



HB 435, Courts – Jury Service – Disqualification FAVORABLE

HB435 changes Md. Ann. Code, *Courts and Judicial Proceedings Article*, §8-103(b)(4) Disqualification for jury service. Under current law, a potential juror is not qualified if he or she has been convicted of a misdemeanor or felony punishable by imprisonment exceeding 1 year and was sentenced to prison for more than 1 year.

If HB435 is adopted, then only a prospective juror is disqualified from juror eligibility in a Maryland state court who has been convicted and sentenced for more than 1 year and is currently serving that sentence or on probation OR the conviction related to perjury, witness or jury intimidation, or Fraud and Related Crimes defined in the Criminal Law Article Title 8.

Any person who served the complete criminal sentence plus probation would be eligible for jury service. Everyone who pays their debt to society by serving their sentence and probation should no longer be prevented from jury service.

Constitutionally, juries must be composed of community members who will fairly judge the case based on community standards. *Duren v. Missouri*, 439 U.S. 357 (1979) (criminal defendant's 6th Amendment rights). In *Lovell v. State*, 347 Md. 623, 662, 702 A.2d 261, 280 (1997), the Court considered whether the jury represented a community cross-section and was a fair trial when African-American jurors were excluded from the jury pool based on voting registrations. In *State v. Calhoun*, 306 Md. 692, 711 (1986), the Court again acknowledged that the jury must represent a fair cross-section of the community as guaranteed by the 6th Amendment.

The rationale for excluding people convicted of felonies has come under criticism because there is an imbalanced racial impact. One 2003 study indicates that over 6% of the adult population and about 30% of black men are excluded from jury service. See Kalt, *The Exclusion of Felons From Jury Service*, SSRN Electronic Journal Aug. 2003.

Excluding people for their lifetime (current law) who were sentenced to more than 1 year in jail for misdemeanors and felonies is too broad. Too many community members are prohibited from jury service. HB435 creates balance by permitting misdemeanor violators and people with past felony convictions who completely served jail and probation sentences and did not commit one of the disqualifying offenses to be permitted to serve on juries as part of the cross-section of the community.

The Maryland Association for Justice urges a FAVORABLE Report on HB 435

About Maryland Association for Justice

The Maryland Association for Justice (MAJ) represents over 1,250 trial attorneys throughout Maryland.

MAJ advocates for preserving the civil justice system, protecting consumer rights, and educating members for professional development.

10440 Little Patuxent Parkway, Suite 250
Columbia, MD 21044

(410) 872-0990 | FAX (410) 872-0993
info@mdforjustice.com

www.mdforjustice.com