

ANTHONY G. BROWN
Attorney General



CANDACE McLAREN LANHAM
Chief of Staff

CAROLYN A. QUATTROCKI
Deputy Attorney General

STATE OF MARYLAND
OFFICE OF THE ATTORNEY GENERAL

FACSIMILE NO.
(410) 576-7036

WRITER'S DIRECT DIAL NO.
(410) 576-6584

February 7, 2023

TO: The Honorable Will Smith Jr.
Chair, Judicial Proceedings Committee

FROM: Hannibal G. Williams II Kemerer
Chief Counsel, Legislative Affairs, Office of the Attorney General

RE: SB 97 - Jury Service - Disqualification
(FAVORABLE)

The Office of the Attorney General urges the Judicial Proceedings Committee to issue a favorable report on Senate Bill 97. Senator Carter's bill would relax the rules that have traditionally prohibited ex-offenders from serving on a jury. Under current law (§ 8-103(b)(4) of the Courts & Judicial Proceedings Article), anyone who is convicted of a crime punishable by imprisonment for more than a year and who in fact receives a sentence of more than a year is permanently disqualified from jury service. The only exception under current law is if the person is pardoned (§ 8-103(c)).

Senate Bill 97 would retain the restriction on jury service by persons convicted of a crime punishable by more than one year, but would limit the disqualification only to the time that the person is serving the sentence imposed for the conviction, including any term of probation. Once ex-offenders have served their sentence and probation, they would be free to serve on a jury despite the prior conviction. (The bill would also repeal, as no longer necessary, the proviso for qualification if a person has been pardoned.)

The bill advances sound policy, consistent with the legislature's prior actions to "ban the box" (2020 Md. Laws ch. 8) and to eliminate voting restrictions on persons with felony convictions once their sentence has been served (2007 Md. Laws ch. 159 & 2016 Md. Laws ch. 6)—measures that facilitate a person's transition back to being a contributing member of the community after serving a sentence.

This bill letter is a statement of the Office of Attorney General's policy position on the referenced pending legislation. For a legal or constitutional analysis of the bill, Members of the House and Senate should consult with the Counsel to the General Assembly, Sandy Brantley. She can be reached at 410-946-5600 or sbrantley@oag.state.md.us

For these reasons, the Office of the Attorney General urges a favorable report on Senate Bill 97.

cc: Members of the Committee