



THE SENATE OF MARYLAND
ANNAPOLIS, MARYLAND 21401

Testimony of Senator Jill P. Carter
In Favor of SB0625 - Courts – Jury Service – Disqualification
Before the Judicial Proceedings Committee
on February 26, 2021

Mr. Chairman, Vice chair, and Members of the Committee:

I present SB 625 Juror Disqualification to you for your consideration.

I prefer to refer to this bill not as a juror disqualification bill, but as a juror enfranchisement bill.

This legislation will re-enfranchise Marylanders who have been disenfranchised by outdated laws adopted in a by-gone era. Gone are the times when Marylanders who served jail sentences of more than a year could not vote. Now they can vote. We have re-enfranchised them. But many of these same Marylanders still cannot serve on a jury, which is a valuable right of citizenship and a right which Maryland still takes away from its citizens who serve more than a year in jail for conviction of a felony. I ask that you re-enfranchise them and restore this important right of citizenship.

Two years ago, we completed part one of Juror re-enfranchisement, when we passed my bill which was signed into law. We re-enfranchised thousands of Marylanders by raising the disqualification bar from 6 months to one year. This meant that only individuals who were sentenced for a term greater than one year were prohibited from serving on juries. A step in the right direction of substantial juror re-enfranchisement

Now, we move into part two, and fully re-enfranchise jurors in the same way that we have re-enfranchised voters in the State of Maryland. Under this bill, if you can vote in the state of Maryland, then you can serve on a jury.

We remove the barrier created by incarceration of more than a year, and we remove the barrier of pending charges. Just like we've done in our voter eligibility statute. This bill helps to bring back the civil liberties that our state has for too long taken away from our citizens that have been incarcerated.

Maryland led the nation in allowing felons to vote after serving their sentence. We did it step by step. First allowing one-time felons to vote, then allowing those with multiple convictions. Then, in 2016, we granted total re-enfranchisement, and now allow all Marylanders to vote once they have completed their sentence. Maryland was a

national leader in the Voter Re-enfranchisement movement. Now, 49 states in the US allow former felons to vote.

Maryland is a leader, and justifiably so. We can be proud of our leadership in Re-enfranchisement. But we have more work to do.

I must remind you that recent studies have shown that Maryland has the highest percentage of African Americans in jail in the country. Our disenfranchisement of those who have served sentences unfairly robs an important population within our state, and disproportionately affects this population. The disenfranchisement here also negatively affects minority defendants who have limited access to a jury of their peers when black jurors are disproportionately removed from the jury process.

With our incarceration demographics in mind, it's important that Maryland again take a leadership role and take important steps to re-enfranchise those who have served time, not just with the ability to vote, but also with the ability to serve on juries.

This bill tracks Maryland's cutting edge voter legislation of former years. Now in Maryland, once you have served your sentence, you are eligible to vote again. Under this

legislation, once you have served your sentence, you are eligible to serve on a jury again.

The philosophy is simple: Once you have paid your debt to society and have served your time, you are again eligible for the rights and responsibilities of citizenship. The right to vote and the duty to sit on juries. This bill puts Maryland on track with 20 other states and the District of Columbia by allowing formerly incarcerated individuals to serve on juries.

Fifteen years ago, this committee heard legislation that was the result of efforts of the Article 27 Committee, a blue ribbon state-wide committee chaired by Chief Judge of the Court of Special Appeals Joseph Murphy.

The committee created an overhaul of the jury system in a 49 page piece of legislation, and submitted it to the General Assembly through the Judicial Conference.

That bill became law, but it was amended in several notorious and unfortunate ways. The bill advocated full re-enfranchisement for jury service, but the legislature cut that part out.

In that bill, the Article 27 Committee recommended temporary juror disqualification for conviction of crimes

with more than 1 year punishment. The Judicial Proceedings Committee and the Judiciary Committee tightened this to 6 months. Two years ago, by passing my bill, we did as the Article 27 committee originally recommended back in 2006, and eased the initial disqualification back to one year.

An important further recommendation back in 2006 was to then allow ALL former incarcerants to eventually regain their right to serve on juries just 3 years after their sentences ended. That is, the committee recommended full re-enfranchisement for jury service after a short 3-year wait after serving a felony sentence.

Unfortunately, the legislature removed this important re-enfranchisement element, and kept the disenfranchisement alive, contrary to the recommendations of the Article 27 committee.

I ask the members here today to take the step that we failed to take back in 2006. I ask that you pass this legislation and allow all those who have paid their debt to society to eventually regain their rights and duties of citizenship.

We have done it in terms of restoring the right to vote, now we can restore the right and duty to serve on juries. Maryland has been a leader in the realm of re-enfranchisement. Let's earn this reputation and take the

next important step and give all of our citizens a path back to serving on juries. This bill passed out of this committee last session.

For these reasons, I urge a favorable report on SB 625 from this committee.

Respectfully,

A handwritten signature in blue ink that reads "Jill P. Carter". The signature is written in a cursive style with a large initial "J" and a stylized "C".

Jill P. Carter