



# **RACIAL EQUITY IMPACT NOTE**

DEPARTMENT OF LEGISLATIVE SERVICES  
MARYLAND ▪ GENERAL ▪ ASSEMBLY

2026 Session  
HB1309

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

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### **Bill Summary**

This bill establishes the Commission to Review and Assess Racial Disparities in the State Criminal Justice System. The commission must report its interim and final findings and recommendations to the Senate Judicial Proceedings Committee and the House Judiciary Committee by October 1, 2027, and September 1, 2028, respectively.

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### **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 toward broadening the practice of data-informed policymaking throughout State institutions responsible for implementing rules, policies, and laws within the criminal justice system.

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### **Analysis**

The commission created by the bill 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 individuals who are not alleged to be principals in the first degree;

- 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 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 for individuals who are not alleged to be principals in the first degree;
- 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, including identifying gaps in existing data.

#### *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.

#### *Racial Disparity Studies in Other States*

As of 2025, 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.

#### *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.

Studies show 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. DPSCS reports that Black individuals make up at least 71% of Maryland's prison population contrasted with their 30% share of the State's overall population. As such, collateral consequences impact Black individuals significantly more than other racial groups.

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.

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## 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 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.

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**Information Sources:** U.S. Department of Justice; Department of Public Safety and Correctional Services; Department of State Police; Department of Juvenile Services; Maryland State Commission on Criminal Sentencing Policy; Maryland Equitable Justice Collaborative; Governor's Office of Crime Prevention and Policy; Department of Legislative Services

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# Appendix – Maryland Demographics

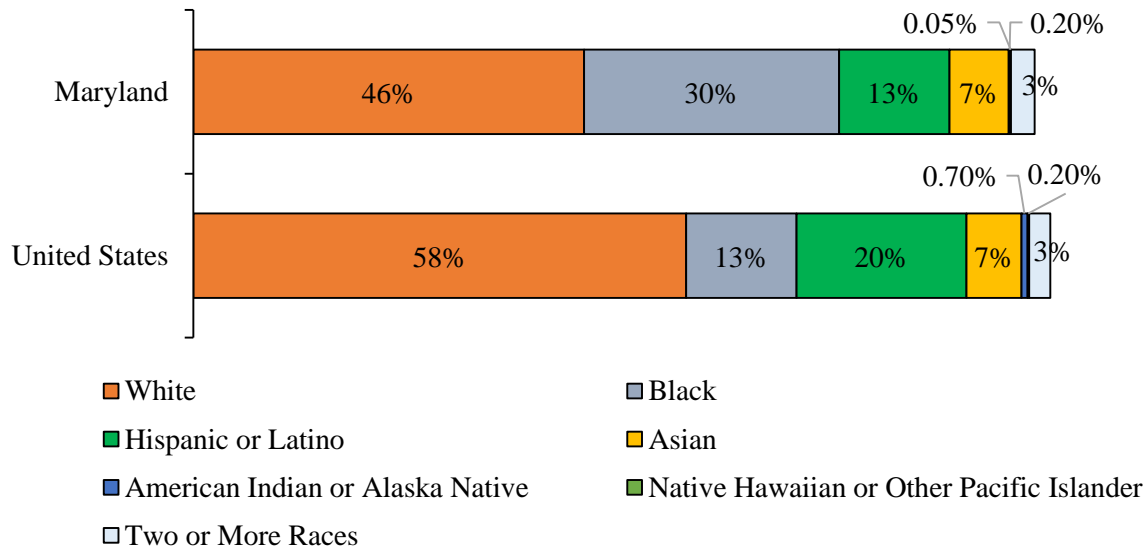
## *Race and Ethnicity of the Maryland Population*

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