

Department of Legislative Services
Maryland General Assembly
2026 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 1309
Judiciary

(Delegate Crutchfield, *et al.*)

Commission to Review and Assess Racial Disparities in the State Criminal
Justice System - Establishment

This bill establishes the Commission to Review and Assess Racial Disparities in the State Criminal Justice System, to be staffed by the Department of Legislative Services (DLS) with assistance from an academic institution, such as the University of Maryland (UMD) or Morgan State University (MSU). The commission must report its interim and final findings and recommendations to the Senate Judicial Proceedings Committee and the House Judiciary Committee by October 1, 2027, and September 1, 2028, respectively. **The bill takes effect July 1, 2026, and terminates June 30, 2029.**

Fiscal Summary

State Effect: General fund expenditures may increase for data and research-related costs from FY 2027 through FY 2029, as discussed below. Any expense reimbursements for commission members are assumed to be minimal and absorbable within existing budgeted resources. Revenues are not affected.

Local Effect: None.

Small Business Effect: None.

Analysis

Bill Summary: The commission must study and make recommendations on:

- 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 convictions for offenses involving firearms and individuals who are not alleged to be principals in the first degree;

- the need and alternative methods available to improve any racial disparities and lack of transparency in the State's criminal justice system;
- improvements available to the systemic structures for race-neutral risk and needs assessments diversion, sentencing alternatives, rehabilitative sentencing, and reduction of recidivism;
- the possibility of using resources of the Division of Parole and Probation within 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;
- 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 for sex offenses, (1) the intent of the individuals being sentenced and (2) the possibility for rehabilitation and reduction in recidivism;
- the possibility of modifying or abolishing the State's felony murder doctrine for cases for individuals who are not alleged to be principals in the first degree;
- the design and expansion of programs intended to reduce State prison populations, be rehabilitative, and further reduce the length of prison sentences in a manner that is consistent with public safety; and
- data collection methods for the ongoing monitoring of racial disparities at each stage of the State's criminal justice system, including identifying gaps in existing data.

The commission must (1) meet on or before September 16, 2026, and quarterly thereafter until submission of the final report and (2) hold at least four public hearings to examine, discuss, and review the items listed above.

To the extent practicable, staff must have experience in data-driven criminal law research and expertise in criminal justice reform and other areas relevant to the work of the commission. Commission members may not receive compensation but are entitled to reimbursement for expenses under the standard State Travel Regulations.

Current Law: The Racial Equity Impact Note (REIN) unit within DLS evaluates the racial impact of selected criminal justice legislation. REIN performs statistical analysis on available criminal justice-related data and provides an objective-based assessment of potential disparities among racial and ethnic groups that may be exacerbated or created by the legislation.

The assessments are published in the form of a racial equity impact statement, which can be found online as part of a bill's legislative history. Factors that determine whether a REIN is published for a bill or group of bills include whether (1) there is sufficient data available to provide an objective analysis of the bill's provisions; (2) the topics addressed in the bill include current issues of concern for minority residents in the State; and (3) providing information surrounding key decision points in the criminal justice system will inform legislators and the public of possible policy implications of legislation.

State Expenditures: General fund expenditures *may* increase depending on the nature of the staffing relationship between DLS and the academic institution(s) providing assistance, the availability of relevant data, and the potential need for consultant costs.

The bill requires DLS to staff the commission with assistance from an academic institution *such as* UMD or MSU. Although staffing support can likely be accommodated with existing resources, it is unclear at this time if these three entities combined have the data and research materials needed to complete the tasks assigned to the commission within the prescribed timeframe. To the extent they do not, additional expenditures may be incurred.

For context, in response to substantially similar legislation introduced last year, the Maryland State Commission on Criminal Sentencing Policy (MSCCSP), which was assigned to jointly staff the commission with DLS in the 2025 legislation, advised of \$102,000 in costs over two fiscal years for a researcher to assist the commission. MSCCSP noted that some of the data that is critical to informing the commission's work is not readily available.

Additional Information

Recent Prior Introductions: Similar legislation has been introduced within the past three years. See HB 1423 of 2025.

Designated Cross File: SB 752 (Senators Sydnor and Augustine) - Judicial Proceedings.

Information Source(s): University System of Maryland; Morgan State University; Department of Legislative Services

Fiscal Note History: First Reader - February 20, 2026
js/jkb

Analysis by: Amy A. Devadas

Direct Inquiries to:
(410) 946-5510
(301) 970-5510