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POSITION IN FAVOR OF HOUSE BILL 409

I have been involved in juvenile justice issues over the past 45 years as a prosecutor, defense attorney, law school adjunct professor, and most recently, as a trial judge sitting on the Circuit Court for Montgomery County. As such, I have seen these matters from all perspectives. For the reasons stated below, I urge the Committee to issue a favorable report on House Bill 409.

Sentences of life without the possibility of parole are particularly harsh when applied to juveniles. Currently, persons can be so sentenced when found guilty of a first degree murder, whether that murder was intentional or committed during the course of a felony, even when the child did not intend to commit a homicide. Thus, a juvenile could be part of a group (which often is the case), whose involvement in a crime is tangential, and yet this child can be sentenced to life imprisonment without parole. Teenagers are driven by peer pressure and group think and often are involved in criminal activity when in a group that they never would have done if alone.

House Bill 409 prohibits a court from sentencing a juvenile to life without parole going forward and allows for re-sentencing of those who have served at least 20 years if the person can show rehabilitation and lack of danger to the public. This is in line with national trends, both from the United States Supreme Court and other state court legislatures. The Supreme Court has recognized that juveniles are not "miniature adults" in many ways. The research and science tell us that their brains are not fully developed until age 25 or so and they lack the full appreciation of the consequences of their actions. I have studied this case law in connection with my law school teaching of Advanced Criminal Procedure at American University's Washington College of Law. Further, as a trial judge, I have attended a number of State and national programs in this regard.

All this bill does is require that a court consider the factors the Supreme Court has deemed relevant to juvenile sentencing. It is not unduly burdensome to require trial judges to do so, given the small number of cases to which this bill would apply. Further, this decision could be done either on the record and then transcribed or as a separate written opinion by the judge.

I have also seen, first-hand, the juveniles who have committed crimes and who have been brought to justice. When their crimes are not so serious, they are treated as juveniles and given second chances to mature. But when they commit serious crimes, current law in Maryland treats them as adults even at age 16 or 17. And if convicted, they face lengthy prison sentences, to be served with older adults. And some are even sentenced to life without the possibility of parole. Such children do not get a chance to mature and redeem themselves. This bill gives them a second chance at life after serving 20 years.

Finally, I must also point out that in my experience as a trial judge, it is tragic that a disproportionate share of these juveniles are Black or Hispanic. Indeed, in Maryland, some 87% of the cases affected by this bill are persons of color. This bill helps address the issue of systemic racial injustice as well.