



RACIAL EQUITY IMPACT NOTE

DEPARTMENT OF LEGISLATIVE SERVICES
MARYLAND ▪ GENERAL ▪ ASSEMBLY

2026 Session
HB0759

Criminal Procedure - Motion to Reduce Duration of Sentence - Repeal of Sentencing Date Limitation

Bill Summary

This bill expands eligibility for sentencing relief available under provisions enacted pursuant to Chapter 61 of 2021, also known as the Juvenile Restoration Act (JRA). Under current law, an individual who wishes to file a motion for a sentence reduction under JRA must have been sentenced for the offense before October 1, 2021. The bill removes this sentencing date limitation.

Racial Equity Impact Statement

The bill expands eligibility for sentence reduction to certain individuals who were convicted as adults for offenses committed as minors and who have served at least 20 years in correctional custody. Department of Public Safety and Correctional Services (DPSCS) data shows that 385 individuals who are currently incarcerated, most of whom are Black, meet the bill's requirements. By broadening access to sentence modification, the bill has the potential to reduce existing racial inequities in sentence lengths and support rehabilitation efforts. However, the full impacts of the bill would depend on how courts implement the revised eligibility criteria. Persistent disparities among Black individuals serving lengthy sentences for offenses committed as minors underscore the importance of equitable and transparent application of the bill's provisions.

Analysis

An individual convicted of a crime who wishes to have the sentence reduced has multiple alternatives. One option is under JRA, which authorizes an individual who was convicted as an adult for an offense committed when the individual was a minor to file a motion with the court to

reduce the duration of the individual's sentence if the individual (1) was sentenced for the offense before October 1, 2021 and (2) has been imprisoned for at least 20 years for the offense.

Chapter 96 of 2025 expanded application of JRA to allow an individual convicted of an offense committed when the individual was at least age 18 but younger than age 25 to file a motion to reduce a sentence under the Act's provisions and procedures if the individual meets other specified eligibility criteria.

Impacts of the Bill

In Maryland, 43% of the population ages 13 to 17 identifies as non-white or multi-racial compared to 25% of the U.S. population. This age group in the State is also more Black and more Asian than is found nationwide. With regards to ethnicity, 19% of this age group in Maryland is Hispanic compared to 27% of the U.S. population.

In Maryland, youth under the age of 18 who are charged with specified offenses may be excluded from the original jurisdiction of the juvenile court and instead begin their cases in the adult criminal justice system. Generally, youth at least age 14 who are charged with crimes punishable by life imprisonment, and youth at least age 16 charged with a defined list of serious felonies, may be tried as adults in adult criminal court unless the case is transferred back to juvenile court. With limited exceptions for certain serious offenses committed between the ages of 10 and 12, children under age 13 generally cannot be charged with crimes. Data from the Governor's Office of Crime Prevention and Policy (GOCPP) and the Department of Juvenile Services (DJS) confirm that Black juveniles are the majority of those eligible to be charged as adults.

GOCPP reports annually on the cohort of juveniles who are charged as adults. In fiscal 2025, 1,008 charges were filed against 839 juveniles charged as adults. Black juveniles accounted for 77% of this group. These juveniles may be sentenced more harshly in adult court than young adults aged 18 to 24. Several studies have identified that both Black and Hispanic youth receive significantly more punitive sentences in adult courts than white juveniles and adult defendants.

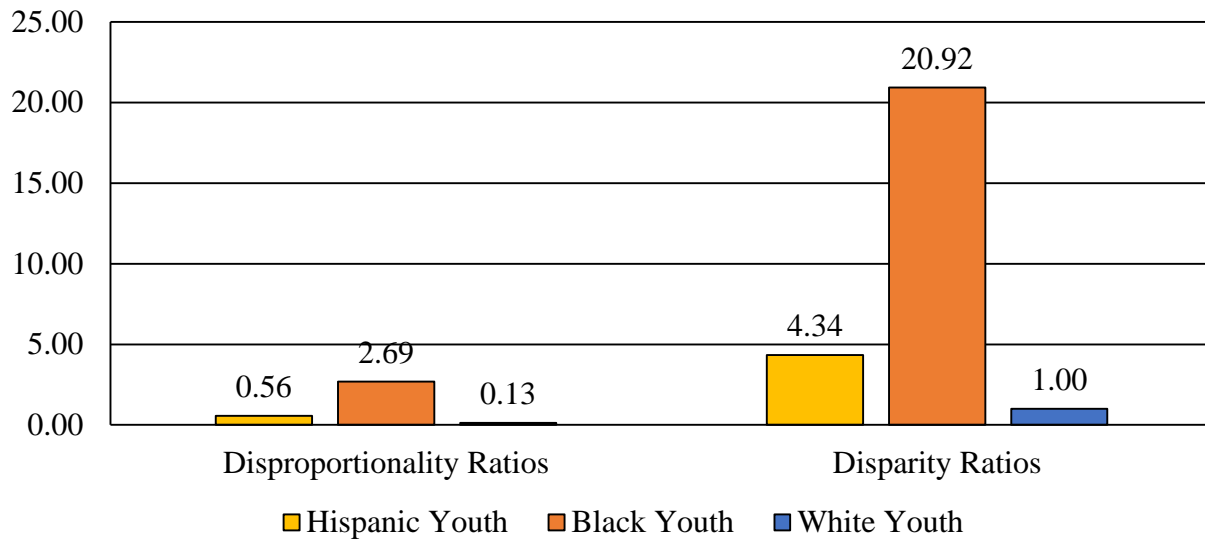
A substantial portion of juveniles charged as an adult remains in DJS custody pending a transfer hearing. At this hearing, the court determines whether the case should remain in adult court or be transferred to juvenile court. DJS reports that, in fiscal 2025, 417 youth were held in DJS detention facilities while awaiting transfer hearings. Of this total, 94% were youth of color. During the same period, 614 youth who were charged as adults ultimately had their cases transferred to juvenile court (whether or not they were detained that year). This represents a 61% transfer rate for the time period. While DJS does not distinguish between racial minorities in this data, it is likely that Black youth are detained for offenses applicable to the bill at a higher rate than juveniles of other races.

According to 2025 data from DPSCS, there are 385 incarcerated individuals convicted as adults of an offense committed as minors and sentenced on or after October 1, 2021. Of this total, 83% of these individuals are Black, 10% are Hispanic, and 5% are white.

Given the statewide racial and ethnic demographics for the 13- to 17-year-old population as compared to the racial and ethnic demographics of those currently incarcerated, notable patterns of disproportionality and disparity exist. **Exhibit 1** shows that Black youth ages 13 to 17 in Maryland have a disproportionality rate of 2.69 in adult criminal charging. This means that they

are close to three times as likely, relative to their share of the State’s overall population, to be charged as adults and receive sentences of at least 20 years. In contrast, white and Hispanic youth have disproportionality rates significantly below 1.00, indicating they are underrepresented in this group compared to their share of the overall population.

Exhibit 1
Disproportionality and Disparity Ratios
Youth Convicted as an Adult for an Offense Committed as a Minor
Since October 1, 2021



Source: U.S. Census Bureau; Department of Public Safety and Correctional Services

Exhibit 1 also shows disparity ratios that compare outcomes across racial and ethnic groups relative to white individuals. In this case, the disparity ratio for Black individuals in this group is 20.92. This indicates that Black youth ages 13 to 17 are more than 20 times as likely as their white peers to be charged and convicted as an adult and receive a sentence of at least 20 years. Hispanic youth are more than 4 times as likely to experience this outcome than their white peers.

Conclusion

The bill’s repeal of the October 1, 2021 sentencing date restriction for eligible individuals under the JRA is expected to reduce racial disparities in sentence duration and time served. Eliminating the limitation may also decrease the overall incarcerated population, which is disproportionately composed of Black individuals. The extent of the impacts, however, will depend on several implementation factors, including whether biases or disparate effects emerge in judicial evaluations of modification petitions for reduced sentence duration. Ultimately, the magnitude of the bill’s effects will depend on how judicial officers apply the revised authority in practice. While significant disproportionate outcomes persist for Black individuals incarcerated for offenses

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committed as minors and serving prison sentences, the available data does not identify the root causes of this overrepresentation; rather, it reflects longstanding systemic inequities observed across Maryland's criminal justice system.

Information Sources: U.S. Census Bureau; Governor's Office of Crime Prevention and Policy; Department of Juvenile Services; Department of Public Safety and Correctional Services; Department of Legislative Services

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Appendix – Maryland Demographics

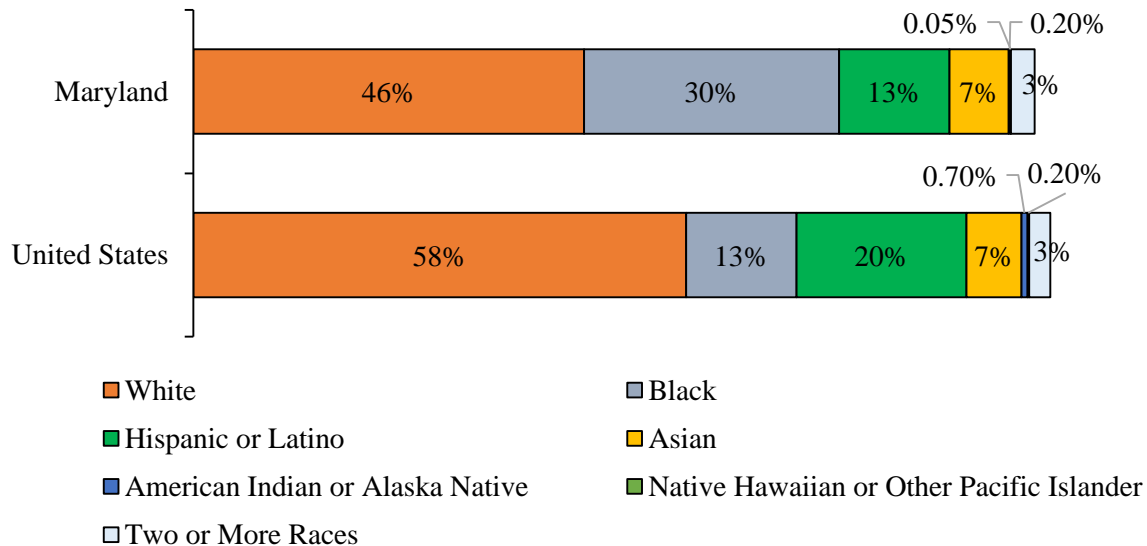
Race and Ethnicity of the Maryland Population

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. Maryland remains one of the most racially and ethnically diverse states in the nation and is ranked as the fourth most diverse state by the U.S. Census Bureau’s [Diversity Index](#). While no single racial or ethnic group constitutes a majority, racial minorities as a group constitute a majority of the State’s population. This diversity underpins the analytical framework used in racial equity impact notes (REIN), which seek to identify potential disparities that may be exacerbated or created by proposed criminal justice legislation.

Methodology Update

Beginning in 2025, REIN will use annual population estimates from the U.S. Census Bureau’s Population Estimates Program (PEP) as the basis for disparity and disproportionality calculations. This methodological update reflects best practices in demographic analysis, as PEP data incorporate births, deaths, and migration to provide the most current population counts between censuses. Although the estimates are more temporally responsive, they do not materially change the proportionate racial and ethnic breakdown observed in the 2020 census. Instead, they conservatively reflect population changes since 2020 while preserving the overall demographic composition of the State.

**U.S. and Maryland Population by Race and Ethnicity
2024 Population Estimates**



Note: Percentages do not total 100% due to rounding.

Source: U.S. Census Bureau