

HOUSE BILL 1423

E2, E4

5lr3032

By: **Delegate Crutchfield**

Introduced and read first time: February 7, 2025

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Commission to Review and Assess Racial Disparities in the State Criminal**
3 **Justice System – Establishment**

4 FOR the purpose of establishing the Commission to Review and Assess Racial Disparities
5 in the State Criminal Justice System to study and make recommendations on certain
6 matters involving the disparate treatment of African Americans, Hispanics, and
7 other non-White individuals in the State's criminal justice system and other
8 criminal justice issues in the State; and generally relating to the Commission to
9 Review and Assess Racial Disparities in the State Criminal Justice System.

10 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
11 That:

12 (a) There is a Commission to Review and Assess Racial Disparities in the State
13 Criminal Justice System.

14 (b) The Commission consists of the following members:

15 (1) two members of the Senate of Maryland, appointed by the President of
16 the Senate;

17 (2) two members of the House of Delegates, appointed by the Speaker of
18 the House;

19 (3) one representative of the Administrative Office of the Courts, appointed
20 by the Chief Justice of the Supreme Court of Maryland;

21 (4) the President of the Maryland State's Attorneys' Association, or the
22 President's designee;

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



(5) the Executive Director of the Maryland State Commission on Criminal Sentencing Policy, or the Executive Director's designee;

(6) four members of the community with a demonstrated interest and experience in advocating for improvements to the State's criminal justice system, with two members appointed by the President of the Senate and two members appointed by the Speaker of the House; and

(7) the following members appointed by the Governor:

(i) one representative of the Vera Institute of Justice; and

(ii) one representative of a crime victims' advocacy group.

(c) The President of the Senate and the Speaker of the House shall each designate one cochair of the Commission.

(d) The Maryland State Commission on Criminal Sentencing Policy and the Department of Legislative Services shall jointly provide staff for the Commission.

(e) A member of the Commission:

(1) may not receive compensation as a member of the Commission; but

(2) is entitled to reimbursement for expenses under the Standard State Travel Regulations, as provided in the State budget.

(f) (1) The Commission shall study and make recommendations on:

(i) the disparate treatment of African Americans, Hispanics, and other non-White individuals in the State's criminal justice system, including:

1. how cumulative impacts may result from disparate policing, arrests, charging, pretrial detention, sentencing, community supervision, and prosecution, including diversion and plea policies; and

2. the impacts of disparate mandatory minimum sentencing, including for convictions for:

A. offenses involving firearms; and

B. felony murder cases in which the defendants clearly did not intend to commit murder;

(ii) the need and alternative methods available to improve any racial disparities and lack of transparency in the State's criminal justice system;

(iii) improvements available to the systemic structures for race-neutral risk and needs assessments diversion, sentencing alternatives, rehabilitative sentencing, and reduction of recidivism;

(iv) the possibility of amending the Maryland Sentencing Guidelines with respect to the offender score calculation methodology, for the purpose of reducing the impact of any previously existing racial and ethnic differences caused by excessive policing;

(v) the possibility of using resources of the Division of Parole and Probation in the Department of Public Safety and Correctional Services to conduct pretrial and presentence race-neutral risk and needs assessments that could be considered by parties at the time of plea discussions and by judges at the time of sentencing;

(vi) the potential to increase judicial discretion at sentencing to allow judges to more closely consider as sentencing factors, including for individuals charged with or convicted of crimes of violence or sex offenses:

1. the intent of the individuals being sentenced; and

2. the possibility for rehabilitation and reduction in recidivism;

(vii) the possibility of modifying or abolishing the State's felony murder doctrine for cases where individuals clearly did not intend to commit murder;

(viii) the design and expansion of programs intended to:

1. reduce State prison populations;

2. be rehabilitative; and

3. further reduce the length of prison sentences in a manner that is consistent with public safety; and

(ix) data collection methods for the ongoing monitoring of racial disparities at each stage of the State's criminal justice system.

(2) The Commission shall hold at least four public hearings to examine, discuss, and review the items described in paragraph (1) of this subsection.

(g) On or before September 1, 2026, the Commission shall report, in accordance with § 2-1257 of the State Government Article, its findings and recommendations to the Senate Judicial Proceedings Committee and the House Judiciary Committee.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2025. It shall remain effective for a period of 2 years and, at the end of June 30, 2027,

1 this Act, with no further action required by the General Assembly, shall be abrogated and
2 of no further force and effect.