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DATE: **February 10, 2025**

BILL NUMBER: **HB 435**

POSITION: **Unfavorable**

The Maryland State's Attorney's Association (MSAA) opposes House Bill 435, and urges this Committee to issue an unfavorable report.

Maryland law currently prohibits individuals who have been convicted of a crime and sentenced to serve a term exceeding one year from serving on a jury. Maryland is not unique in this – almost every state restricts individuals with certain prior criminal convictions from serving on juries.

HB 435 upends this. If enacted, HB 435 would permit otherwise qualified offenders to serve on a jury so long as they are not actively serving a sentence, without regard to how long ago they were convicted and, subject to some exceptions, without regard to the nature of the offense for which they were convicted. Although HB 435 retains the existing disqualification for individuals convicted of certain crimes related to the court system itself, such as perjury and witness intimidation, this list is materially underinclusive. Rapists, murderers, child molesters, arsonists – individuals who have already demonstrated through their conduct that they are unwilling to abide by the rules – could be asked to apply those rules to others as soon as the day after they are released from prison.

Our jury system strives to achieve just results by expending significant effort during the *voir dire* process to assemble an impartial jury and instruct them on their responsibility – as a result, the jury's deliberation cannot be examined after the fact, and juror conduct during deliberation cannot serve as a basis to disturb their verdict. Allowing offenders to serve on juries after having been convicted of infamous offenses or offenses that bear on their fitness to serve as a juror, such as extortion, obstruction of justice, or bribery (including bribing a juror), poses a systemic risk the integrity of the jury system itself, and is inconsistent with the care our system requires in assembling a jury.

This is not to suggest that there is no room for adjustment in Maryland's current system. The MSAA recognizes that, when offenders are successfully reintegrated into society after their release, they are less likely to reoffend and our communities are that much safer. But HB 435 goes too far, failing to recognize that some individuals have, through their conduct, demonstrated their unfitness to serve as jurors, and are appropriately excluded from jury service – not as a sanction to them, but as a means to ensure the integrity of the system.