



TESTIMONY IN SUPPORT OF HB 446

Courts – Jury Service – Disqualification

TO: Members of the House Judiciary Committee

FROM: **Center for Criminal Justice Reform, University of Baltimore School of Law**

DATE: February 12, 2024

The Center for Criminal Justice Reform at the University of Baltimore School of Law supports community driven efforts to improve public safety and address harm and inequity caused by the criminal legal system. In alignment with this mission, we are grateful to testify in support of HB 446.

Access to a trial by jury of one’s peers is a fundamental tenet of the American legal system. Yet in Maryland, especially for Black and brown residents accused of crimes, this is simply not the reality. The statistics on jury exclusion are alarming: across the country, approximately one-third of Black men have a past felony conviction; thus due to laws in numerous states, many Black jurors are excluded by law from ever entering the jury pool.

Maryland takes this even further, having both the highest overrepresentation of Black people incarcerated (71% of our prison population compared to 29% of the state population)¹, combined with **one of the most restrictive jury exclusion statutes in the country**. Maryland is one of only a small handful of states which excludes people from jury service who have been convicted and/or are facing charges for both felonies and misdemeanors that are punishable by incarceration of a year or more.

SB 34 would remove this outdated and highly problematic barrier, allowing for greater diversity of our jury pools and the re-enfranchisement of people with past convictions who have paid their debt to society. Allowing for greater participation in this important civic duty is not only fair, it is more effective in advancing the efficiency and legitimacy of our justice system. Verdicts rendered by juries viewed as more fully representative of the community are more likely to be viewed as legitimate by the public, and research demonstrates that diverse juries “deliberated longer and considered a wider range of information than did homogeneous groups.”²

For these reasons, we urge a favorable report on HB 446.

¹ See Ashley Nellis, Ph.D., Senior Research Analyst at The Sentencing Project, *The Color of Justice: Racial and Ethnic Disparity in State Prisons* (2021) at 20.

² According to research, “when white people were members of racially mixed juries, they “raised more case facts, made fewer factual errors, and were more amenable to discussion of race-related issues.” Another study found that people on racially mixed juries “are more likely to respect different racial perspectives and to confront their own prejudice and stereotypes[.]” See Prison Policy Initiative *Rigging the Jury* report, <https://www.prisonpolicy.org/reports/juryexclusion.html>.