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DEPUTY MAJORITY WHIP

Judicial Proceedings Committee
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Administrative, Executive, and
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Children, Youth, and Families

Senate Chair, Legislative Ethics



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THE SENATE OF MARYLAND
ANNAPOLIS, MARYLAND 21401

**Testimony for Senate Bill 752
Commission to Review and Assess Racial Disparities in the
State Criminal Justice System—Establishment
Before the Judicial Proceedings Committee
February 24, 2026**

Good afternoon Chair Smith, members of the committee.

In 2025, the Maryland Equitable Justice Collaborative, a partnership between the Office of the Attorney General and the Office of the Public Defender, published its report examining systemic factors contributing to the overrepresentation of Black Marylanders in the state’s correctional facilities. One of their 18 recommendations was to “conduct a qualitative and quantitative analysis of each step in the criminal legal process—from arrest to sentencing and parole—to understand the impact of racial and geographic disparities in Maryland’s adult prison population.”¹

In 2023, the Maryland State Commission on Criminal Sentencing Policy acknowledged its limited ability to assess racial disparities in sentencing: “racial inequality in the criminal justice system reflects cumulative disadvantage related to various stages of criminal processing, including police stops, arrest, charging, incarceration, and community supervision.”²

While Black residents make up 31% of Maryland’s population,³ 71% of the Division of Correction’s inmate population is Black.⁴ In 2019, the Justice Policy Institute reported that the proportion of the Maryland prison population that is Black is more than double the national average

¹ Maryland Equitable Justice Collaborative, *Breaking the 71%: A Path Toward Racial Equity in the Criminal Legal System*, 31 (2025).

² Maryland State Commission on Criminal Sentencing Policy, *An Assessment of Racial Differences in Maryland Guidelines—Eligible Sentencing Events*, 6 (Jul. 2023, updated Dec. 2023).

³ US Census Data, 2024 estimate.

⁴ Division of Correction Data Dashboard, FY 2024 data.

of 32% and higher than any other state.⁵ Systemic issues, like those reflected by this staggering disparity, cannot be resolved by looking at one step of the process at a time. To understand how and why disparate outcomes occur, and how to fix them, we need to look at how our system works as a whole. In a complex system, there are dozens of opportunities for bias, mistakes, and discrimination to enter the equation. With each additional step, those injustices, even the smallest ones, are compounded until one day, you lead the nation in disproportionately incarcerating Black people. This is unacceptable, and we need to address it.

Senate Bill 752 creates a Commission to study these disparities. The Commission will be made up of stakeholders from across the justice system: members of the General Assembly, the Public Defender's Office, the Attorney General's office, the Courts, the State's Attorneys, and members of the public with demonstrated interest in advocating for improvements to our state justice system.⁶

The members of this Commission will be charged with studying and making recommendations to address topics like disparate treatment at each step of the criminal justice system, mandatory minimum sentencing, alternatives to retributive punishment, the felony-murder rule, and data collection gaps.⁷

This Commission, although not a complete solution, is a vital step in understanding the vast disparities in our state justice system. For these reasons, I ask for a favorable report on SB 752.

⁵ Justice Policy Institute, *Rethinking Approaches to Overincarceration of Black Young Adults in Maryland*, 3 (Nov. 2019).

⁶ See § 1(b).

⁷ See § 1(f).