



MARYLAND
CATHOLIC
CONFERENCE

February 16, 2023

SB 93

Juvenile Court - Jurisdiction (Youth Equity & Safety Act)

Senate Judicial Proceedings Committee

Position: FAVORABLE

The Maryland Catholic Conference offers this testimony in support of Senate Bill 93. The Catholic Conference is the public policy representative of the three (arch)dioceses serving Maryland, which together encompass over one million Marylanders. Statewide, their parishes, schools, hospitals and numerous charities combine to form our state's second largest social service provider network, behind only our state government.

Senate Bill 93 would end the *automatic* charging of youth as adults. This legislation would allow for all youth to begin their case in the juvenile court system, rather than mandating that the adjudication of their case begin in the adult court system. This bill would refocus our juvenile system from a “move-down” system to a “move-up” system, wherein judges would retain discretion to waive cases up to the adult court system. This bill does not prevent a youth from being charged as an adult. It is about where their case *starts*.

It is well-settled, in many secular, judicial and faith-based circles, that holding youth to the same standards of accountability as a fully formed adult is plainly unjust. In *Miller v. Alabama*, 132 S. Ct. 2455 (2012), the United States Supreme Court specifically noted that youthful offenders possessed “diminished capacity” and the inability to fully appreciate the risks and consequences of their actions, in considering whether youth should be treated the same as adults jurisprudentially. Additionally, the United States Conference of Catholic Bishops has further stated that “society must never respond to children who have committed crimes as though they are somehow equal to adults fully formed in conscience and fully aware of their actions.” (*Responsibility, Rehabilitation, and Restoration: A Catholic Perspective on Crime and Criminal Justice*, USCCB, 2000)

These inherent truths regarding youth should be carefully considered when assessing Maryland's current automatic-charging law, which presumes that youth should be considered to have the same capacity as an adult in every one of thirty-three different charging scenarios. This presumption can often leave a lasting effect severely limiting a child's ceiling for success for rest of their lives. Conversely, the transition to a “waiver up” system sought in Senate Bill 93 would safeguard youth from a lifetime of wasted opportunity, while still allowing judicial discretion to move kids up where a judge decides that doing so is warranted. As evidenced by the 80% of kids charged as adult never ultimately ending with an adult disposition of their case, we know that those instances are much less common. Those 80% should not start in adult court, wherein it has a much more detrimental effect on their lives, as well as future public safety. For these reasons, we urge a favorable report on SB 93.