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BILL: House Bill 1309 – Commission to Review and Assess Racial Disparities in the State Criminal Justice System – Establishment
FROM: Maryland Office of the Public Defender
POSITION: FAVORABLE
DATE: March 5, 2026

The Maryland Office of the Public Defender (MOPD) requests that the Committee issue a **FAVORABLE REPORT** on House Bill 1309, which would establish the Commission to Review and Assess Racial Disparities in the State Criminal Justice System (the “Commission”). The Commission will bring together state and community criminal legal system stakeholders, as well as community members, to study every decision point in the criminal legal system where racial disparities can impact the lives of Marylanders.

The Need to Evaluate Racial Disparities in Maryland’s Criminal Legal System

One of the most significant aspects of the Commission's work will be examining the cumulative impact of disparities across the entire criminal legal continuum. As the bill indicates, racial disparities arise at multiple decision points: from stop to community supervision and all of the steps in between, including diversion and plea policies. The American Civil Liberties Union (ACLU) argues that inequalities stem from the unequal treatment of Black and Brown individuals during stops, searches, arrests, prosecutions, plea negotiations, trials, sentencing, and parole or probation revocation decisions.¹ Likewise, the National Conference of State Legislatures (NCSL) points out that racial and ethnic disparities exist throughout the criminal justice system, highlighting the need for extensive data collection and policy reforms to tackle these concerns.² The Vera Institute of Justice further stresses that these inequalities are tied to a history of oppression and biased decision-making, which has deliberately targeted Black individuals, fostering a misleading connection between race and crime.³ The Commission's research into these compounding effects will be crucial for understanding how to interrupt this cycle of disparity.

The Commission's focus on mandatory minimum sentencing deserves particular emphasis. The bill calls for research into the disparate impacts of mandatory minimums in firearms and felony murder cases where defendants did not intend to commit murder, as outlined in §(f)(1)(i)2 and §(f)(1)(vi). This research is vital, as current evidence suggests that these mandatory sentences often result in disproportionate punishment and fail to account for individual circumstances. For example, a single mandatory minimum

¹ American Civil Liberties Union. "Race and Criminal Justice." Accessed February 19, 2026. <https://www.aclu.org/issues/racial-justice/race-and-criminal-justice>

² National Conference of State Legislatures. "Racial and Ethnic Disparities in the Criminal Justice System." Accessed February 19, 2026. <https://www.ncsl.org/civil-and-criminal-justice/racial-and-ethnic-disparities-in-the-criminal-justice-system>

³ Vera Institute of Justice. "An Unjust Burden." Accessed February 19, 2026. <https://www.vera.org/publications/for-the-record-unjust-burden>

firearm charge can transform limited involvement into a decades-long sentence, leaving little room for a judge to account for intent, age, trauma, or documented efforts toward rehabilitation.⁴

Another key research focus in the bill is the analysis of risk and needs assessment methods. Although intended to be objective, existing assessment tools often reinforce biases.⁵ The Commission's goal to investigate race-neutral assessment approaches could enhance how individuals are evaluated throughout the criminal legal system, from pretrial release to sentencing and supervision. Specifically, House Bill 1309 mandates that the Commission examine how the Division of Parole and Probation might implement race-neutral risk and needs assessments for pretrial and presentence evaluations. These assessments would be accessible to parties during plea negotiations and available to judges at sentencing, offering more precise insight into risk levels and rehabilitative needs.

The bill's emphasis on studying alternatives to incarceration and rehabilitative programming is particularly timely. As Maryland grapples with prison population management and recidivism reduction, research into evidence-based alternatives could provide valuable guidance for policy reform. The Commission's investigation into programs designed to reduce prison populations while maintaining public safety could help Maryland join other states that have successfully implemented such reforms. House Bill 1309 creates a roadmap for investing in community-safety responses without resorting to long-term incarceration.

Key Benefits of House Bill 1309

Creating a commission to examine racial disparities in Maryland's criminal legal system offers several key benefits:

- By studying racial disparities, the Commission will be able to develop evidence-based policy recommendations to address inequities in policing, sentencing, and incarceration.
- By creating opportunities for meaningful community engagement in discussions about justice reform, the Commission will empower impacted individuals and advocacy groups and ensure that diverse perspectives are considered. This leads to more equitable and effective reforms in addressing community needs.
- The Commission's research and findings can provide lawmakers with valuable insights and recommendations for crafting effective policies promoting racial equity in the criminal legal system.
- The Commission will promote public safety by focusing on programs and policies—such as targeted rehabilitative services and smarter use of incarceration—that reduce recidivism and make better use of limited state resources.
- The establishment of the Commission reflects a dedication to fairness and reform, helping to bolster public trust in Maryland's criminal legal system.

As Maryland's criminal legal policies continue to evolve, the research and recommendations produced by this Commission will be vital to informing evidence-based reforms. The Commission's work could lay the groundwork for transformative change in how Maryland administers justice, resulting in a more equitable system that better serves all Marylanders.

⁴ United States Sentencing Commission. "Demographic Differences in Federal Sentencing." Accessed February 19, 2026. <https://www.uscc.gov/research/research-reports/2023-demographic-differences-federal-sentencing>.

Brennan Center for Justice. "End Mandatory Minimums." Brennan Center for Justice, Accessed February 19, 2026. <https://www.brennancenter.org/our-work/analysis-opinion/end-mandatory-minimums>

⁵ Angwin, Julia, Jeff Larson, Surya Mattu, and Lauren Kirchner. "Machine Bias: There's Software Used Across the Country to Predict Future Criminals. And It's Biased Against Blacks." ProPublica, Accessed February 19, 2026. <https://www.propublica.org/article/machine-bias-risk-assessments-in-criminal-sentencing>

Throughout the United States, several jurisdictions have established commissions specifically to examine racial disparities in the criminal and juvenile legal systems, leading to concrete system reforms. For example, in Vermont, a racial disparities advisory panel and the Justice Reinvestment working group produced data-driven findings on sentencing inequities that directly informed statutory changes, including reclassification of certain offenses, revisions to supervision policies, and creation of an Office of Racial Justice Statistics.⁶ In Salt Lake City, a Commission on Racial Equity in Policing resulted in the city and police department implementing most of the Commission’s recommendations, including new officer training requirements, reimaging budget priorities, and adjusting school-based policing and community engagement.⁷ Lexington, Kentucky’s Racial Justice and Equity Commission has led to the establishment of updated police oversight mechanisms and a system to track the implementation of its recommendations publicly.⁸ These examples demonstrate that commissions such as these have led to real reforms, not merely advisory reports.

Alignment with the Maryland Office of the Public Defender Priorities

The Maryland Office of the Public Defender is specifically named in House Bill 1309 as a member of the Commission. Our daily work representing indigent Marylanders—who are disproportionately Black, Brown, and low-income—gives us a unique vantage point on how policies regarding charging, plea negotiations, mandatory minimums, and supervision conditions exist in the real world. MOPD is well-positioned to help the Commission interpret data, identify patterns, and develop recommendations that reflect the experience of people most affected by Maryland’s criminal legal system.

House Bill 1309 is also fully aligned with the goals of the Maryland Justice Partnership (MJP), a statewide, implementation-focused initiative coordinated by the Office of the Public Defender. These principles include cross-agency collaboration, structured implementation with measurable benchmarks, and shared responsibility for outcomes across the criminal justice continuum. By establishing a standing, multi-branch Commission with representation from key stakeholders, including the General Assembly, the Office of the Public Defender, the Attorney General, the courts, State’s Attorneys, sentencing experts, and community advocates, House Bill 1309 ensures that efforts to address racial disparities are comprehensive and coordinated. The Commission’s mandate to examine cumulative disparities in policing, charging, detention, sentencing, supervision, and incarceration, and to propose concrete statutory and policy changes operationalizes the MJP model of translating evidence-informed recommendations into meaningful action.

In addition, House Bill 1309 requires the development of improved data collection methods, regular public meetings, and interim and final reports to the General Assembly, creating an implementation structure with clear timelines and ongoing accountability. By centering racial equity, mandating broad stakeholder participation, and embedding data-driven review into statute, this legislation advances the same implementation-oriented, partnership-based reform architecture that the MJP was designed to support.

Conclusion

House Bill 1309 represents a critical step forward in addressing key issues that affect our community, particularly the urgent need to understand the racial disparities present in Maryland's criminal legal

⁶ Vermont Racial Disparities in the Criminal and Juvenile Justice System Advisory Panel. *Report of the Racial Disparities in the Criminal and Juvenile Justice System Advisory Panel, Pursuant to 3 V.S.A. § 168*. Montpelier: Vermont General Assembly, January 15, 2026. Accessed February 26, 2026. <https://legislature.vermont.gov/assets/Legislative-Reports/2026-01-15-RDAP-Report-3VSA168.pdf>

⁷Salt Lake City Commission on Racial Equity in Policing. *Annual Report 2024*. Salt Lake City: Salt Lake City Corporation, 2025. Accessed February 16, 2025. <https://www.slcc.gov/boards/wp-content/uploads/sites/33/2025/08/REP-C-Annual-Report-2024.pdf>

⁸ City of Lexington. “Racial Justice and Equity Commission.” *City of Lexington, Kentucky*. Accessed February 26, 2026. <https://www.lexingtonky.gov/government/boards-commissions/racial-justice-equity-commission>.

system. For all these reasons, we urge the Committee to issue a **FAVORABLE REPORT** on House Bill 1309.

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