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Date: Feb 16, 2023  
Bill # / Title: SB093 - Juvenile Court – Jurisdiction  
Committee: Judicial Proceedings Committee (JPR)  
Position: Support

The Department of Juvenile Services (DJS) supports SB 93. SB 93 eliminates the direct filing of juveniles in Maryland’s adult criminal justice system, ending all automatic charging of youth under 18 regardless of age or offense.

**SB 93 is a common sense, science and research-based approach to promoting positive outcomes for Maryland’s young people, their families, and our communities.**

**SB 93 aligns with the department’s current practices.**

Nearly all youth charged as adults in Maryland are ultimately served in the juvenile justice system.

- Over 85% of youth charged as adults either have their case dismissed or transferred back to the juvenile court.
- Current law presumes that all youth charged as adults will be held in a DJS operated detention facility while awaiting a transfer hearing.<sup>1</sup>
- Of the youth returned to the juvenile court, 70% are served in the community or have their case dismissed, and only 28% of youth received a court order for commitment to a residential facility.<sup>2</sup>

**SB 93 increases positive public safety outcomes for our communities.**

- Young people served in the juvenile justice system are less likely to recidivate than if served in the adult criminal justice system.<sup>3</sup>
- Youth automatically charged as adults who have their cases returned to the juvenile court have lower recidivism rates whether they are placed on probation (7.1%) or are committed to residential facilities (11.1%) than their counterparts who start in the juvenile system.<sup>4</sup> As such, these youth who are currently charged as adults, while they may be accused of more serious offenses, actually pose a lower risk of reoffending than youth DJS routinely serves.

**SB 93 reduces racial and ethnic disparities.**

Racial and ethnic disparities exist at every state of the juvenile justice system, and those disparities are overwhelmingly apparent when examining the population of youth who are charged as adults. Approximately 85% of all youth charged as adults in FY22 were youth of color,<sup>5</sup> despite youth of color making up less than 40% of Maryland’s population.<sup>6</sup>

**SB 93 supports fairness and efficiency.**

The juvenile system is designed to efficiently process, adjudicate and provide treatment interventions to justice involved youth. Currently, youth automatically charged as adults wait an average of 114 days before having the opportunity to request a court to transfer their adult case to juvenile court. In contrast, it takes an average of 60 days for a youth’s case

<sup>1</sup> Md Code, Criminal Procedure, 4-204

<sup>2</sup> [https://djs.maryland.gov/Documents/DRG/Data\\_Resource\\_Guide\\_FY2022.pdf](https://djs.maryland.gov/Documents/DRG/Data_Resource_Guide_FY2022.pdf)

<sup>3</sup> [https://dpdcs.maryland.gov/publicinfo/publications/pdfs/2022\\_p157\\_DPSCS\\_Recidivism%20Report.pdf](https://dpdcs.maryland.gov/publicinfo/publications/pdfs/2022_p157_DPSCS_Recidivism%20Report.pdf)

<sup>4</sup> [https://djs.maryland.gov/Documents/DRG/Data\\_Resource\\_Guide\\_FY2022.pdf](https://djs.maryland.gov/Documents/DRG/Data_Resource_Guide_FY2022.pdf)

<sup>5</sup> <http://goccp.maryland.gov/data-dashboards/juveniles-charged-as-adults-dashboard/>

<sup>6</sup> <https://www.census.gov/quickfacts/fact/table/MD/AGE295221>



processed in the juvenile system to reach final disposition. **The majority of youth automatically charged as adults wait an average of 114 days, the equivalent to a school semester, just to have to restart their case in the juvenile court.**

**SB 93 is consistent with the established research and science relating to adolescent development.**

The science is clear, there are key differences between children and adults related to decision making, impulsivity, risk-taking behavior, and culpability. Additionally, research has consistently found that children are able to change their behaviors, heal from trauma, and achieve positive outcomes when served in a system that is best designed to meet their individual needs based on adolescent brain development. Moreover, incarcerating children in adult facilities exacerbates negative outcomes and delays healthy development by denying them access to education, medical and behavioral health services.

**SB 93 maintains a pathway to the adult system.**

SB 93 removes the automatic adult court jurisdiction, but maintains the current law that provides a judge authority to waive a young person to the adult system. Judicial waiver places discretion with the juvenile court judge to determine if a youth should be in the adult system rather than basing the decision on automatic charging based solely on the youth's age and alleged offense. Youth may be waived to the adult court if the youth is at least 15 years old regardless of offense or if the youth is under 14 and charged with 1st-degree murder, 1st-degree rape, or 1st-degree sex offense .

For these reasons DJS requests a favorable report on SB 93.

