

A Civil Rights and Liberties Guide to the 2018 Legislative Session

The ACLU of Maryland is a non-partisan organization dedicated to the preservation and enhancement of civil liberties and civil rights. In the legislature, we advocate for a broad range of rights—including access to justice, criminal justice reform, election fairness and voting rights, freedom of expression, government transparency, police accountability, prisoners’ rights, immigrants’ rights, equal protection, privacy, racial justice, due process, religious liberty, and LGBT and reproductive rights. [The items below represent the issues we expect to dedicate significant time and resources to during the 2018 legislative session.](#)



Election Day Registration

The vote is the defining act of citizenship. As a democracy, we should encourage all eligible voters to avail themselves of the franchise and in so doing, we should make the act of registering to vote itself readily accessible to all eligible voters. In 2018, we will be working to allow eligible persons to register to vote at the same time and at the same place as they cast their ballot on Election Day. Election Day Registration (EDR) has the potential to increase voter access to the election process.



Pre-Trial Justice

Two-thirds of those incarcerated in Maryland’s jails are being held pre-trial, meaning they have not been convicted of any crime. Worse, many of them are held because they could not afford bail. It is unacceptable for Marylanders who have not been convicted and who pose no public safety threat to be denied their freedom, or risk their family’s financial ruin to have them released on bond. In 2017, the Court of Appeals enacted a rule to first, ensure that the persons are not given a bail amount they cannot afford; second, disfavor the use of cash bail; and third, prevent bail from being used for public safety. This new rule was an important and long-overdue step toward ensuring fairness in our criminal justice system and we will work to protect it from being undermined by the legislature.



Taking the Politics Out of Parole

Despite being sentenced to life with the possibility of parole, in practice, more than 2,000 persons serving life sentences in Maryland are condemned to die in prison. Unlike nearly every other state, Maryland requires the Governor to personally approve parole for any lifer. As a result, for more than two decades, lifers have been systematically denied a meaningful opportunity for parole, regardless of individual merit and in spite of a recommendation from the Parole Commission after an extensive vetting process. Maryland’s broken parole system disproportionately affects Black Marylanders, as Maryland has the highest rate of Black lifers in the country (77% of all lifers are Black), tied with states like Alabama and Mississippi. Maryland needs to remove the Governor from the parole process, not only to help address the enormous human cost, but also to achieve significant fiscal savings. Each year, Maryland spends nearly \$75 million just on incarcerating lifers.



Solitary Confinement (“Restrictive Housing”) Reform

Maryland uses solitary confinement at about twice the national average—8% of persons in Maryland state prisons are being held in solitary confinement. Moreover, the average length of stay in administrative segregation is 130 days and 124 days in disciplinary segregation. Mentally ill inmates fare even worse—they are placed in restrictive housing at a rate of 15.5% (twice that of the general population), and spend on average 228 days in administrative segregation and 224 days in disciplinary segregation. According to the U.N. Special Rapporteur on Torture, the mentally ill should never be placed in isolation. It is therefore clear that Maryland overuses and misuses solitary confinement. It is time for a smarter and more humane approach!



Criminal Justice Reporting

The vast majority of criminal justice reporting mechanisms in Maryland categorizes Marylanders as either Black or white—this is wholly unacceptable, especially considering that Latinos comprise more than eight percent of Maryland’s total population. Even worse, overwhelmingly, Latinos and other persons of color are categorized as “white,” which distorts the true racial disparities in criminal justice enforcement. Maryland state agencies, and in particular law enforcement agencies, should be taking account for all persons of color. Only then can we truly understand how our diverse communities are faring in the criminal justice system.



Public Funding of Private & Religious Schools

In 2016, the General Assembly made a \$5 million appropriation in the budget to fund a voucher program for students to attend private schools. That amount crept upward to \$5.5 million in 2017 and \$400,000 in unused funds from the 2017 were carried over. These monies could and should be directed to our public schools, which are woefully under-resourced. As we have in the past, the ACLU of Maryland will continue to oppose the use of taxpayer dollars to fund private schools that can and do discriminate against already vulnerable groups.

OTHER IMPORTANT CIVIL LIBERTIES ISSUES

In addition to the above-mentioned issues, we expect to continue our work on the following:

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| Access to justice | Freedom of expression | Transparency |
| Criminal justice reform | Prisoners’ rights | Voting rights & election fairness |
| Debtors’ prisons | Privacy | Workers’ rights |
| Drug policy reform | Re-entry | Youth justice reform |
| Fair housing practices | Reproductive rights | |