

TESTIMONY IN SUPPORT OF HB 414

Courts - Jury Service - Disqualification

TO: Members of the Senate Judicial Proceedings Committee

FROM: Center for Criminal Justice Reform, University of Baltimore School of Law

DATE: February 9, 2026

The University of Baltimore School of Law’s Center for Criminal Justice Reform (“Center”) is dedicated to supporting community-driven efforts to improve public safety and address the harm and inequities caused by the criminal legal system. The Center strongly supports HB 414.

Access to a trial by jury of one’s peers is a fundamental tenet of the American legal system. Yet in Maryland, especially for Black and Brown residents accused of crimes, this is simply not the reality. The statistics on jury exclusion are alarming: across the country, approximately one-third of Black men have a past felony conviction; thus due to laws in numerous states, many Black jurors are excluded by law from ever entering the jury pool. Maryland takes this even further, having both the highest overrepresentation of Black people incarcerated (71% of our prison population compared to 29% of the state population),¹ combined with **one of the most restrictive jury exclusion statutes in the country**. Maryland is one of only a small handful of states which excludes people from jury service if they have been convicted of a **misdemeanor** and received a sentence of more than a year of incarceration.

HB 414 would remove this outdated and highly problematic barrier, allowing for greater diversity of our jury pools and the re-enfranchisement of people with past convictions who have paid their debt to society. Allowing for greater participation in this important civic duty is not only fair, it is more effective in advancing the efficiency and legitimacy of our justice system. Verdicts rendered by juries viewed as more fully representative of the community are more likely to be viewed as legitimate by the public, and research demonstrates that diverse juries “deliberated longer and considered a wider range of information than did homogeneous groups.”²

¹ See Ashley Nellis, Ph.D., Senior Research Analyst at The Sentencing Project, *The Color of Justice: Racial and Ethnic Disparity in State Prisons* (2021) at 20.

² According to research, “when white people were members of racially mixed juries, they “raised more case facts, made fewer factual errors, and were more amenable to discussion of race-related issues.” Another study found that people on racially mixed juries “are more likely to respect different racial perspectives and to confront their own prejudice and stereotypes[.]” See Prison Policy Initiative *Rigging the Jury* report, <https://www.prisonpolicy.org/reports/juryexclusion.html>.

Through passage of HB 414, Maryland can join a growing number of states addressing the disproportionate impact of jury disqualification on Black and Brown communities. Most recently, prior to leaving office, former New Jersey Governor Phil Murphy signed an executive order that restored jury service eligibility to hundreds of thousands of residents, recognizing that a representative jury is a prerequisite for a fair trial.³ Previously, New Jersey followed a policy similar to Maryland's, disqualifying individuals with past convictions from jury service for life.⁴ The Governor acknowledged the role that systemic inequity and racialized policing played in the over-representation of Black residents in the criminal legal system, subsequently excluding them from the jury box. The executive order utilized clemency power to restore jury service eligibility to all residents who had completed their sentences for indictable offenses as of the order's effective date, taking a critical step toward correcting systemic injustices which persist and reverberate in under-appreciated ways.

A diversity of other states have also taken notable legislative action in recent years. This includes just this past year: Minnesota, where as of July 1, 2025, individuals with felony convictions are now eligible to serve on juries if their right to vote is restored⁵; and Utah, where as of May 7, 2025, jury service eligibility is restored following felony convictions if those convictions have been expunged or if the charge has been reduced to a misdemeanor.⁶

Maryland is in the position to finally take a major step forward in addressing this issue, and has a responsibility to do so. States cannot claim to value a fair and impartial justice system while simultaneously silencing the perspectives of those most affected by it. HB 414 offers a necessary corrective measure to decades of exclusionary practices that have diluted the diversity of our courtrooms, and disenfranchised members of our community from this important civic participation. It is critical that Maryland move beyond these outdated barriers and embrace a vision of justice that values the contributions and redemption of **every** citizen, including those who have paid their debt to society following their prior entanglements with the system.

It is also important to note, especially in response to opposition submitted by the Maryland States Attorneys Association, that this bill does not automatically impanel formerly incarcerated members of our communities onto juries; it recognizes their status as members of our communities, bringing them back into the pool with everyone else. The process of voir dire is specifically designed to allow attorneys and the courts to pursue the appropriate balance of perspectives in support of fair and impartial juries, including to strike jurors where their ability to be fair and impartial may reasonably be questioned due to the specific circumstances of their background and the specific case. Through voir dire, judges and attorneys ask potential jurors a set of questions to assess their potential for bias. While an attorney may strike a juror for their biases, they are also permitted a number of peremptory challenges, which allow them to strike a

³ N.J. Exec. Order No. 411 (Jan. 11, 2026)

⁴ Press Release, ACLU-NJ, *ACLU-NJ Applauds Executive Order Expanding Jury Service Eligibility to People with Criminal Convictions* (Jan. 11, 2026), <https://www.aclu-nj.org/press-releases/aclu-nj-applauds-executive-order-expanding-jury-service-eligibility-to-people-with-criminal-convictions/>

⁵ Minn. Gen. R. Prac. 808 (2025)

⁶ 2025 Ut. HB 49

juror for no cause, so long as the juror is not being dismissed for their race or gender.

MSAA's opposition defending the status quo in Maryland amounts to a blanket judgement that all people who have been incarcerated for a year or more are incapable of being impartial, and therefore should not even be considered eligible. Under this logic, Maryland might similarly exclude victims of sexual assault, or surviving loved ones of homicide victims from eligibility, or residents who have ever been employed as a state's attorney. Yet we would never, nor should we ever, judge entire categories of people impacted by the criminal legal system in that way. There is no such thing as "twelve completely neutral individuals" as MSAA contends; there are only human beings who have each been shaped by our life experiences. Given the enormity of the criminal justice system's reach, and decades of mass incarceration in this country and state, one could argue there is not a single member of the eligible juror pool who has not been touched directly or indirectly by this system. It's time for Maryland to join the growing number of states recognizing that past convictions are one part of a person's life experiences, not a defining factor of who they are.

For these reasons, we urge a favorable report on HB 414.