



## Testimony for the Senate Judicial Proceedings Committee

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### SB 322 Courts - Jury Service – Disqualification

#### FAVORABLE

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The ACLU of Maryland supports SB 322, which allows formerly incarcerated people to serve on juries. It is foundational to our judicial system that those accused of crimes be judged by a jury of their peers. Limiting that pool of peers based on a prior conviction for which a person has already served their time is an undue burden to civic participation and further enables bias in jury deliberations. SB 322 would enfranchise returning citizens and expand the pool from which we select people to serve their communities through jury service. All members of a community should have the opportunity to be included when deciding matters of justice.

Black communities, and therefore Black defendants, are disproportionately impacted by the current limitation. Black people are disproportionately represented in the prison system - 71% of Maryland's prison population is Black.<sup>1</sup> Those who have served their time and are returning to the community are barred from serving on juries, significantly shrinking the pool of "peers" Black defendants will be judged by. This current system allows for the underrepresentation of Black Marylanders on juries. These conditions create circumstances in which implicit bias can go unchecked within jury panels during deliberations and, ultimately, in verdict decisions. Black defendants are entitled to be judged by their peers, and SB 322 will allow for that to be the case in practice, not just in theory.

Civic participation, such as jury duty, is associated with lower recidivism rates and increased public safety, allowing returning citizens to practice pro-social behaviors and beliefs.<sup>2</sup> Investment in one's

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<sup>1</sup> <https://www.sentencingproject.org/app/uploads/2022/08/The-Color-of-Justice-Racial-and-Ethnic-Disparity-in-State-Prisons.pdf>

<sup>2</sup> <https://www.sentencingproject.org/policy-brief/increasing-public-safety-by-restoring-voting-rights/>

community and the development of a positive self-image are key components of successful reentry.<sup>3</sup>

For the foregoing reasons, the ACLU of Maryland urges a favorable report on SB 322.

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<sup>3</sup> [https://www.uscourts.gov/sites/default/files/68\\_2\\_4\\_0.pdf](https://www.uscourts.gov/sites/default/files/68_2_4_0.pdf)