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## **POSITION ON PROPOSED LEGISLATION**

**BILL:** House Bill 1423 – Commission to Review and Assess Racial Disparities in the State Criminal Justice System – Establishment

**FROM:** Maryland Office of the Public Defender

**POSITION:** **FAVORABLE WITH AMENDMENTS**

**DATE:** March 6, 2025

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The Maryland Office of the Public Defender (OPD) urges the Committee to issue a **favorable report with amendments** on House Bill 1423, which would establish the Commission to Review and Assess Racial Disparities in the State Criminal Justice System (the “Commission”). This Commission is a necessary and long-overdue step in addressing racial inequities in Maryland’s criminal legal system. Additionally, we recommend amending the bill to include the Maryland Public Defender, or their designee, as a member of the Commission.

### **Office of the Public Defender's Support for HB 1423**

The OPD provides legal defense to indigent Marylanders and has a unique, firsthand perspective on the racial disparities at every stage of the criminal legal process. Every day, our attorneys and staff represent individuals who are disproportionately impacted by over-policing, harsh sentencing practices, and systemic inequities. Black and Brown Marylanders are more likely to be arrested, held pretrial, convicted, and sentenced to longer terms of incarceration than their white counterparts, even when charged with the same offenses. Maryland's Black population, which constitutes only 30% of the State's residents, represents a disproportionate segment of those entangled in the criminal legal system. A comprehensive, data-driven analysis of these disparities is essential to developing solutions that promote justice and fairness. The Commission created by HB 1423 can identify how these disparities occur and make policy recommendations that ensure a more equitable system.

### **The Urgent Need to Address Racial Disparities**

The racial disparities in Maryland’s criminal legal system are well-documented and must be addressed with urgency. Alarming, Black people account for 51% of arrests,<sup>i</sup> 59% of the jail population,<sup>ii</sup> 71% of the prison population,<sup>iii</sup> 71% of the parole population,<sup>iv</sup> and 53% of the probation population.<sup>v</sup> The investigation into these disparities is essential to develop evidence-based reforms that address this ongoing racial injustice.

The Commission’s work is especially crucial in examining mandatory minimum sentences, particularly in firearm-related offenses and felony murder cases. These laws frequently result in harsh sentencing outcomes that fail to consider rehabilitation potential or mitigating circumstances and are disproportionately inflicted on Black and Brown Marylanders. A comprehensive study of their impact is

vital for future reforms. A 2023 report by the Maryland State Commission on Criminal Sentencing Policy revealed that Black individuals made up 63.4% of those sentenced under Maryland’s guidelines from 2018 to 2020, despite representing a smaller portion of the overall population. According to the report, this overrepresentation was particularly pronounced in offenses with mandatory minimum sentences, especially felony firearm and weapon offenses.<sup>vi</sup>

The Commission needs to explore alternatives to incarceration, such as rehabilitative and restorative justice programs, which have been shown to reduce recidivism while maintaining public safety. Expanding access to diversion programs, mental health treatment, and reentry support is crucial for Maryland to reduce its prison population while ensuring better outcomes for individuals and communities.

### **Key Benefits of HB 1423**

The OPD believes that establishing the Commission will yield several key benefits. Firstly, it will promote data-driven reform by collecting and analyzing data to make informed policy recommendations that address inequities in policing, prosecution, and sentencing. Additionally, the Commission will foster community engagement by creating opportunities for meaningful dialogue with impacted individuals and advocacy groups, ensuring diverse perspectives are included in justice reform efforts. Furthermore, the Commission’s findings will provide essential legislative guidance, assisting lawmakers in crafting effective policies that promote racial equity and fairness.

### **Requested Amendment to HB 1423**

To ensure the Commission has the expertise necessary to fulfill its mission, HB 1423 should be amended to include the Maryland Public Defender, or their designee, as a member. The OPD brings a critical, on-the-ground perspective that no other agency can provide. As the legal defense agency representing indigent individuals in the state, OPD possesses direct insights into the effects of racial disparities on Marylanders and their communities. By offering data, case analyses, and policy suggestions, OPD can enhance the Commission’s efforts, making them thorough and actionable.

### **Conclusion**

House Bill 1423 represents a crucial step toward identifying and addressing racial disparities in Maryland’s criminal legal system. The Maryland Office of the Public Defender strongly supports this bill, with the requested amendment to include the Public Defender on the Commission to ensure that the Commission benefits from the expertise and insights of those who directly serve Marylanders affected by these disparities.

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**Submitted by: Maryland Office of the Public Defender, Government Relations Division.**

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<sup>i</sup> FBI [CDE/UCR](#) Data

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- <sup>ii</sup> Ann Carson, Prisoners in 2022, Bureau of Justice Statistics, November 2023, <https://bjs.ojp.gov/document/p22st.pdf>.  
<sup>iii</sup> Ibid.  
<sup>iv</sup> [DPSCS - DPP Annual Data Dashboard \(maryland.gov\)](#)  
<sup>v</sup> Ibid.  
<sup>vi</sup> Maryland State Commission on Criminal Sentencing Policy. Sentencing Racial Differences Assessment Report. July 2023. [https://msccsp.org/Files/Reports/Sentencing\\_Racial\\_Differences\\_Assessment\\_July2023.pdf](https://msccsp.org/Files/Reports/Sentencing_Racial_Differences_Assessment_July2023.pdf).