



Testimony for the Senate Judicial Proceedings Committee

February 14th, 2024

Courts - Jury Service – Disqualification

FAVORABLE

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The ACLU of Maryland supports HB 446, which allows formerly incarcerated people to serve on juries. It is foundational to our judicial system that those accused of crimes be judged by a jury of their peers. Limiting that pool of peers based on a prior conviction for which a person has already served their time is an undue burden to civic participation. HB 446 would enfranchise Marylanders who otherwise are left out of civic participation and expand the pool by which we select people to serve their communities by sitting on a jury. All members of a community should be included when it comes to deciding matters of justice.

These limitations hurt Black communities

Black communities, and thus Black defendants being accused of crimes, are disproportionately impacted by the current limitation due to the fact that 71% of Maryland’s prison population is Black.¹ Those who have served their time and are returning to the community are barred from serving on juries, significantly shrinking the pool of “peers” Black defendants will be judged by. This allows for underrepresentation of Black Marylanders on juries. These conditions create circumstances where implicit bias can go unchecked within jury panels during deliberations and ultimately verdict decisions. Black defendants are entitled to be judged by their peers and SB 34 will allow for that to be the case in practice more often than it currently is, not just in theory.

For the foregoing reasons the ACLU of Maryland urges a favorable report on HB 446.

¹ <https://www.sentencingproject.org/app/uploads/2022/08/The-Color-of-Justice-Racial-and-Ethnic-Disparity-in-State-Prisons.pdf>