



MARYLAND  
CATHOLIC  
CONFERENCE

February 2, 2023

**HB 170**

**Minors Convicted as Adults – Sentencing – Transfer to Juvenile Court**

**House Judiciary Committee**

**Position: SUPPORT w/Amendment**

The Maryland Catholic Conference offers this testimony in SUPPORT (with amendment) of House Bill 170. 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.

The aim of House Bill 170 is to mitigate sentencing for human trafficking victims who have been convicted of crimes against their trafficker, ensuring they are *sentenced* in juvenile court. Another broad-sweeping aspect of House Bill 170 is to add important sentencing considerations for youth convicted as adults, largely based on the Supreme Court ruling in *Miller v. Alabama*, 567 U.S. 460 (2012). We support these factors being considered in all instances of sentencing relative to youth.

Under this bill, a court would be required to consider: 1.) the age of the minor at the time of the offense, 2.) the capacity of the minor for rehabilitation, 3.) the minor's family and community environment, 4.) the minor's ability to appreciate risks and understand the consequences of actions, 5.) the intellectual capacity of the minor, 6.) peer and familial pressure, 7.) the level of participation of the minor in the offense, 8.) the ability of the minor to meaningfully participate in the minor's legal defense, 9.) the involvement of the minor in the child welfare system, 10.) prior exposure of the minor to adverse childhood experiences and trauma history, 11.) community involvement of the minor, 12.) if a comprehensive mental health evaluation of the minor was conducted by a mental health professional licensed in the state to treat adolescents, the outcome of the evaluation, and 13.) any other mitigating factor or circumstance.

However, we propose that a more effective avenue for this legislation would be to **amend in the provisions of a bill pending before this committee, House Bill 96 (the YES Act)**, which would prohibit youth charged with crimes for ever being *automatically* charged as adults in the first place, which would help mitigate the need for House Bill 170 in the first instance. That concept would change Maryland from a waiver-down to a waiver-up system, still allowing youth to be moved up to the adult system upon judicial determination, but preventing the

approximately 80% of youth charged as adults whose cases are ultimately dismissed or never disposed of in the adult system from starting in the adult system in the first place.

In *Miller*, 567 U.S. at 471, the U.S. Supreme Court noted certain inherent characteristics of youthful offenders, such as “diminished capacity” and “greater prospects for reform”. Precedents such as *Miller* and many others, combined with Catholic social teaching, helps formulate our position that Maryland must take a more restorative approach to youth justice. Thus, we urge your support and favorable on report on Senate Bill 754, but with amendments to end Maryland’s *automatic* charging of youth as adults in the first instance.