

TESTIMONY IN SUPPORT OF SENATE BILL 1038

**Chairman William C Smith, Jr
And Judicial Proceedings Committee**

I have been representing juveniles charged as adults for the past twenty years. I write in strong support of Senate Bill 1038. It is relevant and necessary and follows the trends of emerging community values :

- ***Courts, both Maryland and the Supreme Court, and the scientific community recognize that juveniles are not simply smaller adults. Their brains aren't fully formed, they are more prone to recklessness, impulsivity, peer pressure and environmental forces**
- **.The same traits that pre-dispose juveniles to commit crimes are transient, and as the juvenile matures, the likelihood of repating the same behavior lessens.**
- **Twenty two other states have already banned life without parole for juveniles, including neighboring Virginia**
- **Children as young as 13 years old are being sentenced as adults. Judges sentencing these young people to mandatory minimum sentences should have the discretion to determine if such a sentence is warranted because:**
 - **Often juveniles are subject to the mandatory minimum because of the actions of older codefendants, such as the older codefendant having a gun in committing a robbery or drug distribution. As a conspirator, the juvenile faces the mandatory five years without the possibility of parole.**
 - **The Department of Corrections has less programming , is filled with more hardened**

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criminals and impedes positive development of the juvenile. Thus, mandatory longer sentences limit education and rehabilitative opportunities

- Many of the juveniles have emerged from traumatic childhoods riddled with abuse and neglect. Such violent environments contributed to the youths criminal conduct and mitigates against mandatory minimums.
- Because the juvenile traits such as impulsivity and recklessness are transient, justice warrants consideration of the maturing youth as his brain develops long after sentencing.
- The current sentencing guidelines offer no guidance for sentencing juveniles. The guidelines allow the judge to consider negative juvenile behaviors, such as prior delinquencies, but offers no guidance in considering a defendants youth, lack of fully formed brain and other scientific juvenile traits.
- Senate Bill 1038 is the first bill to address the difference between juveniles and adults in sentencing. Courts have expressed the desire for such legislature.
- Senate Bill 1038 encompasses growing societal views that juveniles are different and should be treated differently in they are forced into adult courts.

I urge you to pass this legislation and join the other states that have done so.

Thank you,

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