



## 2026 POSITION PAPER

### SB 322 / HB 414 Courts – Jury Service – Disqualification FAVORABLE

The Maryland Association for Justice (MAJ) supports SB 322 and HB 414.

Under current law, a potential juror is disqualified from jury services if convicted of a misdemeanor or felony punishable by imprisonment exceeding 1 year and was sentenced to prison for more than 1 year.

If adopted, a prospective juror is only disqualified from eligibility in Maryland state courts if the person was convicted and sentenced for more than 1 year **and** is 1) currently serving that sentence or 2) on probation **OR** 3) the conviction related to perjury, witness / jury intimidation, or Fraud and Related Crimes defined in Md. Code, Criminal Law Article, Title 8.

A person who served his or her complete criminal sentence plus probation would be eligible for jury service because that person paid their debt to society. That person should no longer be prevented from jury service.

Constitutionally, juries must be composed of community members who will fairly judge the case based on community standards. *Duren v. Missouri*, 439 U.S. 357 (1979) (criminal defendant's 6th Amendment rights). In *Lovell v. State*, 347 Md. 623, 662 (1997), the Court considered whether the jury represented a cross-section of the community, and thus whether the trial was fair, when African-American jurors were excluded from the jury pool based on voting registrations. In *State v. Calhoun*, 306 Md. 692, 711 (1986), the Court again acknowledged that the jury must represent a fair cross-section of the community as guaranteed by the 6th Amendment.

The rationale for excluding people convicted of felonies has been criticized because of imbalanced racial impact. A 2003 study indicates that over 6% of the adult population and about 30% of black men are excluded from jury service. Kalt, *The Exclusion of Felons From Jury Service*, SSRN Electronic Journal Aug. 2003. A 2021 study by the non-partisan Prison Policy Initiative nonprofit states that jury exclusion laws disproportionately exclude Black and Latinx people. In 2010, about 19 million Americans have felony convictions and 36% (~7 million) are Black, despite Black people only comprising 13% of the population. *Rigging the jury: How each state reduces jury diversity by excluding people with criminal records* (2021).

A lifetime exclusion from jury service (current law) because the person was sentenced to more than 1 year in jail for a misdemeanor or felony is too broad and is racially biased. This Bill creates balance by permitting jury eligibility for misdemeanor violators and people with past felony convictions who completely served jail and probation sentences and did not commit a disqualifying offense. This promotes the constitutional guarantee that a jury be comprised of a full cross-section of the community.

**Maryland Association for Justice urges a FAVORABLE Report.**

#### About Maryland Association for Justice

The Maryland Association for Justice (MAJ) represents over 1,250 trial attorneys throughout Maryland. MAJ advocates to preserve the civil justice system, protect consumers' rights, and educate and advance members' knowledge and abilities.

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