



February 2, 2022

**House Bill 120
Minors Convicted as Adults – Sentencing – Transfer to Juvenile Court
Judiciary Committee**

Position: SUPPORT

The Maryland Association of Resources for Families and Youth (MARFY) is an association of private child caring organizations providing foster care, group homes, and other services through more than 200 programs across Maryland. The members of MARFY represent providers who serve Maryland's most vulnerable children who are in out of home placements due to abuse, neglect or severe mental health, and medical needs. We operate group homes, treatment foster care programs and independent living programs, primarily serving the foster care population as well as a juvenile services population.

On behalf of the provider community in Maryland, we would like to thank you for your attention to the critical issue facing juvenile justice reform. If passed, House Bill 120 would ask the court to consider certain factors before sentencing a minor including but not limited to the minor's age; family and community environment; the involvement of the minor in the child welfare system; and prior exposure of the minor to adverse childhood experiences and trauma. This legislation also presumes that the sentencing of a minor should be conducted by the juvenile court.

When young people are transferred out of the juvenile system, they are more likely to be convicted and typically receive harsher sentences than youth who remain in the juvenile court charged with similar crimes. Several studies have found higher recidivism rates among juveniles tried and sentenced in adult court than among youth charged with similar offenses in juvenile courtⁱ.

The life experiences of those sentenced as juveniles varies, but they are often marked by very difficult upbringings with frequent exposure to violence; they were often victims of abuse themselves. Justice Kagan, in *Miller v. Alabama*, ruled that Alabama and Arkansas erred because a mandatory sentencing structure does not "take into account the family and home environment"ⁱⁱ. Passing House Bill 120 would take these into account, offering an opportunity for rehabilitation and lowering the element of risk for an incarcerated minor.

It is for these aforementioned reasons, that we politely ask for a FAVORABLE report on House Bill 120. Thank you.

For more information call or email:

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ⁱ <https://humanimpact.org/hipprojects/juvenile-injustice-charging-youth-as-adults-is-ineffective-biased-and-harmful/>

ⁱⁱ Miller at 2468