



Montgomery County Commission on Juvenile Justice

February 16, 2023

Written Testimony in Support of SB93

Senator William C. Smith
Chair, Judicial Proceedings Committee
2 East
Miller Senate Office Building
Annapolis, Maryland 21401

Dear Senator Smith:

Thank you for the opportunity to submit written testimony on behalf of the Montgomery County Commission on Juvenile Justice (MC CJJ) on Senate Bill 93.

MC CJJ was established to advise the Montgomery County Executive, County Council and the Juvenile Court on matters concerning juvenile justice. Our work includes gathering and disseminating information from public and private agencies serving youth, monitoring juvenile justice programs and services, visiting facilities, closely following relevant State and local legislation, and making recommendations regarding juvenile needs. MC CJJ is composed of appointed, volunteer citizen members, and agency members that include the Child Welfare Services Program, the Montgomery County State's Attorney's Office, the Office of the Public Defender, the Montgomery County Police Department, Montgomery County Public Schools, and the Maryland Department of Juvenile Services.

The MC CJJ strongly supports Maryland Senate Bill 93. This legislation will end automatic charging of young people as adults in Maryland by repealing provisions that send individuals as young as 14 years of age directly into adult court if they are accused of committing any one of 33 specified offenses.

Automatic charging is an unacceptable departure from the philosophy on which the separate system for juvenile justice was established in the first place--namely, that children are different from adults and should be served by a system that is focused on rehabilitation, not punishment. Automatic charging of youth as adults also conflicts with what we now know about adolescent development from brain science. In fact, such science has informed several Supreme Court decisions around harsh sentencing of youth, noting that children are less blameworthy and have substantial capacity to change.¹

SB 93 does not close the door to prosecuting a particular youth in adult court. However, the traditional, and most appropriate and efficient, way to do this is through a process available under Maryland law that allows the juvenile court to waive jurisdiction on a case-by-case basis.

¹Josh Rovner, "Juvenile Life Without Parole: An Overview," The Sentencing Project (May 24, 2021), <https://www.sentencingproject.org/publications/juvenile-life-without-parole/>

This process allows the court to make a timely and individualized assessment of whether the young person is “unfit” for rehabilitation. Automatic charging inappropriately defines a young person by the nature of the offense without attention to individual factors relating to the offense or the young person’s background and needs, all of which should be part of any decision to transfer a youth to adult court. It is the Commission’s position that all cases involving minors should start in juvenile court regardless of the seriousness of the offense.

Young people charged in adult court are at risk of never getting the services and treatment available in the juvenile justice system that are critical to addressing their behavioral, mental health, developmental, and education needs. Providing young people access to developmentally appropriate rehabilitative services is not only necessary for their health and well-being, but also critical to public safety, as research tells us that incarceration in an adult prison puts a young person at increased risk of recidivism.² The public interest in safety is not well-served by a policy that jeopardizes the prospect of rehabilitation.

Finally, we are concerned about the racial disparities that automatic charging reinforces. Over 85 percent of the young people who were automatically charged in Maryland as adults in 2021 were Black—in a State in which Black children represent about 31 percent of the population of children between 5 and 17.³

Passing SB 93 will bring Maryland a step closer to protecting the human rights of some of its most vulnerable young people.

For these reasons, we strongly urge you to support this bill and strongly urge a favorable Committee report.

Sincerely,



Kevin Redden, Chair
Montgomery County Commission on Juvenile Justice

²Jeree Thomas, “Youth Transfer: The Importance of Individualized Factor Review,” Campaign for Youth Justice (March, 2018), http://www.campaignforyouthjustice.org/images/20180314_CFYJ_Youth_Transfer_Brief.pdf;

Richard Redding, “Juvenile Transfer Laws: An Effective Deterrent to Delinquency?” Juvenile Justice Bulletin, Office of Juvenile Justice and Delinquency Prevention, US Department of Justice, June 2010, <https://ojjdp.ojp.gov/library/publications/juvenile-transfer-laws-effective-deterrent-delinquency>

³See reports submitted by the Maryland Governor’s Office of Crime Prevention, Youth, and Victim Services on Juveniles Charged as Adults in Maryland for 7/1/21-12/31/21 and 1/1/21-6/30/2021. [Juveniles Charged as Adults - Governor’s Office of Crime Prevention, Youth, and Victim Services \(maryland.gov\)](https://www.maryland.gov/governor/office-of-crime-prevention-youth-and-victim-services/)

