

**Testimony to the Maryland General Assembly House Judiciary Committee**

**HB0698: Criminal Age of Responsibility for Youth Offenders**

Hearing Date: March 2, 2023

**By Sean Kennedy**

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My name is Sean Kennedy. I am a visiting fellow at the Maryland Public Policy Institute and policy director for the Law Enforcement Legal Defense Fund, where I conduct research and analysis on criminal justice issues in Maryland and across the country.

In January of this year, when a 12-year-old took a loaded handgun to school in Anne Arundel County, many were shocked but they should be outraged at what happened next – nothing.<sup>i</sup>

That’s because the student is immune from prosecution due to 2022 law changes.

Even those who commit truly heinous, violent acts rarely face real consequences.

Last November, a 12-year-old and 14-year-old were arrested for a crime spree in Ocean City including a series of robberies and an armed carjacking – they were both released to their parents.<sup>ii</sup>

In August, a 12-year-old stabbed a gas station attendant to death in Clinton, Maryland. PG County Police Chief Malik Aziz said that in the first eight months of 2022, seven juveniles had been arrested for homicides in the county.<sup>iii</sup>

While the aim of the juvenile justice system should be to rehabilitate – not simply incarcerate – offenders under the age of 18, there must still be accountability to ensure both justice and safety.

But recent changes to Maryland’s juvenile justice system have eroded any meaningful legal consequences for young offenders, even violent and dangerous ones, offering instead impunity or undue leniency for their crimes.

In the name of justice, public safety, and victims’ rights, the Maryland legislature immediately should roll back these “reforms” or risk worsening the juvenile crime epidemic sweeping the state.

When the General Assembly adopted Senate Bill 691 in 2022, it significantly altered juvenile criminal law by exempting offenders under 13 from being charged with a crime altogether. For older juvenile offenders (under the age of 18), most cannot have their cases transferred to adult court – even if they were 17 years and 364 days.<sup>iv</sup>

The law went into effect last July.

And the new other rules also allow unelected officials at the Department of Juvenile Services – not judges, prosecutors, or police – to arbitrarily drop all charges before they get to any court. That matters because Governor Wes Moore recently appointed Vincent Schiraldi to lead that department. Mr. Schiraldi believes most youth correctional facilities should be shuttered altogether.<sup>v</sup>

A loophole in the law extends further leniency for “misdemeanor” offenses under statute which are in fact serious crimes, often carrying years and sometimes decades in prison and classified as felonies in most states. For example, a juvenile perpetrator of a second-degree assault (i.e., beating a person without intent to kill or cause severe injury) would not be eligible for adult court and its consequences and authorities would not be able to detain them in most circumstances.

And another law change requires a juvenile offender to consult a lawyer before the police can interview an under-age subject even if the parent or guardian waives the right to an attorney. That goes far beyond what adults are afforded, compelling juvenile defendants accused of heinous acts to “lawyer up” before police even get a statement from them – regardless of its admissibility.<sup>vi</sup>

Other recent changes include eliminating mandatory minimum sentences for 16- and 17-year-olds convicted of the most egregious crimes including first-degree rape, murder, and numerous gun crimes and compelling a court to consider these offenders for later sentencing reductions.

At the same time, the criminal records of juveniles including those *convicted as adults* of serious crimes were sealed from public view – preventing both the media and the public from knowing adult offenders’ past criminal histories. If the public and policymakers cannot even see what’s broken with the juvenile justice system, they cannot take action to fix it.

And fix it we must – according to law enforcement leaders and bipartisan elected officials across the state – because juvenile offenders are driving the rise in carjackings and violence.

One of those offenders was a 12-year-old who with a 15 year old accomplice allegedly stabbed a gas station clerk in August – and was released to his parents. Two months later, he attacked another student at his school and only now remains in custody.<sup>vii</sup>

And since the law passed, organized groups of juveniles have committed dozens of carjackings in the counties of Baltimore<sup>viii</sup>, Montgomery County,<sup>ix</sup> Prince George’s,<sup>x</sup> and Baltimore City.<sup>xi</sup>

One of those incidents ended in murder – with a 17-year-old apprehended on Jan 12<sup>th</sup> for the December slaying at a man at gas station in PG County.<sup>xii</sup>

John McCarthy, Montgomery’s top prosecutor and a Democrat, puts the blame squarely on Annapolis for diminishing the responsibility of juvenile offenders, relying on “failing” juvenile rehabilitation programs.

Fellow Democrat and Prince George’s County Executive Angela Alsobrooks noted that juvenile arrests had doubled in her county in the first half of 2022, saying “these kids don’t just need a hug, they need to be held accountable.”<sup>xiii</sup>

And according to police, most of these juvenile offenders have prior records, and likely received leniency before.<sup>xiv</sup> PG County’s top cop aptly summarized this approach as – “catch and release.”<sup>xv</sup>

That’s not accountability –that’s madness and Annapolis needs to end it.

Delegate Szeliga’s legislation, House Bill 698, is a necessary first step to rebalance Maryland’s criminal justice system toward appropriate accountability, justice, and safety for all offenders – including juveniles. I urge this Committee to report it out favorably and the General Assembly to enact it as soon as possible.

Thank you.

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<sup>i</sup> <https://www.fox5dc.com/news/student-who-brought-gun-to-anne-arundel-county-middle-school-wont-be-charged>

<sup>ii</sup> <https://www.foxnews.com/us/coastal-maryland-armed-carjacking-leads-arrest-four-teenagers-12-year-old>

<sup>iii</sup> <https://wtop.com/prince-georges-county/2022/08/teenager-12-year-old-arrested-in-fatal-prince-georges-co-stabbing/>

<sup>iv</sup> [https://mgaleg.maryland.gov/2022RS/Chapters\\_noln/CH\\_41\\_sb0691t.pdf](https://mgaleg.maryland.gov/2022RS/Chapters_noln/CH_41_sb0691t.pdf)

<sup>v</sup> <https://www.theage.com.au/national/victoria/former-us-juvenile-jails-chief-urges-andrews-to-rethink-approach-to-teen-crime-20170318-gv124j.html>

<sup>vi</sup> <https://governor.maryland.gov/wp-content/uploads/2022/04/UPDATED-SB-53-Juvenile-Interrogation-Veto.pdf>

<sup>vii</sup> <https://www.nbcwashington.com/news/local/boy-12-charged-in-prince-georges-gas-station-killing-back-in-jail-after-attacking-student-authorities/3186460/>

<sup>viii</sup> <https://www.wbalv.com/article/4-teens-arrested-in-connection-with-26-baltimore-city-county-carjackings-officials-say/22717809>

<sup>ix</sup> <https://www.fox5dc.com/news/bethesda-victim-describes-armed-carjacking-experience>

<sup>x</sup> <https://www.fox5dc.com/news/4-teens-arrested-in-connection-with-armed-carjackings-in-prince-georges-county-police>

<sup>xi</sup> <https://www.cbsnews.com/baltimore/news/9-juveniles-arrested-in-carjackings-targeting-uber-and-lyft-drivers-in-baltimore-area/>

<sup>xii</sup> <https://www.washingtonpost.com/dc-md-va/2023/01/12/teen-arrested-largo-carjacking/>

<sup>xiii</sup> <https://wtop.com/prince-georges-county/2022/09/prince-georges-co-to-enforce-teen-curfew-to-combat-crime-these-kids-dont-just-need-a-hug/>

<sup>xiv</sup> <https://www.wusa9.com/article/news/local/maryland/teen-crime-increasing-prince-georges-county-leaders-debate-proper-response/65-6899d434-6a2e-46a0-937e-1497cf3bf2dc;>

<https://www.wusa9.com/article/news/local/maryland/grieving-mom-applauds-transfer-juvenile-judge-prince-georges/65-80f9faf0-fc01-40f2-86b8-8ecb6bc03fa0>

<sup>xv</sup> <https://www.wusa9.com/article/news/local/maryland/teen-crime-increasing-prince-georges-county-leaders-debate-proper-response/65-6899d434-6a2e-46a0-937e-1497cf3bf2dc>