

GENERAL ASSEMBLY PRIORITIES 2024

The ACLU of Maryland is a non-partisan organization that exists to empower Marylanders to exercise their rights so that the law values and uplifts their humanity. **The items below are some of the issues we expect to dedicate significant time and resources to during the 2024 legislative session.**

LET'S CREATE A BETTER MARYLAND!



ENSURE INDEPENDENT INVESTIGATORY POWERS FOR POLICE ACCOUNTABILITY BOARDS

The *Maryland Police Accountability Act of 2021* directed all counties and Baltimore City to establish a Police Accountability Board (PAB) and Administrative Charging Committee (ACC). Despite strong community support, research, and best practices showing that independent investigatory powers are critical to community oversight board, no PABs in Maryland have this authority now. Currently, PABs and ACC's are relying solely on internal police investigations when conducting reviews and deciding whether or not to charge an officer. For Police Accountability Boards to truly act as independent and active oversight bodies, these powers must be awarded to PABs around the state. In 2024, the ACLU and the Maryland Coalition for Justice and Police Accountability will work to pass a bill to clarify that local governing bodies have the power to allow their PABs to issue subpoenas, interview witnesses, and employ all other investigative techniques necessary to draw accurate conclusions about incidents, and to investigate claims prior the ACC making a decision.



ELIMINATE CRIMINAL PENALTIES FOR MARIJUANA

Last November, Maryland voters overwhelmingly approved a referendum to end the criminalization of recreational use of marijuana. However, under current law, marijuana related offenses such as possession with intent to distribute and possession of more than the civil use amount (2.5 ounces), can still result in misdemeanor convictions. This will perpetuate a troubling pattern of disproportionate arrests by police targeting Black and Brown people, who will continue to bear the brunt of criminal penalties despite the broader legalization. Keeping these offenses has zero benefit to public safety, especially because the vast majority of people who currently sell marijuana are subsistence dealers selling to survive. They do not make substantial profit and will not have access to a license to distribute marijuana lawfully. It is unfair to continue to levy any kind of punishment against them when wealthy, mostly white Marylanders will be able to engage in the same conduct legally and for profit. Marijuana legalization should not only address past harms, but it must prevent future disparities. In 2024, the ACLU and our partners will work to pass a bill that eliminates these penalties and designates possession of more than the civil use amount and possession with intent to distribute as civil offenses, subject to citations and civil fines, rather than imprisonment.



REMOVE THE GOVERNOR FROM MEDICAL PAROLE

In 2021, the General Assembly successfully removed the Governor from the parole process, which finally eliminated the politicized process of allowing governors to overturn parole decisions for Marylanders serving life imprisonment sentences. However, there was a drafting error that excluded medical parole, making it the only type of parole to still require gubernatorial approval. This is serious, because it is arguably most critical for Maryland's Parole Commission to be able to act quickly when the parole candidate is seriously ill or dying. In 2024, the ACLU will work with allies to support a technical fix bill.



PASS A VOTING RIGHTS ACT IN MARYLAND

Although Maryland has made significant strides to improve access to voting over time, many voting rights abuses and discriminatory structures persist. Legal tools and resources to investigate and prosecute them have been unavailable or too costly. This is in part because judicial decisions over the last 30 years have chipped away at protections under the federal *Voting Rights Act*. In 2024, the ACLU will work with allies to introduce a *Maryland Voting Rights Act* (MDVRA), which will build on models enacted recently in New York and California. The MDVRA will enable our state to confront evolving barriers to election participation and to root out longstanding discriminatory practices. The bill will do this by creating a civil right of action against voter intimidation. The bill will also provide broader language access for non-English-speaking voters. It will also provide resources to local governments considering changes to election structures and rules. And it will encourage a streamlined and low-cost approach to addressing complaints of voting discrimination.



PASS THE MARYLAND SECOND LOOK ACT

Maryland incarcerates the highest percentage of Black people in the country, at 71 percent of our prison population, more than twice the national average. Shamefully, Maryland also leads the nation in sentencing young Black men to the longest prison terms, at a rate 25 percent higher than the next nearest state - Mississippi. These facts underscore a pressing and deeply troubling racial justice issue within Maryland's criminal justice system. The only way to reduce existing racial disparities is to create more meaningful avenues for release for those who have demonstrated their rehabilitation. To build towards restorative justice and reduce mass incarceration, the ACLU of Maryland and the Maryland Second Look Coalition will work to pass the *Maryland Second Look Act*. The bill seeks to address the state's extreme race disparities and advance public safety by allowing people serving extreme sentences who have served at least two decades the opportunity to petition the court to modify or reduce their sentence based on their demonstrated rehabilitation. This evidence-based initiative recognizes the transformative potential of focusing on rehabilitation and the urgency of addressing racial justice in our criminal legal system.



DEFEND AGAINST ATTEMPTS TO REPEAL THE CHILD INTERROGATION PROTECTION ACT

In 2022, the Maryland General Assembly passed the *Child Interrogation Protection Act* (CIPA). The law requires that before a police officer can conduct a custodial interrogation of a child, their parent or guardian must be notified, and an attorney must be consulted. This is crucial because studies clearly show that children waive their Miranda rights at a rate of 90 percent and make false confessions at a higher rate than adults. The purpose of the law is to protect children from being coerced into giving false confessions by ensuring that they receive an age- and developmentally appropriate explanation of their Miranda rights. Law enforcement and prosecutors have consistently opposed this law. They mischaracterize the state of crime by children in Maryland and have called for the rollback of CIPA and other important reforms, which are designed to protect children's due process rights. During the 2024 legislative session, we will defend against these attacks and any attempts to repeal or water down the law.