

Boyd K. Rutherford
Lt. GovernorLarry Hogan
GovernorSam Abed
Secretary

DATE: 2/12/2021
BILL NUMBER: HB 502 – Office of the State's Attorney - Collection and Publication of Prosecutorial Information
DJS POSTITION: Letter of Information

The Department of Juvenile Services (DJS or department) is providing information on HB 502, as well as sample amendments which are attached. This bill would require Maryland prosecutors to collect and report data which is critical to the fair and equitable administration of justice. The proposed amendments would strengthen the bill to make certain that critical information related to youth charged as adults is collected.

Data is needed to identify and combat racial and ethnic disparities at every decision point.

DJS collects data to inform our decision-making, identify and mitigate racial disparities, and to assist our partners and other juvenile justice stakeholders in their work. Statewide data shows Black youth compromised 62.7 percent of all complaints received by DJS in FY2020. Statewide, African-Americans make up 31 percent of all Marylanders. As youth move further into the system, disparities increase, with Black youth making up 68.4 percent of all committed youth. These disparities exist throughout the state, with Black youth accounting for a greater share of complaints and commitments compared to population in every region. Better data collection is needed to identify other system points where disparities exist.

The Juvenile Justice Reform Council identified significant data gaps around youth charged as adults.

Maryland's Juvenile Justice Reform Council recognized that policy surrounding youth in the adult system is a key area for potential reform. Understanding both the importance of data in policy-making and the critical lack of data around youth in the adult court system, the Council made this recommendation in its report to the Legislature:

Improve data-sharing among agencies that serve youth charged as adults by requiring the Governor's Office of Crime Prevention, Youth, and Victim Services to work with key stakeholders to develop a data collection plan to collect, collate, and ultimately analyze data from criminal justice agencies, including law enforcement, corrections, and the courts in order to better understand the issue of youth charged as adults at every level of the adult criminal justice system, from arrest to case resolution.

The attached amendments would strengthen the collection of data around youth in the adult system.

Clearly requiring the reporting out of data around transfer and waiver decisions is critical to understanding the way Maryland prosecutors and courts handle juveniles charged as adults. This data is now lacking, with no central collection point and with DJS limited to collecting data on youth who are remanded to juvenile jurisdiction. The amendments would make clear that information about youth charged as adults is a critical data point which must be collected.

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Proposed Amendment:

Amendment 1:

On page 3, line 11, strike “.” and insert after (G)(7) “; AND (8) WAIVER FROM JUVENILE TO ADULT JURISDICTION AND TRANSFER FROM ADULT TO JUVENILE JURISDICTION.”

Amendment 2:

On Page 4, line 18, after (5)(IV) insert “(V) DATE OF BIRTH.”

Amendment 3:

On Page 7, line 23, after (A)(44), insert “(45) IN CASES INVOLVING JUVENILES CHARGED AS ADULTS:

- I. WHETHER A MOTION TO TRANSFER OR WAIVE JURISDICTION WAS FILED;**
- II. THE POSITION TAKEN BY THE STATE’S ATTORNEY ON THAT MOTION;**
- III. THE DATE THAT MOTION WAS HEARD;**
- IV. THE JUDGE WHO HEARD THE MOTION;**
- V. THE OUTCOME OF THAT MOTION.”**

Amendment 4:

On Page 8, line 11, insert “POLICIES RELATED TO THE CHARGING AND PROSECUTION OF JUVENILES INCLUDING POLICIES RELATED TO JUVENILES CHARGED AS ADULTS.”