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## **POSITION ON PROPOSED LEGISLATION**

### **BILL: Senate Bill 0034 - Courts - Jury Service - Disqualification**

FROM: Maryland Office of the Public Defender

### **POSITION: Favorable**

The Maryland Office of the Public Defender respectfully requests that the Committee issue a favorable report on Senate Bill 0034.

Any adult alleged to have committed a crime has the right to be tried in front of a jury of their peers. This is a constitutional right listed in the sixth amendment to ensure a fair trial for the accused by attempting to limit the biases that may exist from persons that are not from similar backgrounds, communities, beliefs or experiences. Unfortunately, the lack of such has consistently placed people of color and specifically black people at a disadvantage, sometimes leading to unjust convictions. Excluding formerly incarcerated people from being allowed to serve on a jury, continues to disproportionately exclude people of color and ensure that the accused are not afforded a trial by a jury of their peers.

Black people are disproportionately imprisoned in the state of Maryland and the nation as a whole. Which means that black people are also disproportionately targeted, arrested and charged with crimes. The very people who are in need of a jury of their peers, is the very population being disqualified from serving on juries. Similar, given that many people that are incarcerated have experienced similar issues of poverty, education deficits, foster care and the like, not only are juries lacking the racial makeup of the people accused but also in many cases the socioeconomic experiences of the accused as well which plays a significant role in how a juror views and evaluates the evidence before him or her.

Senate Bill 34 would limit the number of individuals who are currently disenfranchised from serving on a jury in Maryland. Where one third of all Americans have a criminal record, this bill would allow more Marylanders to serve their community through jury service. In particular, this

bill would have a significant impact on increasing opportunities for jury representation among black people. Maryland currently leads the nation in incarcerating young Black men – so far as Maryland has incarcerated the highest percentage of people who are Black in this country, more than twice the national average. The Justice Policy Institute (JPI) has found more than 70% of

all people in Maryland's prisons, double the national average, and almost 80% of people serving at least 10 years, are Black. These are the highest rates in the country, easily eclipsing the next closest states – Mississippi, South Carolina, and Georgia.

This bill changes the current law in that it has a more inclusive view of individuals ineligible for jury service because of criminal convictions. Individuals with criminal records are still members of their community and should not be silenced or prevented from one of our country's most basic civic duties, but also one that individuals with criminal records are directly impacted by. Formerly incarcerated people should have a right to participate in after their sentences have been served.

**For these reasons, the Maryland Office of the Public Defender urges this Committee** to issue a favorable report on Senate Bill 97.

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