

MARYLAND JUDICIAL CONFERENCE
GOVERNMENT RELATIONS AND PUBLIC AFFAIRS

Hon. Matthew J. Fader
Chief Justice

187 Harry S. Truman Parkway
Annapolis, MD 21401

MEMORANDUM

TO: House Judiciary Committee
FROM: Legislative Committee
Suzanne D. Pelz, Esq.
410-260-1523
RE: House Bill 170
Minors Convicted as Adults – Sentencing – Transfer to Juvenile
Court
DATE: January 25, 2023
(2/2)
POSITION: Oppose

The Maryland Judiciary opposes House Bill 170. This bill would amend Criminal Procedure § 6–235, addressing the sentencing of a minor who is convicted as an adult.

The Judiciary recognizes both the appropriateness of transferring certain criminal cases involving a minor to the juvenile court for sentencing and the appropriateness of considering a range of factors in determining whether to make that transfer. The Judiciary also recognizes that for older minors, there is a lack of available service resources in many jurisdictions and that may affect crafting an appropriate disposition in the juvenile court.

The Judiciary is concerned, however, that this bill is in conflict with current law. Criminal Procedure § 4-202.2 addresses the transfer of a case of a juvenile tried as an adult to the juvenile court for sentencing. It is unclear how that statute and this bill would be read and applied together as these two statutes are in direct contradiction.

cc. Hon. Karen Simpson
Judicial Council
Legislative Committee
Kelley O'Connor