2024, Black individuals made up at least 71% of Maryland's prison population contrasted with their 29% share of the State's overall population. As such, collateral consequences impact Black individuals significantly more than other racial groups.

Assessing Racial and Ethnic Disparities Through Data Analysis

Data sharing to inform decision making is a best practice at every level of government. Many governmental entities engage in data sharing and analysis to assess racial disparities throughout their institutions and agencies. Structural inequities inherent in the criminal justice process in Maryland are evidenced by stark statistics in many areas. Black individuals, and in some cases Hispanic individuals, are overrepresented in areas such as traffic enforcement and incarcerations compared to their share of the State's overall population. In addition, minority youth account for large percentages of arrests and charges for certain offenses.

Conclusion

The commission's review and assessment, as proposed by the bill, could offer at least three contributions to research on the source and impact of inequities in the State's criminal justice system. First, the commission's recommendations would likely encourage more robust data collection, which is crucial for longitudinal and trend analysis to monitor and assess the impacts of policies, laws, rules, and programming changes. Using data to examine the underlying causes of disparities in criminal justice outcomes is key to understanding the sources of those disparities and crucial to informed policymaking. Second, the commission's research may reveal the nature

HB 1423/ Page 4

of specific disparities in the criminal justice system, and finally, it will likely explore the role of transparency and restorative policy and practices in the mitigation or eradication of existing inequities.

Information Sources: U.S. Department of Justice; Department of Public Safety and Correctional Services; Department of State Police; Department of Legislative Services

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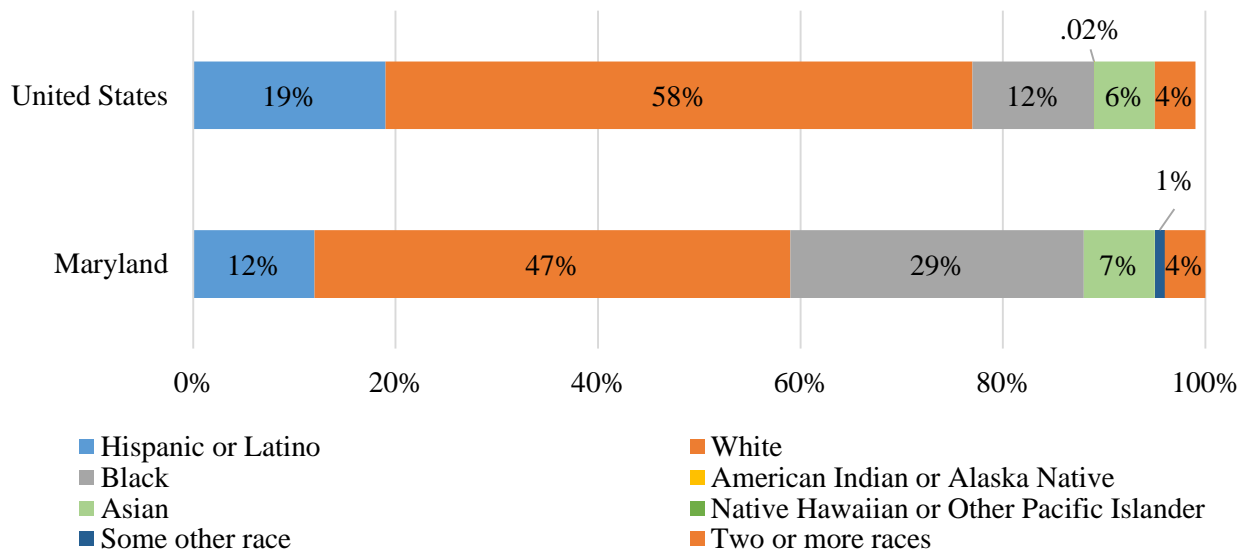
Appendix – Maryland Demographics

Race and Ethnicity of the Maryland Population

Maryland’s 2020 census population is 6,177,244, a 7% increase from the 2010 census count and approximately 2% higher than the 2019 census population estimates. In addition to an increase in population, Maryland’s racial demographics have become more diverse. Maryland is now a state in which racial minorities make up a majority of its total population. Notable changes relevant to this shift are the increase in groups who identify as “other” and “multiracial” (*i.e.*, two or more racial identities), which total 5% of the State’s population. Additionally, the change in demographics is due to the decrease in the number of individuals who only report “white” as their racial group. Despite this decrease, non-Hispanic whites remain the largest race demographic group in the State at 47% of the State’s population.

Compared to the U.S. population overall, Maryland’s population of individuals who identify as a single race is more diverse. Maryland is ranked as the fourth most diverse state by the U.S. Census Bureau’s [Diversity Index](#). As shown in **Exhibit 1**, in Maryland, 47% identify as white alone compared to 58% of the national population. Similarly, 51% of the population identify as non-white or multi-racial compared to 38% of the national population. In both the State and national populations, the largest shares of the non-white population are individuals who are Black, with 29% of the State population identifying only as Black and another 2.5% identifying as Black in combination with some other race. Maryland’s Asian population is 7%, which is slightly higher than the Asian share of the national population of 6%. The State’s overall population by ethnicity, however, is slightly less diverse than the U.S. population; 12% of the State’s population identified as Hispanic or Latino compared to 19% of the U.S. population.

Exhibit 1
U.S. and Maryland Population by Race and Ethnicity
2020



Source: U.S. Census Bureau, 2020 Census Redistricting Data (Public Law 94-171), Table ID P2, HISPANIC OR LATINO, AND NOT HISPANIC OR LATINO BY RACE.