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DEPUTY MAJORITY WHIP

Judicial Proceedings Committee
Executive Nominations Committee
Legislative Policy Committee

Joint Committees

Administrative, Executive, and
Legislative Review

Children, Youth, and Families

Senate Chair, Legislative Ethics



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THE SENATE OF MARYLAND
ANNAPOLIS, MARYLAND 21401

**Testimony for SB 322
Courts – Jury Service - Disqualification
Before the: Judicial Proceedings Committee
February 3, 2026**

Good afternoon Chair Smith, members of the committee.

Maryland law prohibits individuals who have been convicted and sentenced to imprisonment for more than one year from participating in jury service.¹ This is one of the harshest jury exclusion statutes in the nation; Maryland is one of five states that exclude those convicted of misdemeanors and offer no re-enfranchisement except if pardoned.²

This disenfranchisement disproportionately impacts Black Marylanders, particularly Black men. While Black residents make up 31% of Maryland's population,³ 71% of the Division of Correction's inmate population is Black.⁴ Disproportionately excluding Black Marylanders from jury service not only denies those individuals the opportunity to contribute to their community, but research also shows that when Black jurors are included in the process, juries deliberate more carefully and make fewer factual errors.⁵

Senate Bill 322 changes our jury exclusion statute to remedy this injustice. Instead of excluding anyone convicted of a crime punishable by more than a year in prison, SB 322 excludes anyone currently serving a sentence, whether incarcerated, on parole, or on probation, and anyone

¹ See the existing § 8-103(b)(4) of the Courts and Judicial Proceedings Article.

² Katy Naples-Mitchel & Haruka Margaret Braun, *Jury Exclusion of People with Felony Convictions by State*, 1 (Jun. 2023).

³ US Census Data, 2024 estimate.

⁴ Division of Correction Data Dashboard, FY 2024 data.

⁵ Samuel R. Sommers, *On Racial Diversity and Group Decision Making: Identifying Multiple Effects of Racial Composition on Jury Deliberations*, 90 J. Personality and Social Psych, 597, 606 (2006).

convicted of a crime like perjury, witness intimidation, or jury intimidation that hinders their ability to serve faithfully on a jury.⁶

This sound policy change aligns Maryland with the vast majority of states, maintaining the integrity of our juries and expands the pool of potential jurors to those who should not be excluded. Jury service is a vital part of our justice system and excluding every individual with a conviction hinders that system's ability to function effectively and legitimately. People who have had contact with the criminal legal system remain members of their communities and should not be excluded from one of our nation's most fundamental civic duties- especially one that directly affects them- and in which they should have the opportunity to participate once they have completed their sentences.

Senate Bill 322 provides a remedy to a statutory barrier to jury service that keeps Maryland juries disproportionately homogeneous and discredits the efficiency and legitimacy of our justice system.

For these reasons, I ask for a favorable report on Senate Bill 322.

⁶ See the proposed language in § 8-103(b)(4).