



Maryland State's Attorneys' Association

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DATE: **January 26, 2022**

BILL NUMBER: **SB 30**

POSITION: **Unfavorable**

The Maryland State's Attorney's Association (MSAA) opposes SB 30.

One of the hallmarks of any fair and equitable criminal justice system is the ability to let weighty decisions of guilt or innocence fall onto the shoulders of ordinary citizens. The jury trial model affords everyone the opportunity to be heard by not by those who have an interest in a controversy, but by a body of objective and neutral peers. It has become a signature piece to democracy that nearly every legal practitioner respects and reveres.

The process itself of picking a jury is grueling, arduous, multifarious and requires great skill. In every jury trial, the selection process is geared towards finding non-biased individuals who will give both sides to any case a fair shot. Jury panels are asked predetermined questions through voir dire for the express purpose of rooting out those who would be biased against the defendant, the witnesses or the crime and establish cause for disqualification of prospective jurors. Those who are not disqualified by a Court may be removed from service by either party using a predetermined number of strikes, however in a criminal case felony or life offense, the State is limited to half of the strikes as a defendant.

Courts and Judicial Proceedings Article § 8-103 makes this task a little easier by creating effective guidelines for Courts and attorneys by establishing a starting point to qualify and disqualify certain jurors from service. Such disqualifiers include non-citizenship, inability to comprehend the English language, certain medically documented disabilities and conviction of a crime where the penalty is greater than a year or pending charge. These factors are not personal and are designed to immediately eliminate individuals who simply cannot successfully discharge their duty as a juror or have an inherent bias. There is a corresponding benefit to both parties in that they don't have to use a strike to remove that person from service.

SB 30 seeks to upend this process, which has served the citizens of Maryland well with no documented issues or damage to the jury selection process, by capturing an entire population of individuals who had been convicted of a serious crime and who, by that experience, come to service with a built-in bias. In reality, the introduction of these individuals into the jury pool would require even further voir dire vetting and would force the Court to scrutinize that person in

an increasingly more intrusive fashion. Further, a party would in most cases be forced to use a strike, which are limited.

There is no need to modify a Statute which works well. There has never been a documented instance where Courts and Judicial Proceedings Article § 8-103 prevented anyone from receiving a fair trial. There is simply no need for this legislation.

For these reasons, the MSAA requests an unfavorable report on SB 30.