



SENATE BILL 34

Courts - Jury Service – Disqualification RICH GIBSON, HOWARD COUNTY STATE'S ATTORNEY **POSITION: UNFAVORABLE FOR SB 34**

January 22, 2024

My name is Rich Gibson, I am the State's Attorney for Howard County and the President of the Maryland State's Attorneys' Association (hereinafter MSAA). I have been a prosecutor for approximately twenty years, and I am writing today to request an unfavorable report for Senate Bill 34.

The goal when selecting a jury in a criminal trial is to find twelve completely neutral individuals who know nothing about the case, have no knowledge of the people involved in the case, and have no preconceived notions, feelings or ideas that might impact their ability to fairly administer the law as instructed to them by the presiding judge. The underlying premise of the criminal justice system is change. It is designed to alter (hopefully to rehabilitate) those individuals that are exposed to it. It would be difficult to argue that incarceration does not change the incarcerated. Change the way they think, the choices they make, and alter their world view.

Senate Bill 34 seeks to modify the current law to allow those who have previously been incarcerated for a year or more to be members of the jury. However, this ignores the obvious--that people who have significant prior experience with criminal justice system are changed by it. That experience is part of who they are. This is not to say that is all that they are, but rather that experience has changed how they view the justice system and therefore would impact their ability to judge the case before the court in a vacuum. Separate from their prior experiences. As stated previously, the goal of the voir dire (jury selection) process is to find twelve individuals with no prior experiences,

thoughts, or beliefs that would impact their ability to fairly weigh the case in front of them.

Can a victim, the defendant, and their impacted families get a fair trial when the people assembled to reach the ultimate conclusion of guilt or innocence have themselves been incarcerated for the same or similar charges as the defendant now faces? If those jurors took the position, "I did my time so should they," doesn't that impact the defendant's ability to get a fair trial? Conversely, if they took the position that no one should be exposed to the jail/prison system, doesn't that impact the State's ability to get a fair trial for the community?

For these reasons, I, and **the members of the Maryland State's Attorneys' Association respectfully request an unfavorable report for Senate Bill 34.**