

# **SB 0052 Juvenile Justice Restoration Act 2024.pdf**

Uploaded by: Ella Ennis

Position: FAV



Ella Ennis, Legislative Chairman  
Maryland Federation of Republican Women  
PO Box 6040, Annapolis MD 21401  
Email: eee437@comcast.net

February 12, 2024

Senator Will Smith, Chairman  
And Members of the Judicial Proceedings Committee  
Senate of Maryland  
Annapolis, Maryland

RE: **SB 0052** – Juvenile Justice Restoration Act – **FAVORABLE**

Dear Chairman Smith and Committee Members,

The Maryland Federation of Republican Women strongly supports SB 0052 *Juvenile Justice Restoration Act* to allow children at least 10 years old to come under the jurisdiction of the Juvenile Court when a child is alleged to have committed:

- a crime of violence, or
- a crime involving the use or possession of a firearm, or
- any crime if the child has been arrested on two previous occasions.

It is shocking and painful to think of a child of 10 or 12 committing a crime of violence or using a firearm in the commission of a crime. Reliable statistics on how often this happens are needed to identify at-risk students and to track their progress towards a productive and lawful mindset.

The bill's provision addressing any crime where the child has two prior arrests is very important. Steering children on a path to becoming a productive law-abiding citizen requires accountability. The first step in accountability is understanding that the action was wrong.

SB 0052 creates a mechanism to establish accountability that can lead to intervention programs that will hopefully re-direct at-risk children away from crime – Truancy Reduction Court Program, academic tutoring opportunities, anger management counseling, positive social interactions, etc. These and other oversight activities help at-risk youth reform their actions and become productive and responsible citizens.

The bill also allows a law enforcement officer to conduct an otherwise lawful custodial interrogation of a child without the child's consultation with an attorney when the child's parent or guardian consents to the custodial interrogation of the child.

Please vote for a **FAVORABLE** Report for **SB 0052**.

Sincerely,  
Ella Ennis  
Legislative Chairman

**MCPA-MSA\_SB 52, SB 94, SB 120, SB 326\_Juvenile Cri**

Uploaded by: Natasha Mehu

Position: FAV



# Maryland Chiefs of Police Association

## Maryland Sheriffs' Association



### MEMORANDUM

TO: The Honorable William Smith Jr., Chair and  
Members of the Senate Judicial Proceedings Committee

FROM: Darren Popkin, Executive Director, MCPA-MSA Joint Legislative Committee  
Andrea Mansfield, Representative, MCPA-MSA Joint Legislative Committee  
Natasha Mehu, Representative, MCPA-MSA Joint Legislative Committee

DATE: February 13, 2024

RE: **SB 52 Juvenile Justice Restoration Act of 2024**  
**SB 94 Juvenile Law – Juvenile Law – Intake and Probation**  
**SB 120 Juvenile Law – Custodial Interrogation – Parental Consultation**  
**SB 326 Juvenile Law – Questioning a Juvenile – Crime of Violence or Crime  
Involving a Firearm**

POSITION: **SUPPORT**

The Maryland Chiefs of Police Association (MCPA) and the Maryland Sheriffs' Association (MSA) offer this statement in **SUPPORT** of a handful of bills that have been introduced to fix the state's broken juvenile justice system.

This past year the state has seen a spike in juvenile crimes that have left communities in fear and officials frustrated. Throughout the interim, meetings and briefings were held in local communities and Annapolis in an attempt to sort out the issues and propose solutions. Law enforcement has either participated in or closely followed these discussions. It became apparent that there was not one failing. There are gaps in the system, broken lines of communication and coordination, and a lack of necessary resources and services. The solutions must strike a balance between ensuring that juveniles receive the support and services they need and face the appropriate level of accountability for their actions.

This statement is in support of bills that have been introduced to address those problems and strike that balance. These include adjusting the age and crimes for which youth are subject to the jurisdiction of the juvenile courts. Reinforcing parent and guardian's role in the interrogation process. Expanding juvenile probation terms and conditions. Providing more resources, treatment, and services to juveniles in need. Improving communication, data sharing, and coordination between the Department of Juvenile Services, the state's attorneys' offices, and law enforcement agencies. From start to finish, the processes and procedures for handling juveniles involved in crime must be improved. These proposals are all a step in the right direction.

The solution for the rise in juvenile crime is not one-size-fits-all. It will involve closing gaps, improving communication and collaboration, and increasing resources and services. All stakeholders must play their part to fix the system. For these reasons, MCPA and MSA urge a **FAVORABLE** report on **SB 52, SB 94, SB 120, and SB 326**.

532 Baltimore Boulevard, Suite 308  
Westminster, Maryland 21157  
667-314-3216 / 667-314-3236

**MPA\_Comm\_SB0052\_LetterOfSupport\_20240212.pdf**

Uploaded by: stephanie wolf

Position: FAV



PO Box 368 Laurel, MD 20725

410-992-4258

[www.marylandpsychology.org](http://www.marylandpsychology.org)

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Senator William C. Smith, Jr., Chair  
Senator Jeff Waldstreicher, Vice Chair  
Judicial Proceedings Committee  
2 East  
Miller Senate Office Building  
Annapolis, Maryland 21401

Dear Chair Smith, Vice Chair Waldstreicher, and Members of the Committee:

**RE: SB0052: Juvenile Justice Restoration Act of 2024**

**Position: SUPPORT**

The Maryland Psychological Association, (MPA), which represents over 1,000 doctoral-level psychologists throughout the state, asks the House Judiciary Committee to report FAVORABLY on SB0052.

The adolescent brain is not capable of the same level of rational thought as the adult brain; adjudicating children and adolescents in an adult judicial system places them in a process that was neither built to accommodate their needs nor suited to prevent them from committing further crimes. Juveniles processed in the adult criminal system have significantly higher rates of recidivism than those processed in the juvenile system, with some estimates finding the rates over 80%. If the goal of our judicial system is to decrease crime, then it is clear that processing youth in the adult criminal system is not the path to reach that goal. Some might express concern that extremely violent youth who have not been able to be served in the juvenile system will not be able to be served should this law be enacted, but this law will only serve to remove the automaticity of the process. Youth who fail services in the juvenile system will still be able to be waived to the adult system should the need arise.

Thank you for considering our comments on SB0052. If we can be of any further assistance as the Judiciary Proceedings Committee considers this bill, please do not hesitate to contact MPA's Legislative Chair, Dr. Stephanie Wolf at [mpalegislativcommittee@gmail.com](mailto:mpalegislativcommittee@gmail.com).

Respectfully submitted,  
*Brian Corrado, Psy.D.*  
Brian Corrado, Psy.D.  
President

*Stephanie Wolf, JD, Ph.D.*  
Stephanie Wolf, JD, Ph.D.  
Chair, MPA Legislative Committee

cc: Richard Bloch, Esq., Counsel for Maryland Psychological Association  
Barbara Brocato & Dan Shattuck, MPA Government Affairs

Second, we would like to point out that AOT programs can effectively rely on psychologists in addition to psychiatrists. The San Francisco program is one example: <https://www.sfdph.org/dph/comupg/oservices/mentalHlth/AOT/default.asp>. Therefore, we would like to request an amendment to revise many of the 14 instances of the word “Psychiatrist” to “Psychiatrist or Psychologist,” to indicate that testimony from psychologists should be relied upon to an equal extent to that from psychiatrists.

Third, this bill makes sincere efforts to ensure that individuals mandated to AOT do not suffer adverse effects to their reputations by ensuring that petitions remain under seal and, in 10-6A-06.B.5, that being mandated to AOT “may not be used in any subsequent legal matter” where an adverse outcome could occur by the fact of being mandated. This bill would benefit from additional directions to court officers about maintaining records of proceedings and judgments under seal, as well, not just the initial petitions.

Fourth, this bill stipulates reasonable criteria that must be met before a court may mandate to AOT. It so happens that these criteria are broader than the criteria for involuntary inpatient treatment. Unfortunately, this difference may create difficulties for individuals who are mandated to AOT but do not adhere to treatment plans: they are required to submit to an emergency evaluation, but emergency staff must meet stricter criteria to consider involuntary admission for inpatient treatment. As a result, individuals mandated to AOT may not be admitted for necessary inpatient treatment as intended by this bill. This bill would benefit from revising involuntary inpatient admission criteria to align more closely with AOT criteria.

Fifth, community organizations have historically been concerned that implementation of AOT without concurrent increases in funding will stretch their already limited resources. Specifically, prior testimony has indicated that individuals mandated to AOT will ultimately displace individuals who are seeking care voluntarily. This bill would benefit from identifying funding sources to increase care resources so that all individuals are able to access quality outpatient care on a consistent basis.

Thank you for considering our comments on HB 576. If we can be of any further assistance as the House – Health and Government Operations Committee considers this bill, please do not hesitate to contact us at [mpalegislativecommittee@gmail.com](mailto:mpalegislativecommittee@gmail.com).

Respectfully submitted,

*Brian Corrado, Psy.D.*  
Brian Corrado, Psy.D.  
President

*Stephanie Wolf, JD, Ph.D.*  
Stephanie Wolf, JD, Ph.D.  
Chair, MPA Legislative Committee

cc: Richard Bloch, Esq., Counsel for Maryland Psychological Association  
Barbara Brocato & Dan Shattuck, MPA Government Affairs

# **SB0052 Juvenile Justice Restoration -opposed.pdf**

Uploaded by: Alicia Pereschuk

Position: UNF



Dear Members of the Judicial Proceedings Committee,

This testimony is being submitted by Showing Up for Racial Justice Baltimore, a group of individuals working to move white folks as part of a multi-racial movement for equity and racial justice in Baltimore City and Baltimore County. We are also working in collaboration with the Campaign for Justice, Safety, and Jobs. I am a resident of **District 43**. **I am testifying in opposition to SB052, the Juvenile Justice Restoration Act.**



**Showing Up for Racial Justice**

Last session, you passed legislation designed to improve Maryland's juvenile justice system, based on recommendations made after considered study of data and practices. The "restoration" this bill refers to is a rollback of last year's reforms. The sponsors of this bill want to prosecute children as young as 10 years old, a proposal that flies in the face of both decency and common sense. 10 year olds do not belong in handcuffs, and arresting and sending them through the juvenile justice system is going to hurt much more than it promises to help.

This bill also hopes to make it easier for police to question children by substituting the decision of a parent or guardian for the knowledge of an attorney. In passing the Child Interrogation Protection Act last year, this committee- and the legislature as a whole- recognized that children, who have both a diminished capacity to understand their legal rights and a greater vulnerability to coercion by adults, ought to be protected from giving up their right to consult an attorney without really understanding it. CIPA requires the police to both notify a child's parent or guardian of their intent to question the child, and ensure that the child actually receives advice from counsel before the questioning takes place. This bill would allow the child's parent or guardian to consent to interrogating the child without an attorney's advice. Not only does this give parents the right to waive their children's right to legal counsel, its obvious intent is to make it easier for police to pressure children to confess before seeking legal advice. Instead of pressuring the child, the police will simply pressure the parent- who has not consulted with an attorney either- to coerce the child into "cooperating" with the interrogation which may be against their own interests.

Last year, you recognized that kids waive their rights and make false confessions more often than adults, necessitating in an extra layer of protection between arrested children and interrogation. The need for CIPA has not changed, and so CIPA should not change.

It is for these reasons that I am encouraging you to vote against **SB052**.

Thank you for your time, service, and consideration.

Sincerely,  
Alicia Pereschuk  
321 W 28<sup>th</sup> St  
Baltimore MD 21211  
Showing Up for Racial Justice Baltimore

**SB052\_AnitaLampel\_Unfav.pdf**

Uploaded by: Anita Lampel

Position: UNF

**Bill#052\_AnitaLampel\_UNFAV**

Date of Hearing: 2/13/2024

Anita Lampel  
Bethesda, MD, 20817

**TESTIMONY ON SB#052 - POSITION: UNFAVORABLE**  
**Juvenile Justice Restoration Act of 2024**

**TO:** Chair Smith, Vice Chair Waldstreicher, and members of the Judicial Proceedings Committee

**FROM:** Anita Lampel

**OPENING: My name is Anita Lampel. I am a resident of District 16. I am submitting this testimony against SB#052, Juvenile Justice Restoration Act of 2024.**

I am a retired Child and Adolescent Psychologist, headed a Child Adolescent Mental Health Program for a county, was a court-appointed expert in numerous cases involving children and teens in the criminal and dependency courts, and helped draft legislation. Currently I am a member of Adat Shalom Reconstructionist Congregation and the Women's Democratic Club of Montgomery County. I have followed Maryland's troubled history of working with children and teens accused of crimes, noted with deep sadness the disproportionate numbers of young Black youth in the system, and felt shame that Maryland stands at the bottom, next to Alabama, in the percentages of young Black men incarcerated.

Just last year the Legislature acted appropriately, responsibly, and in accordance with 20 years of research and data from other jurisdictions, to put reasonable reforms into place. Now you want to undo it! Let me discuss just one of the provisions you plan to put in place to show how faulty and hostile to children this new legislation is.

A prepubertal child, just 10-years-old, can be sent to the juvenile justice system for 3rd degree sexual assault. I will tell you from my extensive work with children who are victims of sexual molestation that the ONLY WAY a child this age acts out sexually is because she or he was the VICTIM of sexual, severe psychological, and/or physical abuse. This child needs help, support, therapy, love. This child does not deserve to be treated as a criminal, go to court, be branded doubly—once as a sexual predator and then as a criminal.

**I respectfully urge this committee to return an unfavorable report on SB#052.**

Following the above introductory paragraph, in this paragraph you should describe who you are, what synagogue or other organizations you belong to, not including JUFJ. It is actually more powerful not to list JUFJ since we will also be submitting separate JUFJ testimony. Share why you care about the bill -- mention your values, Jewish tradition, moral framework, personal experience with the issue, professional expertise, etc. that guide your viewpoint.

Use the body paragraphs to more fully present your personal story, how it relates to the proposed bill, and how passing or rejecting the bill will improve the lives of people in Maryland. What do you think will be fixed/broken by passing this bill? What would have been different, positively or negatively, if this bill had been a law when your personal story occurred? In total, your testimony should be roughly a page, so you don't need to add a ton of detail.

*NOTE: Rebutting opposition arguments draws attention away from our coalitions' messages and can inadvertently amplify the opposition. We suggest you keep your testimony focused on our coalition's talking points and not focus on rebutting the opposition's talking points.*

The closing paragraph should reiterate your position on the bill. Explain why you think the bill will be effective/ineffective, outcomes that the bill will achieve, etc. This does not need to be long. End with: **I respectfully urge this committee to return a (favorable/favorable with amendments/unfavorable) report on HB#/SB#.**

**SB052-2024 Juvenile Law Restoration Act 2024.pdf**

Uploaded by: ANNA RUBIN

Position: UNF

SB052\_Ann Rubin\_UNFAV  
Feb. 12, 2024  
Anna Rubin  
Columbia, MD 21045

TESTIMONY ON SB052 POSITION: UNFAVORABLE  
Juvenile Justice Restoration Act of 2024

TO: Chair Smith, Vice Chair Waldstreicher, and members of the Judicial Proceedings Committee

FROM: Dr. Anna Rubin

My name is Anna Rubin. I am a resident of District 13. I am submitting this testimony against SB052, Juvenile Justice Restoration Act of 2024. I am a White member of Columbia Jewish Congregation and act as the co-chair of its Social Action Committee and a member of the CJC Standing for Racial Justice Committee. I am also co-chair of the Indivisible Howard County Immigration Action Team.

Jewish tradition focuses a great deal on nurturing, educating and caring for children. We are taught that the Divine encompasses both justice and mercy, but some prosecutors and lawmakers scapegoat Black children rather than nurture them as the divine beings we know all children are.

- I am opposed to SB052 because the proposed changes do not enhance community safety. This bill undermines important provisions of the Juvenile Justice Restoration Act and ignores over 20 years of research and data on the most effective ways to hold kids accountable and improve safety. SB52 targets the Juvenile Justice Reform Act and the Child Interrogation Protection Act, two crucial pieces of legislation passed into law in the past few years to protect the rights and dignity of children.
- Children must be given the opportunity to speak to a lawyer prior to a custodial interrogation by law enforcement – SB52's stipulation that parents, guardians, or custodians of a child can consent to the custodial interrogation of a child without the child's consultation with an attorney is simply insufficient.
- Similarly, efforts to repeal the Juvenile Justice Reform Act through altering the jurisdiction of juvenile court to include jurisdiction over 10-12 year olds alleged to have committed a crime involving the use or possession of a firearm is harmful and flies in the face of recommendations from the [Juvenile Justice Reform Commission](#) (see pg. 19 for recommendations).

I am so grateful my own adopted Latino son has been spared from any experience with detention. When he was 12, he was involved with starting a small fire in our area. But his case was diverted to his doing community service and counseling. I suspect that because I am White, that changed the attitude of the police. That this method was effective is proven by his having had no further incidents in the ensuing 20 years.

I am very concerned that the proposed changes steamroll intake, may lead to overcharging, and prevent law enforcement from referring a kid for immediate services including local care teams, youth service bureaus, prevention services and law enforcement-based diversion programs. Neither does it. It doesn't allocate more funds for support for youth.

I respectfully urge this committee to return an unfavorable report on SB0744.

Sincerely,  
Dr. Anna Rubin



**SB0052\_ArielleJuberg\_Unfav.pdf**

Uploaded by: Arielle Juberg

Position: UNF



Dear Members of the Judicial Proceedings Committee,

This testimony is being submitted by Showing Up for Racial Justice Baltimore, a group of individuals working to move white folks as part of a multi-racial movement for equity and racial justice in Baltimore City and Baltimore County. We are working with the Campaign for Justice, Safety, and Jobs. I am a resident of District 8. **I am testifying in opposition to SB052, the Juvenile Justice Restoration Act.**



**Showing Up for Racial Justice**

Last session, the General Assembly passed legislation designed to improve Maryland's juvenile justice system, based on recommendations made after considered study of data and practices. The "restoration" this bill refers to is a rollback of last year's reforms. This bill would prosecute children as young as 10 years old, a proposal that flies in the face of decency and common sense. Ten-year-olds do not belong in handcuffs, and arresting and sending them through the juvenile justice system is going to hurt much more than it promises to help.

This bill also intends to make it easier for police to question children by substituting the decision of a parent or guardian for the knowledge of an attorney. In passing the Child Interrogation Protection Act (CIPA) last year, this committee- and the legislature as a whole- recognized that children have both a diminished capacity to understand their legal rights and a greater vulnerability to coercion by adults. They determined that children ought to be protected from giving up their right to consult an attorney without really understanding it. CIPA requires the police to both notify a child's parent or guardian of their intent to question the child, and ensure that the child actually receives advice from counsel before the questioning takes place. This bill would allow the child's parent or guardian to consent to interrogating the child without an attorney's advice.

Last year, you recognized that kids waive their rights and make false confessions more often than adults, necessitating an extra layer of protection between arrested children and interrogation. The need for CIPA has not changed, and so CIPA should not change. It is for these reasons that I am encouraging you to vote against **SB052**.

Thank you for your time, service, and consideration.

Sincerely,

Arielle Juberg  
3411 Upton Road  
Baltimore, MD 21234  
Showing Up for Racial Justice Baltimore

**SB052\_BarbaraSchaffer\_UNFAV.pdf**

Uploaded by: Barbara Schaffer

Position: UNF

Date of Hearing: February 9, 2024

Barbara Schaffer  
Rockville, MD 2050

**TESTIMONY ON SB052-UNFAVORABLE**  
**Juvenile Justice Restoration Act of 2024**

**TO:** Chair Smith, Vice Chair Waldstreicher, and members of the Judicial Proceedings Committee

**FROM:** Barbara Schaffer

**OPENING:** My name is Barbara Schaffer. I am a resident of District 17. I am submitting this testimony against SB052, Juvenile Justice Restoration Act of 2024.

I am a concerned citizen about justice for Maryland's children. Along with adults, children deserve a life with dignity, respect, and safety.

This bill undermines several important provisions of the Juvenile Justice Restoration Act and ignores over 20 years of research and data on the most effective ways to hold kids accountable and improve safety. I urge the committee to resist any effort to roll back youth justice reforms, like SB052 would do.

Children must be given the opportunity to speak to a lawyer prior to a custodial interrogation by law enforcement – SB052's stipulation that parents, guardians, or custodians of a child can consent to the custodial interrogation of a child without the child's consultation with an attorney is simply insufficient.

I respectfully urge this committee to return an unfavorable report on SB052.

**SB52\_CamillaDay\_UNFAV.pdf**

Uploaded by: Camilla Day

Position: UNF

**Camilla Day  
Rockville, MD 20850**

**TESTIMONY ON SB52 - UNFAVORABLE  
Juvenile Justice Restoration Act of 2024**

**I am Camilla Day, a resident of Maryland District 17.  
I am submitting this testimony AGAINST SB52.**

As a parent, proud Maryland resident, and member of Adat Shalom Congregation, I am testifying against the proposed Juvenile Justice “Restoration” Act. My opinion is informed by my Jewish values and belief in respect and fairness for all Marylanders.

There is strong evidence that juveniles are more vulnerable to manipulation under interrogation than adults are, and even to admitting guilt to crimes they did not commit. The famous case of the Central Park Five, resulted in 4 innocents serving 10-15 years for a crime they did not commit. Juvenile vulnerability is also revealed in wrongful convictions revealed via DNA evidence where **juveniles were found to be 2-3 times more likely to confess to a crime they did not commit than adults were.** This increased vulnerability to manipulation, is why extra care is needed in juvenile interrogations.

To protect our young defendants, Maryland wisely passed **The Interrogation Protection Act (CIPA)** in 2022. Unfortunately, these protections will be lost if the proposed Juvenile Justice “Restoration” Act is passed. SB52 is not an “adjustment”; it will essentially eliminate CIPA! That is why it is so important that this bill is **not passed.**

**I respectfully urge this committee to return an unfavorable report for SB52**

**SB52\_CarolStern\_Unfavorable.pdf**

Uploaded by: CAROL STERN

Position: UNF

February 12, 2024

Carol Stern  
4550 North Park Avenue, Apt T106  
Chevy, Chase, MD 20815

**TESTIMONY ON SB52 - POSITION: UNFAVORABLE)**  
**Juvenile Justice Restoration Act of 2024**

**TO:** Chair Smith, Vice Chair Waldstreicher, and members of the Judicial Proceedings Committee

**FROM:** My name is Carol Stern. I am a resident of District 16. I am submitting this testimony against SB52- Juvenile Justice Restoration Act of 2024. I am a member of Adat Shalom Reconstructionist Congregation. I also provide this testimony as a mother and grandmother.

The Jewish text that shapes my religious and moral conviction that juveniles must be treated as children and not adults is the directive issued in Deuteronomy 16:20, "Tzedek, tzedek tirdof - Justice, justice shall you pursue." The Jewish sages explain that the word tzedek is repeated not only for emphasis but to teach us that in our pursuit of justice, our means must be as just as our ends. Rabbi Mordecai Kaplan wrote "teach us to respect the integrity of every human soul be it that of a friend or stranger, child or adult." When we are working to reform our criminal justice system, we must demand that it operates in accordance with these deeply held Jewish beliefs.

In 2022, I wrote testimony in favor of both the Child Interrogation Protection Act (CIPA) and the Juvenile Justice Reform Act (JJRA). These laws have made a real difference because every day in Maryland, children entangled in the legal justice system can no longer be questioned without an attorney present. Because of these laws, children do not have to endure the injustice of facing criminal charges, prosecution, and incarceration without their basic due process rights protected.

Unfortunately SB 52, will definitely rollback some of the most important key provisions of these two 2022 laws. This bill lowers the age to 10 that defines a juvenile under this proposed law. Instead of requiring an attorney to be present for a juvenile's questioning, all that would be needed is parental consent for the questioning to take place. In addition, individuals under the age of 13 who use firearms in the commission of a crime can be charged in the juvenile court system. Upon a juvenile's third arrest for a crime that does not fall within the category of "crimes of violence," or a crime committed with a firearm, they will be charged under the juvenile court system.

As a mother of two children and a grandmother of three, I cannot imagine allowing my children or grandchildren to be treated as an adult by the police, in detention or in any court proceeding without an attorney present. This lack of justice must be protected in our state. A child must be treated as a child. Without the reforms in both CIPA and JJRS, the criminalization and incarceration of black and brown youth, who are disproportionately targeted by our justice system, will not be protected.

**I respectfully urge this committee to return an unfavorable report on SB52.**

# **SB0052 Juvenile Justice Restoration -opposed.pdf**

Uploaded by: Christina Nemphos

Position: UNF



Dear Members of the Judicial Proceedings Committee,

This testimony is being submitted by Showing Up for Racial Justice Baltimore, a group of individuals working to move white folks as part of a multi-racial movement for equity and racial justice in Baltimore City and Baltimore County. We are also working in collaboration with the Campaign for Justice, Safety, and Jobs. I am a resident of Maryland District 40 and live in the Medfield neighborhood of Baltimore. **I am testifying in opposition to SB052, the Juvenile Justice Restoration Act.**



**Showing Up for Racial Justice**

Last session, you passed legislation designed to improve Maryland's juvenile justice system, based on recommendations made after considered study of data and practices. The "restoration" this bill refers to is a rollback of last year's reforms. The sponsors of this bill want to prosecute children as young as 10 years old, a proposal that flies in the face of both decency and common sense. 10-year-olds do not belong in handcuffs, and arresting and sending them through the juvenile justice system is going to hurt much more than it promises to help.

This bill also hopes to make it easier for police to question children by substituting the decision of a parent or guardian for the knowledge of an attorney. In passing the Child Interrogation Protection Act last year, this committee- and the legislature as a whole- recognized that children, who have both a diminished capacity to understand their legal rights and a greater vulnerability to coercion by adults, ought to be protected from giving up their right to consult an attorney without really understanding it. CIPA requires the police to both notify a child's parent or guardian of their intent to question the child, and ensure that the child actually receives advice from counsel before the questioning takes place. This bill would allow the child's parent or guardian to consent to interrogating the child without an attorney's advice. Not only does this give parents the right to waive their children's right to legal counsel, its obvious intent is to make it easier for police to pressure children to confess before seeking legal advice. Instead of pressuring the child, the police will simply pressure the parent- who has not consulted with an attorney either- to coerce the child into "cooperating" with the interrogation which may be against their own interests.

It should be noted that **CIPA does *not* create additional rights for children or prevent children from speaking during police interrogations.** It merely requires that a child consult with an attorney and that their guardians be notified so that they fully understand the situation and their rights prior to deciding whether to speak with police. Additionally, the law also has an exception in place for emergency situations, where police may speak with children as long as their questions are focused on a safety concern.

Last year, you recognized that kids waive their rights and make false confessions more often than adults, necessitating in an extra layer of protection between arrested children and interrogation. **The need for CIPA has not changed, and so CIPA should not change.**

It is for these reasons that I am encouraging you to vote **against SB052.**

Thank you for your time, service, and consideration.

Sincerely,  
Christina Bell Nemphos  
1301 W 42<sup>nd</sup> St, Baltimore, Md 21211  
Showing Up for Racial Justice Baltimore

# **SB0052 Juvenile Justice Restoration -opposed.pdf**

Uploaded by: Daryl Yoder

Position: UNF

Dear Members of the Judicial Proceedings Committee,

This testimony is being submitted by Showing Up for Racial Justice Baltimore, a group of individuals working to move white folks as part of a multi-racial movement for equity and racial justice in Baltimore City and Baltimore County. We are also working in collaboration with the Campaign for Justice, Safety, and Jobs. I am a resident of District 44A. **I am testifying in opposition to SB052, the Juvenile Justice Restoration Act.**



**Showing Up for Racial Justice**

Last session, you passed legislation designed to improve Maryland's juvenile justice system, based on recommendations made after considered study of data and practices. The "restoration" this bill refers to is a rollback of last year's reforms. The sponsors of this bill want to prosecute children as young as 10 years old, a proposal that flies in the face of both decency and common sense. 10 year olds do not belong in handcuffs, and arresting and sending them through the juvenile justice system is going to hurt much more than it promises to help.

This bill also hopes to make it easier for police to question children by substituting the decision of a parent or guardian for the knowledge of an attorney. In passing the Child Interrogation Protection Act last year, this committee- and the legislature as a whole- recognized that children, who have both a diminished capacity to understand their legal rights and a greater vulnerability to coercion by adults, ought to be protected from giving up their right to consult an attorney without really understanding it. CIPA requires the police to both notify a child's parent or guardian of their intent to question the child, and ensure that the child actually receives advice from counsel before the questioning takes place. This bill would allow the child's parent or guardian to consent to interrogating the child without an attorney's advice. Not only does this give parents the right to waive their children's right to legal counsel, its obvious intent is to make it easier for police to pressure children to confess before seeking legal advice. Instead of pressuring the child, the police will simply pressure the parent- who has not consulted with an attorney either- to coerce the child into "cooperating" with the interrogation which may be against their own interests.

Last year, you recognized that kids waive their rights and make false confessions more often than adults, necessitating in an extra layer of protection between arrested children and interrogation. The need for CIPA has not changed, and so CIPA should not change.

It is for these reasons that I am encouraging you to vote against **SB052**.

Thank you for your time, service, and consideration.

Sincerely,  
Daryl Yoder  
309 Glenmore Ave.  
Catonsville, MD 21228  
Showing Up for Racial Justice Baltimore

**SB0052\_DavidFriedman\_UNFAV.pdf**

Uploaded by: David Friedman

Position: UNF

February 13, 2022  
David M. Friedman  
Silver Spring, MD 20905

**TESTIMONY ON SB0052 - POSITION: UNFAVORABLE**  
**Juvenile Justice Restoration Act of 2024**

**TO:** Chair Smith, Vice Chair Waldstreicher, and members of the Judicial Proceedings Committee

**FROM:** David M. Friedman

**My name is David Friedman. I am a resident of District 14 in Colesville/Cloverly. I am submitting this testimony against SB0052, Juvenile Justice Restoration Act of 2024.**

I am an active member of Oseh Shalom, a Jewish Reconstructionist congregation located in Laurel, MD. Jewish tradition emphasizes that the Divine encompasses both justice and mercy and that all of us deserve a life with dignity, respect and safety. I also closely followed the testimony, compelling stories, and research that resulted in passage of the Juvenile Justice Reform Act (JJRA) and the Child Interrogation Protection Act (CIPA) in 2022 (JJRA took effect in June, CIPA in October). These actions were informed by evidence and best practices to combat juvenile crime by addressing the racial disparities and poor outcomes of overly punitive approaches. SB0052 is an effort driven entirely by fear and hyperbole to roll back youth justice reforms only recently enacted by the General Assembly without any solid evidence, a step backward in achieving the common goal of improving public safety for everyone.

Efforts to modify JJRA by expanding jurisdiction of juvenile court beyond 10-12 year olds charged with a crime of violence to include those alleged to have committed a crime involving the use or possession of a firearm OR *any* crime if the child has been arrested on two prior occasions flies in the face of recommendations from the [Juvenile Justice Reform Council](#) (see p. 19). In addition, SB0052's stipulation that parents, guardians, or custodians of a child can consent to the custodial interrogation of a child without the child's consultation with an attorney is simply insufficient protection for the human rights of children. Studies show that children make better decisions with legal support. I believe the public interest is best served when accountability interventions help young offenders to recognize the harm they have inflicted, take responsibility for their actions, and change their behavior.

SB0052 mistakenly equates more accountability with increased punishment and is sponsored by prosecutors and lawmakers who scapegoat Black children rather than nurture them as the divine beings we know all children are. **I respectfully urge this committee to return an unfavorable report on SB0052.**

**SB52\_EmilyBlank\_Unfavorable (1).pdf**

Uploaded by: Emily Blank

Position: UNF

Date of Hearing 2/13/24

Emily C. Blank  
Brentwood, MD

**TESTIMONY ON SB52 EmilyBlank - POSITION:/UNFAVORABLE**  
**Juvenile Justice Restoration Act of 2024**

**TO:** Chair Smith, Vice Chair Waldstreicher, and members of the Judicial Proceedings Committee

**FROM:** Emily C. Blank

**My name is Emily Blank. I am a resident of District 47a. I am submitting this testimony against (SB52)**

I am a member of Congregation Oseh Shalom in Laurel, MD. I retired from teaching economics at Howard University in May 2023.

I am strongly opposed to lowering the age at which children can be put into the justice system,. For one thing, human brains are not completely developed until individuals reach the age of 25. There are many ways to hold kids accountable for unwanted behavior and poor choices, but altering the jurisdiction of juvenile court to include jurisdiction over 10-12 year olds does not appropriately hold children accountable. Instead, it goes against recommendations from experts and would be harmful.

I am also strongly opposed to allowing children to be placed in the adult system, a current practice in Maryland.. Children in the adult system are often placed in solitary confinement, which, according to Amnesty International, is torture. Children who do not have rehabilitative support designed for children (and which is unavailable in the adult system) are more likely to become adult offenders. Finally, 80% of juveniles charged as adults have their charges dropped. **I respectfully urge this committee to return an unfavorable report on SB#52.**

# **SB0052 Juvenile Justice Restoration -opposed.pdf**

Uploaded by: Holly Powell

Position: UNF



Dear Members of the Judicial Proceedings Committee,

This testimony is being submitted by Showing Up for Racial Justice Baltimore, a group of individuals working to move white folks as part of a multi-racial movement for equity and racial justice in Baltimore City and Baltimore County. We are also working in collaboration with the Campaign for Justice, Safety, and Jobs. I am a resident of **District 46. I am testifying in opposition to SB052, the Juvenile Justice Restoration Act.**



**Showing Up for Racial Justice**

Last session, you passed legislation designed to improve Maryland's juvenile justice system, based on recommendations made after considered study of data and practices. The "restoration" this bill refers to is a rollback of last year's reforms. The sponsors of this bill want to prosecute children as young as 10 years old, a proposal that flies in the face of both decency and common sense. 10-year-olds do not belong in handcuffs, and arresting and sending them through the juvenile justice system is going to hurt much more than it promises to help.

This bill also hopes to make it easier for police to question children by substituting the decision of a parent or guardian for the knowledge of an attorney. In passing the Child Interrogation Protection Act last year, this committee- and the legislature as a whole- recognized that children, who have both a diminished capacity to understand their legal rights and a greater vulnerability to coercion by adults, ought to be protected from giving up their right to consult an attorney without really understanding it. CIPA requires the police to both notify a child's parent or guardian of their intent to question the child and ensure that the child receives advice from counsel before the questioning takes place. This bill would allow the child's parent or guardian to consent to interrogating the child without an attorney's advice. Not only does this give parents the right to waive their children's right to legal counsel, but it's obvious intent is also to make it easier for police to pressure children to confess before seeking legal advice. Instead of pressuring the child, the police will simply pressure the parent- who has not consulted with an attorney either- to coerce the child into "cooperating" with the interrogation which may be against their own interests.

Last year, you recognized that kids waive their rights and make false confessions more often than adults, necessitating in an extra layer of protection between arrested children and interrogation. The need for CIPA has not changed, and so CIPA should not change.

It is for these reasons that I am encouraging you to vote against **SB052**.

Thank you for your time, service, and consideration.

Sincerely,

**Holly Powell**

**2308 Cambridge Street**

**Baltimore, Maryland 21224**

Showing Up for Racial Justice Baltimore

# **Cagri Testimony SB 52\_Feb 13 2024.pdf**

Uploaded by: Ilhan Cagri

Position: UNF



**TESTIMONY IN OPPOSITION TO SB 52**  
**Senate Judicial Proceedings Committee, February 13, 2024**

My name is Ilhan Cagri. I am a resident of Silver Spring, in District 20. I am testifying on behalf of the Silver Spring Justice Coalition in opposition to SB 52 Juvenile Justice Restoration Act of 2024.

The Silver Spring Justice Coalition (SSJC) is a coalition of community members, faith groups, and civil and human rights organizations from throughout Montgomery County committed to eliminating harm caused by police and empowering those communities most affected by policing.

SSJC testified in favor of the Child Interrogation Protection Act (CIPA) last year and was heartened by its passage. Prior to the law change, no consideration was given to the fact that children's ability to grasp the complicated and intimidating concepts that arise during a custodial interrogation is significantly diminished by their age.

While we object to several aspects of SB 52, given our focus on policing, we are testifying today specifically in opposition to the proposed change in the law that would allow a parent to give consent to interrogation instead of requiring consultation with an attorney. The current law requires an attorney be consulted when a child is first interrogated by law enforcement. Contrary to the view some people may hold that parents, not children, should be the ones to decide whether or not the child speaks to police, the current law holds that constitutional rights are not transferable, and parents cannot force children to give up these rights.

Furthermore, Part (g)(1) of the current law already permits a custodial interrogation of a child if: (i) The law enforcement officer reasonably believes that the information sought is necessary to protect against a threat to public safety.

This bill would amend the law by permitting an arbitrary and unnecessary exception to the attorney requirement, one that could be abused.

◆ silverspringjustice.wordpress.com ◆ Facebook: ssjusticecoalition ◆ Twitter: @SilverCoalition ◆

◆ silverspringjustice@gmail.com ◆

SSJC feels that weakening CIPA in this way will most negatively impact our most vulnerable communities, specifically, people of color, immigrant communities, the undereducated, those persons in poverty, and people with mental health issues, communities that have historically been marginalized and overpoliced. These are exactly the communities where a parent may be more susceptible to threats, intimidation, coercion, or fear and may be more reluctant to assert their children's rights. I know of one such family, an immigrant family, whose underage son served years of a prison sentence for a crime he was exonerated from because the parents and child were unfamiliar with their rights in the initial stages of interrogation.

Studies show that children make false confessions at a higher rate than adults. One study found that children are three times more likely to falsely confess than adults. In fact, leading law enforcement organizations, such as the International Association of Chiefs of Police, also agree that children are particularly likely to give false confessions during the pressure-cooker of police interrogation. Furthermore, the same interrogation tactics that can cause youthful suspects to falsely confess, can also cause them to falsely implicate their peers. They may be particularly vulnerable even to unintentional suggestions during interrogation, due to an inherent desire to please authority figures or a simple desire to end the unpleasant experience of being at the police station, or just so they can go home.<sup>1</sup> False confessions not only harm the child but also undermine the police's ability to apprehend the right person.

To be clear, CIPA does not mandate that children remain silent during interrogations. Once a child has consulted with an attorney, they can make the decision to exercise their right to remain silent or to speak to police as any adult would. Existing law simply attempts to ensure children understand their rights in an age and developmentally appropriate manner before proceeding with an interrogation.

It is unfortunate that in recent months, law enforcement, prosecutors, and certain media outlets have mischaracterized the state of youth crime in Maryland. Public narrative, often agenda driven and sensationalist, cannot drive policy, particularly regarding a law that was only recently enacted with broad support from the legislature, and for which we do not yet have sufficient data as to its salutary or deleterious effects. The attempt to reword and weaken CIPA protections goes against the will of the legislature and the Maryland public.

For these reasons we urge you to issue an unfavorable report.

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<sup>1</sup> <https://www.law.northwestern.edu/legalclinic/wrongfulconvictionsyouth/understandproblem/>

**Juv Justice Resoration SB0052 opposed 12FEB 24.pd**

Uploaded by: Jan Kleinman

Position: UNF

Dear Members of the Judicial Proceedings Committee,

This testimony is being submitted by Showing Up for Racial Justice Baltimore, a group of individuals working to move white folks as part of a multi-racial movement for equity and racial justice in Baltimore City and Baltimore County. We are also working in collaboration with the Campaign for Justice, Safety, and Jobs. I am a resident of District 40. **I am testifying in opposition to SB052, the Juvenile Justice Restoration Act.**



**Showing Up for Racial Justice**

Last session, you passed legislation designed to improve Maryland's juvenile justice system, based on recommendations made after considered study of data and practices. The "restoration" this bill refers to is a rollback of last year's reforms. The sponsors of this bill want to prosecute children as young as 10 years old, a proposal that flies in the face of both decency and common sense. 10-year-olds do not belong in handcuffs, and arresting and sending them through the juvenile justice system is going to hurt much more than it promises to help.

This bill also hopes to make it easier for police to question children by substituting the decision of a parent or guardian for the knowledge of an attorney. In passing the Child Interrogation Protection Act last year, this committee- and the legislature as a whole- recognized that children, who have both a diminished capacity to understand their legal rights and a greater vulnerability to coercion by adults, ought to be protected from giving up their right to consult an attorney without really understanding it. CIPA requires the police to both notify a child's parent or guardian of their intent to question the child, and ensure that the child actually receives advice from counsel before the questioning takes place. This bill would allow the child's parent or guardian to consent to interrogating the child without an attorney's advice. Not only does this give parents the right to waive their children's right to legal counsel, its obvious intent is to make it easier for police to pressure children to confess before seeking legal advice. Instead of pressuring the child, the police will simply pressure the parent- who has not consulted with an attorney either- to coerce the child into "cooperating" with the interrogation which may be against their own interests.

I am a parent. My son, around age 12, was found to be shoplifting. My own terror in that moment was profound. How could I, an emotionally engaged mom, make a reasonable judgement about such a consequential matter as this? I most assuredly needed the guidance of a legal expert. Any parent would, even those with legal training, just because as parents, our emotions are very high in such a moment. Every family in this fraught situation needs the clear head of legal counsel.

Last year, you recognized that kids waive their rights and make false confessions more often than adults, necessitating an extra layer of protection between arrested children and interrogation. The need for CIPA has not changed, and so CIPA should not change.

It is for these reasons that I am encouraging you to vote against **SB052**.

Thank you for your time, service, and consideration.

Sincerely,  
Jan Kleinman  
816 Union Ave.  
Baltimore, MD 21211  
Showing Up for Racial Justice Baltimore

**SB0052\_Jeffrey Rubin\_UNFAV.pdf**

Uploaded by: Jeffrey Rubin

Position: UNF

February 13, 2024

Jeffrey S. Rubin  
Potomac, MD 20854

**TESTIMONY ON SB0052 - POSITION: UNFAVORABLE**  
**Juvenile Justice Restoration Act of 2024**

**TO:** Chair Smith, Vice Chair Waldstreicher, and members of the Judicial Proceedings Committee

**FROM:** Jeffrey S. Rubin

**My name is Jeffrey S. Rubin. I am a resident of District 15. I am submitting this testimony against SB0052, Juvenile Justice Restoration Act of 2024.**

Maryland has a regrettable legacy of being among the worst states in our nation when it comes to how we treat children in the criminal legal system. In 2022, steps were taken to diminish a reliance on overly punitive measures and adopt practices based on data, research, and the science of youth development. SB0052 would have us return to failed policies with flawed rationales.

Rather than making better use of social services, the provisions in this bill would lead to the incarceration of more children. The tough on crime theme has again become popular among some law enforcement officials, despite the evidence strongly indicating that community services and protective measures are more effective ways to change behavior. Contrary to the reasoning behind this legislation, policies that promote the incarceration of youth will increase recidivism and decrease public safety.

Moreover, proponents of this bill will contend that access to an attorney is unnecessary because a parent, guardian, or custodian would be capable of guiding the youth when facing the prospect of a custodial interrogation. However, this is mistaken. People often are not knowledgeable about the nuances of the law. In the stressful setting of a confrontation with law enforcement officials, there is a distinct possibility that neither youths nor their adult guides would be capable of making informed decisions. Having access to an attorney is vital to a child, even more so than it is for adults in custody. The evidence has shown that all too often youths make false confessions when they face custodial interrogation.

**I respectfully urge this committee to issue an unfavorable report on SB0052.**



**SB 052\_JoShifrin\_UNFAV (1).pdf**

Uploaded by: Jo Shifrin

Position: UNF

**SB 052\_Jo Shifrin\_UNFAV**

**Date of Hearing: February 13, 2024**

**Jo Shifrin**

**Bethesda, MD 20817**

**TESTIMONY ON SB 052 - POSITION: UNFAVORABLE**

**Juvenile Justice Restoration Act of 2024**

**TO:** Chair Smith, Vice Chair Waldstreicher, and members of the Judicial Proceedings Committee

**FROM:** Jo Shifrin

**My name is Jo Shifrin. I am a resident of District 16. I am submitting this testimony against SB 052, Juvenile Justice Restoration Act of 2024.** I am a Jewish retiree, and a Bethesda resident for the last 10 years. Jewish values hold that all of us deserve a life with dignity, respect, and safety. Jewish tradition also teaches that in a just world, all people would have what the *Torah* calls *dey machsoro*, resources sufficient for their needs. Our tradition also teaches that the divine encompasses both justice and mercy. It is unfortunate that some lawmakers promote fear that scapegoats Black and brown children.

In 2022, Maryland passed the Juvenile Justice Restoration Act, which made tremendous progress in how the state treats juveniles who come in contact with the juvenile justice system. But the proposed legislation undermines several provisions of that law and ignores more than 20 years of data, research, and experience on the most effective way to hold children accountable for their actions and improve the safety of our communities.

Real safety comes from solutions that prevent crime from occurring in the first place. Policy makers should fully fund things that are proven to create safe communities and improve people's quality of life, like child care, good schools, training programs and internships, community service, treatment for mental health and substance abuse, community-led gun violence prevention and gun violence interruption programs, and affordable and stable housing.

Moreover, the Department of Juvenile Services should be fully funded to enable more children to access diversion. Diversion refers to community programs, like some of those listed above, in lieu of spending time in jail. Diversion can prevent recidivism, because the child spends his or her time in the community, supported by family and friends, and not in a prison, subject to physical and emotional harm, where they would be more likely to be arrested for new offenses. Before the Juvenile Justice Restoration Act was passed in 2022, the rate of recidivism among children under age 13 was 32.1%; after it was passed, the rate dropped to 11.1%.

**I respectfully urge this committee to return an unfavorable report on SB 052.**

# **SB0052 Juvenile Justice Restoration -opposed.pdf**

Uploaded by: John Ford

Position: UNF

Dear Members of the Judicial Proceedings Committee,

This testimony is being submitted by Showing Up for Racial Justice Baltimore, a group of individuals working to move white folks as part of a multi-racial movement for equity and racial justice in Baltimore City and Baltimore County. We are also working in collaboration with the Campaign for Justice, Safety, and Jobs. I am a resident of **District 46 and a resident of Baltimore City**. I protested during the Trump administration our government's cruel and unscientific practice of caging and separating children and am equally opposed to it when Democrats do it. **I am testifying in opposition to SB052, the Juvenile Justice Restoration Act..**



**Showing Up for Racial Justice**

Last session, you passed legislation designed to improve Maryland's juvenile justice system, based on recommendations made after considered study of data and practices. The "restoration" this bill refers to is a rollback of last year's reforms. The sponsors of this bill want to prosecute children as young as 10 years old, a proposal that flies in the face of both decency and common sense. 10 year olds do not belong in handcuffs, and arresting and sending them through the juvenile justice system is going to hurt much more than it promises to help.

This bill also hopes to make it easier for police to question children by substituting the decision of a parent or guardian for the knowledge of an attorney. In passing the Child Interrogation Protection Act last year, this committee- and the legislature as a whole- recognized that children, who have both a diminished capacity to understand their legal rights and a greater vulnerability to coercion by adults, ought to be protected from giving up their right to consult an attorney without really understanding it. CIPA requires the police to both notify a child's parent or guardian of their intent to question the child, and ensure that the child actually receives advice from counsel before the questioning takes place. This bill would allow the child's parent or guardian to consent to interrogating the child without an attorney's advice. Not only does this give parents the right to waive their children's right to legal counsel, its obvious intent is to make it easier for police to pressure children to confess before seeking legal advice. Instead of pressuring the child, the police will simply pressure the parent- who has not consulted with an attorney either- to coerce the child into "cooperating" with the interrogation which may be against their own interests.

Last year, you recognized that kids waive their rights and make false confessions more often than adults, necessitating in an extra layer of protection between arrested children and interrogation. The need for CIPA has not changed, and so CIPA should not change.

It is for these reasons that I am encouraging you to vote against **SB052**.

Thank you for your time, service, and consideration.

Sincerely,

**John Ford**  
**529 S East Ave, Baltimore, MD 21224**  
Showing Up for Racial Justice Baltimore

# **SB 52\_Final.pdf**

Uploaded by: Karalyn Aanenson

Position: UNF



DEPARTMENT OF  
JUVENILE SERVICES

Aruna Miller  
Lt. Governor

Wes Moore  
Governor

217 East Redwood Street  
Baltimore, MD 21202

Vincent Schiraldi  
Secretary

Date: February 13, 2024  
Bill Number/Title: SB0319 - Juvenile Justice Restoration Act of 2024  
Committee: Judicial Proceedings Committee  
DJS Position: Oppose

**The Department of Juvenile Services (DJS) opposes the provisions in HB 319 that alter juvenile court jurisdiction.**

The Juvenile Justice Reform Council (JJRC) was formed during the 2019 session of the Maryland General Assembly, and the council spent the next two years gathering public input, researching best practices regarding the treatment of juveniles who are subject to the criminal and juvenile justice systems, and identifying recommendations to limit or otherwise mitigate risk factors that contribute to juvenile contact with the criminal and juvenile justice systems.

Prior to the adoption of the JJRC recommendations in 2022, the state of Maryland did not have a minimum age of juvenile court jurisdiction. The JJRC, recognizing the established evidence regarding brain development and the diminished neurocognitive capacity of adolescents, recommended the minimum age of 13 after review of relevant state data and national best practices. Moreover, the JJRC considered research that proves contact with the justice system disrupts adolescent social development, exacerbates mental and physical health problems, and increases the likelihood of long-term incarceration into adulthood.

Additionally, the JJRC recommended a limited exception to the minimum age requirement that establishes juvenile court jurisdiction for youth at least 10 years old if the youth is alleged to have committed a crime of violence. This narrow exception was forwarded to ensure there was a pathway to juvenile court for the most violent offenses.

DJS forwarded strategies to efficiently implement the new jurisdictional limits and monitored outcomes since the JJRC became effective on June 1, 2022:

- Training and outreach to all juvenile justice stakeholders, including quarterly law enforcement, on how to file Child in Need of Supervision(CINS) complaints for youth under 13.
- The number of youth under 13 served by the department through CINS from 26 in FY 2022 to 187 in FY 2023.
- Rearrests for CINS cases have declined for youth under 13 by more than half from 34% in FY 2022 to 13% in FY 2023

DJS urges the committee to refer substantive changes or modifications to the recommendations of the Juvenile Justice Reform Council to the DJS State Advisory Board or other stakeholder commission to ensure changes are rooted in data, consider relevant research and best practices, and do not exacerbate racial and ethnic disparities.

For these reasons, DJS requests an unfavorable report on SB 52.



**SB0052 Juvenile Justice Restoration -opposed.docx.**

Uploaded by: Lindsay Keipper

Position: UNF

Dear Members of the Judicial Proceedings Committee,

This testimony is being submitted by Showing Up for Racial Justice Baltimore, a group of individuals working to move white folks as part of a multi-racial movement for equity and racial justice in Baltimore City and Baltimore County. We are also working in collaboration with the Campaign for Justice, Safety, and Jobs. I am a resident of **District 46**. **I am testifying in opposition to SB052, the Juvenile Justice Restoration Act.**



**Showing Up for Racial Justice**

Last session, you passed legislation designed to improve Maryland's juvenile justice system, based on recommendations made after considered study of data and practices. The "restoration" this bill refers to is a rollback of last year's reforms. The sponsors of this bill want to prosecute children as young as 10 years old, a proposal that flies in the face of both decency and common sense. 10 year olds do not belong in handcuffs, and arresting and sending them through the juvenile justice system is going to hurt much more than it promises to help.

This bill also hopes to make it easier for police to question children by substituting the decision of a parent or guardian for the knowledge of an attorney. In passing the Child Interrogation Protection Act last year, this committee- and the legislature as a whole- recognized that children, who have both a diminished capacity to understand their legal rights and a greater vulnerability to coercion by adults, ought to be protected from giving up their right to consult an attorney without really understanding it. CIPA requires the police to both notify a child's parent or guardian of their intent to question the child, and ensure that the child actually receives advice from counsel before the questioning takes place. This bill would allow the child's parent or guardian to consent to interrogating the child without an attorney's advice. Not only does this give parents the right to waive their children's right to legal counsel, its obvious intent is to make it easier for police to pressure children to confess before seeking legal advice. Instead of pressuring the child, the police will simply pressure the parent- who has not consulted with an attorney either- to coerce the child into "cooperating" with the interrogation which may be against their own interests.

Last year, you recognized that kids waive their rights and make false confessions more often than adults, necessitating in an extra layer of protection between arrested children and interrogation. The need for CIPA has not changed, and so CIPA should not change.

It is for these reasons that I am encouraging you to vote against **SB052**.

Thank you for your time, service, and consideration.

Sincerely,

**Lindsay Keipper**  
**2425 Fleet St.**

Showing Up for Racial Justice Baltimore



**SB0052-JPR-OPP.pdf**

Uploaded by: Nina Themelis

Position: UNF



BRANDON M. SCOTT  
MAYOR

*Office of Government Relations  
88 State Circle  
Annapolis, Maryland 21401*

**SB0052**

February 8, 2024

**TO:** Members of the Senate Judicial Proceedings Committee  
**FROM:** Nina Themelis, Director of Mayor's Office of Government Relations  
**RE:** Senate Bill 52 – Juvenile Justice Restoration Act of 2024  
**POSITION: UNFAVORABLE**

Chair Smith, Vice Chair Waldstreicher, and Members of the Committee, please be advised that the Baltimore City Administration (BCA) **opposes** Senate Bill (SB) 52.

SB 52 enables the juvenile court to have exclusive jurisdiction over a child who is at least 10 years old alleged to have committed a crime involving the use or possession of a firearm and allows law enforcement to conduct custodial interrogation of a child with parental consent and without the child's consultation with an attorney. While under the jurisdiction of juvenile courts, youth are entitled to statutory and constitutional protections regarding interrogation including the right to an attorney. SB 52 proposes that parents may waive this right.<sup>i</sup> While many states are taking steps to protect children's rights, SB 52 would roll them back.<sup>i</sup>

Families may lack the awareness of the magnitude and the impact of providing such consent for interrogation without the consult of counsel. It is in the best interest of the minor and their families to always consult legal counsel to ensure they are fully aware of their rights to due process and the multiple scenarios that can result after custodial interrogation.

In the event that a parent or guardian were to waive a child's right to an attorney, it is important to note that most children under 12 years of age do not meet the U.S. Supreme Court's competency standard because they lack the cognitive capacity to participate in their own defense.<sup>ii</sup> In a study of abilities associated with adjudicative competence, 927 adolescents were assessed in juvenile detention facilities and community settings. Adolescents' abilities were compared to those of 466 young adults in jails and in the community. Participants at four locations across the United States completed a standardized measure of abilities relevant for competence to stand trial, as well as a new procedure for assessing psychosocial influences on legal decisions often required of defendants. Youth ages 15 and younger performed more poorly than their older counterparts, with a greater proportion manifesting a level of impairment consistent with that of persons found incompetent to stand trial. Adolescents also tended more often than young adults to make choices that reflected compliance with authority (e.g., about plea agreements). Thus, it is crucial that children have legal representation.

For these reasons, the BCA respectfully requests an **unfavorable** report on SB 52.

<sup>i</sup> Bryant, K. (2024). Recent State Laws Strengthen Rights of Juveniles During Interrogations. Retrieved from <https://www.ncsl.org/state-legislatures-news/details/recent-state-laws-strengthen-rights-of-juveniles-during-interrogations#:~:text=When%20law%20enforcement%20officers%20question,unclear%20about%20what%20that%20means.>

<sup>ii</sup> Grisso T, Steinberg L, Woolard J, et al. Juveniles' competence to stand trial: a comparison of adolescents' and adults' capacities as trial defendants. *Law Hum Behav.* 2003;27(4):333-363. doi:10.1023/a:1024065015717

**SB052\_RanZeimer\_UNFAV.pdf**

Uploaded by: Ran Zeimer

Position: UNF

2/13

Ran Zeimer  
Baltimore 21231

## Juvenile Justice Restoration Act of 2024

**Bill Number:** SB052  
**Position:** UNFAVORABLE  
**Committee Chair:** Senator Will Smith  
**Committee Vice Chair:** Senator Jeff Waldstreicher  
**Committee:** Judicial Proceedings Committee (JPR)

**FROM:** Ran Zeimer

My name is Ran Zeimer, I am a resident of District 46. I am submitting this testimony against SB052 -Juvenile Justice Restoration Act of 2024,

All of us deserve a life with dignity, respect, and safety. But here in Maryland, some elected officials try to make us fear children keeping us divided and distracted so we won't demand what our families truly need. Jewish tradition teaches that the Divine encompasses both justice and mercy, but these prosecutors and lawmakers scapegoat Black children rather than nurture them as the divine beings we know all children are.

SB52 targets the Juvenile Justice Reform Act and the Child Interrogation Protection Act, two crucial pieces of legislation passed into law in the past few years to protect the rights and dignity of children.

Children must be given the opportunity to speak to a lawyer prior to a custodial interrogation by law enforcement – SB52's stipulation that parents, guardians, or custodians of a child can consent to the custodial interrogation of a child without the child's consultation with an attorney is simply insufficient.

Similarly, efforts to repeal the Juvenile Justice Reform Act through altering the jurisdiction of juvenile court to include jurisdiction over 10-12 year olds alleged to have committed a crime involving the use or possession of a firearm is harmful and flies in the face of recommendations from the [Juvenile Justice Reform Commission](#)).

**I respectfully urge this committee to return an unfavorable report on SB052.**

# **SB0052 Juvenile Justice Restoration -opposed.pdf**

Uploaded by: Rebecca Shillenn

Position: UNF

Dear Members of the Judicial Proceedings Committee,

This testimony is being submitted by Showing Up for Racial Justice Baltimore, a group of individuals working to move white folks as part of a multi-racial movement for equity and racial justice in Baltimore City and Baltimore County. We are also working in collaboration with the Campaign for Justice, Safety, and Jobs. I am a resident of **District 45. I am testifying in opposition to SB052, the Juvenile Justice Restoration Act.**



**Showing Up for Racial Justice**

Last session, you passed legislation designed to improve Maryland's juvenile justice system, based on recommendations made after considered study of data and practices. The "restoration" this bill refers to is a rollback of last year's reforms. The sponsors of this bill want to prosecute children as young as 10 years old, a proposal that flies in the face of both decency and common sense. 10 year olds do not belong in handcuffs, and arresting and sending them through the juvenile justice system is going to hurt much more than it promises to help.

This bill also hopes to make it easier for police to question children by substituting the decision of a parent or guardian for the knowledge of an attorney. In passing the Child Interrogation Protection Act last year, this committee- and the legislature as a whole- recognized that children, who have both a diminished capacity to understand their legal rights and a greater vulnerability to coercion by adults, ought to be protected from giving up their right to consult an attorney without really understanding it. CIPA requires the police to both notify a child's parent or guardian of their intent to question the child, and ensure that the child actually receives advice from counsel before the questioning takes place. This bill would allow the child's parent or guardian to consent to interrogating the child without an attorney's advice. Not only does this give parents the right to waive their children's right to legal counsel, its obvious intent is to make it easier for police to pressure children to confess before seeking legal advice. Instead of pressuring the child, the police will simply pressure the parent- who has not consulted with an attorney either- to coerce the child into "cooperating" with the interrogation which may be against their own interests.

Last year, you recognized that kids waive their rights and make false confessions more often than adults, necessitating in an extra layer of protection between arrested children and interrogation. The need for CIPA has not changed, and so CIPA should not change.

It is for these reasons that I am encouraging you to vote against **SB052**.

Thank you for your time, service, and consideration.

Sincerely,  
**Rebecca Shillenn**  
**5401 Elsrode Avenue Baltimore MD 21214**  
Showing Up for Racial Justice Baltimore

# **Eckel Oppose SB0052 Juvenile Justice Restoration -**

Uploaded by: Rianna Eckel

Position: UNF

Dear Members of the Judicial Proceedings Committee,

My name is Rianna Eckel and I'm a resident of the 43<sup>rd</sup> District. I am submitting this testimony as a member of Showing Up for Racial Justice Baltimore, a group of individuals working to move white folks as part of a multi-racial movement for equity and racial justice in Baltimore City and Baltimore County. We are also working in collaboration with the Campaign for Justice, Safety, and Jobs. **I am testifying in opposition to SB052, the Juvenile Justice Restoration Act.**



**Showing Up for Racial Justice**

Last session, you passed legislation designed to improve Maryland's juvenile justice system, based on recommendations made after considered study of data and practices. The "restoration" this bill refers to is a rollback of last year's reforms. The sponsors of this bill want to prosecute children as young as 10 years old, a proposal that flies in the face of both decency and common sense. 10 year olds do not belong in handcuffs, and arresting and sending them through the juvenile justice system is going to hurt much more than it promises to help.

This bill also hopes to make it easier for police to question children by substituting the decision of a parent or guardian for the knowledge of an attorney. In passing the Child Interrogation Protection Act last year, this committee- and the legislature as a whole- recognized that children, who have both a diminished capacity to understand their legal rights and a greater vulnerability to coercion by adults, ought to be protected from giving up their right to consult an attorney without really understanding it. CIPA requires the police to both notify a child's parent or guardian of their intent to question the child, and ensure that the child actually receives advice from counsel before the questioning takes place. This bill would allow the child's parent or guardian to consent to interrogating the child without an attorney's advice. Not only does this give parents the right to waive their children's right to legal counsel, its obvious intent is to make it easier for police to pressure children to confess before seeking legal advice. Instead of pressuring the child, the police will simply pressure the parent- who has not consulted with an attorney either- to coerce the child into "cooperating" with the interrogation which may be against their own interests.

Last year, you recognized that kids waive their rights and make false confessions more often than adults, necessitating in an extra layer of protection between arrested children and interrogation. The need for CIPA has not changed, and so CIPA should not change.

It is for these reasons that I am encouraging you to vote against **SB052**.

Thank you for your time, service, and consideration.

Sincerely,

**Rianna Eckel**

**2300 Hunter St, Baltimore MD 21218**

Showing Up for Racial Justice Baltimore



# **Sam Blau JJRA Testimony.pdf**

Uploaded by: Samantha Blau

Position: UNF

February 13, 2024

Samantha Blau  
Baltimore, MD



TESTIMONY IN OPPOSITION to SB0052  
Juvenile Justice Restoration Act of 2024

TO: Chair Smith, Vice Chair Walstreicher, and members of the Judicial Proceedings Committee

FROM: Samantha Blau, on behalf of Jews United for Justice

My name is Samantha Blau, and I am a resident of Baltimore's Patterson Place neighborhood, in District 46. I am submitting this testimony on behalf of Jews United for Justice (JUFJ). JUFJ organizes 6,000 Jewish Marylanders and allies from across the state in support of social, racial, and economic justice campaigns.

Jewish Tradition teaches that the divine encompasses both justice and mercy. Locking up kids and leaving them without a chance to grow is the opposite of mercy and justice. Year after year this committee hears from their own appointed work group, the state's Department of Juvenile Services, experts in child development, and former youth caught up in the juvenile system. Their message is all the same: that creating harsher punishment will not deter children from involvement with the justice system, nor improve the lives of kids in crisis. And year after year this group of legislators hears from sheriffs, police, and states' attorneys about how punishment and incarceration are the only options that will reform these kids.

Maryland is not made safer when "tough on crime" policies –like locking up kids– are instituted. Maryland's youth need access to programs that help them grow and learn from their mistakes. Until kids are given these opportunities, the lives of the children that your actions will affect will continue to be hard and unsafe. A child in crisis, that does not have the material and emotional support they need, will not be made whole by this bill. They also will not be prevented from spreading the harm they are experiencing. Like a train derailing because the brakes were out of order will not be prevented by a sign noting a curve, a child who is hurt, without support, and acting out cannot be stopped because the criminal code now carries larger penalties.

The work of preventing crime is difficult and expensive. It will only be achieved with a strong social safety net that includes universal access to healthcare and mental healthcare, universal basic income, universal pre-K, better pay and support for teachers and school support staff, increased funding for libraries, parks and rec departments, and other safe third spaces. The easy way forward is to pass this bill and pretend to not know what the right thing is for these kids. The hard work of the job is to listen to advocates and experts, think creatively, and be willing to pass legislation that makes a positive change.

I urge this committee to choose to do the hard work and to issue an unfavorable report on SB0052.

# **Senate Bill 52 Opposition.docx.pdf**

Uploaded by: Sara Wendel

Position: UNF



**NATASHA DARTIGUE**  
PUBLIC DEFENDER

**KEITH LOTRIDGE**  
DEPUTY PUBLIC DEFENDER

**MELISSA ROTHSTEIN**  
CHIEF OF EXTERNAL AFFAIRS

**ELIZABETH HILLIARD**  
ACTING DIRECTOR OF GOVERNMENT RELATIONS

## POSITION ON PROPOSED LEGISLATION

**BILL: Juvenile Justice Restoration Act of 2024 - Senate Bill 52**

**FROM: Maryland Office of the Public Defender**

**POSITION: Unfavorable**

**DATE: February 12, 2024**

The Maryland Office of the Public Defender respectfully requests that the Committee issue an unfavorable report on Senate Bill 52.

**Background.** The 2022 General Assembly implemented evidence-based reforms to the juvenile justice system in efforts to limit youth incarceration and reallocate resources towards data-driven, evidence-based programming for at-risk youth. Despite growing fears of juvenile delinquency, there is also a growing national awareness that juvenile justice systems which focus on community resources can reduce costs and yield better outcomes with fewer racial disparities.

Maryland's success in raising the age of juvenile court jurisdiction to 13 brought Maryland in line with international human rights standards. Senate Bill 52 would be a critical misstep for Marylanders and places their youngest at risk.

**Minimum Age of Jurisdiction.** Senate Bill 52 openly flouts the progress Maryland made in raising the age of juvenile court jurisdiction. Under the proposed law, a child of age 10, 11, or 12, who is legally too immature to babysit, would be deemed mature enough to be legally responsible for possession of a firearm or handgun, and can be brought to court if they are merely **arrested for two or more incidents**. This law presents numerous issues of moral and legal significance and carries the potential to lead to untenable and counterproductive results.

Until 2022, Maryland did not have a minimum age of criminal responsibility, in violation of widely accepted international human rights standards. Prior to passing a minimum age, Maryland regularly charged elementary school children – some as young as 6 years old – with delinquent acts.<sup>1</sup> To put these age limits in context, a typical 10 year old will be in either the 4th

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<sup>1</sup> Prior to 1994, Maryland relied on the common-law doctrine of *doli incapax*, which held that from age 7 to 14 children were presumed not to have criminal capacity and required the prosecution to prove criminal capacity beyond a reasonable doubt. The presumption of infancy was removed by the legislature in 1994. In re Devon T., 85 Md. App. 674 (1991); Acts 1994, c. 629, § 1, eff. Oct. 1, 1994.

or the 5th grade. As such, Maryland law requires that children must be at least 13 years old in order to be responsible enough to babysit.<sup>2</sup>

***Executive Functioning, Criminal Responsibility, and Felonious Intent.*** Senate Bill 52 will subject very young children in their pre-teenage years to the judicial system, despite the opinions of scientists and the United States Supreme Court that age is inextricably linked to culpability.<sup>3</sup>

Prepubescent children have substantially limited executive functioning compared to older adolescents and adults. Executive functioning refers to the cognitive processes that direct, coordinate, and control other cognitive functions and behavior, including inhibition, attention, and self-directed execution of actions. While there is ample research related to adolescent executive functioning and youth justice policy, because *so few places prosecute very young kids*, there is comparatively little research about *pre-adolescent* children in the youth justice systems. However, it is impossible to ignore that the executive functioning of an elementary or middle school-aged child is vastly different than that of a high school student.

Executive functioning, while scientific, is critical to understanding the legal concept of felonious intent and criminal responsibility. Children who are not developmentally able to understand the consequences of their actions are likely not able to form felonious intent or fully appreciate the nature of a crime or delinquent act. The proposed legislation disregards the diminished capacity of children to make intentional decisions regarding participation in crime or understand that an act was morally wrong, and subjects them to a court system which they statistically do not understand.

***Two-Thirds of Children Under 13 Are Incompetent to Stand Trial.*** Compounding this error, children under the age of 13 are statistically unlikely to be competent to stand trial.<sup>4</sup> Pre-adolescent children demonstrate poor understanding of trial matters, in addition to poorer reasoning and ability to recognize relevant information for a legal defense. According to national studies, 1/3 of children under 13 function with impairments at a level comparable with mentally

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<sup>2</sup> Maryland Code Annotated, Family Law Article §8-501.

<sup>3</sup> Roper v. Simmons, 543 U.S. 551 (2005), Graham v. Florida, 560 U.S. 48 (2010), J.D.B. v. North Carolina, 564 U.S. 261.

<sup>4</sup> Bath, E., & Gerring, J. (2014). National trends in juvenile competency to stand trial. *Journal of the American Academy of Child & Adolescent Psychiatry*, 53, 265-268, Bonnie, R. J., & Grisso, T. (2000). Adjudicative competence and youthful offenders. In T. Grisso & R. G. Schwartz (Eds.), *Youth on trial: A developmental perspective on juvenile justice* (pp. 73-103). Chicago, IL: University of Chicago Press; Costanza, M. B. (2017). *The development of competency to stand trial-related abilities in a sample of juvenile offenders* (Doctoral dissertation). Retrieved from ProQuest; Grisso, T. (2014). Protections for juveniles in self-incriminating legal contexts, developmentally considered. *The Journal of the American Judges Association*, 50(1), 32-36; Grisso, T. (2005). *Evaluating juveniles' adjudicative competence: A guide for clinical practice*. Sarasota, FL: Professional Resource Press; Grisso, T. (2004). *Double jeopardy: Adolescent offenders with mental disorders*. Chicago, IL: University of Chicago Press; Grisso, T., & Kavanaugh, A. (2016). [Prospects for developmental evidence in juvenile sentencing based on Miller v. Alabama](#). *Psychology, Public Policy, and Law*, 22(3), 235-249; Lawrence Steinberg, *Adolescent Development and Juvenile Justice*, Annual Review of Clinical Psychology (2009).

ill adults who have been found incompetent to stand trial.<sup>5</sup> In Maryland as recently as 2020, the Maryland Department of Health's Juvenile Forensic Services Office gave a presentation to the State Advisory Board for Juvenile Services which included statistical information about children who were found incompetent to stand trial. **In the three year span discussed, between 63% and 74% of the children under 13 years old who were evaluated were found incompetent to stand trial.**

Given the established fact that 2/3 of children under 13 are likely incompetent to stand trial, failing to raise competency in most cases for very young Respondents would amount to ineffective assistance of counsel. Evaluating competency is a cost intensive process that can take years to resolve.<sup>6</sup> As a result, the youngest children to be prosecuted in our system—who are the least culpable—often do not face court intervention until months or years after their alleged misbehavior.

Prosecuting more children who statistically are less likely to be competent to stand trial would be a dire mistake. When children are found incompetent to stand trial the case itself is on hold, and no therapeutic or rehabilitative services are implemented until the child either attains competency or the case is dismissed. This means that these children get none of the services they need, and which they could access through either the Department of Social Services or DJS through either Child in Need of Assistance (CINA) or Child in Need of Services (CINS) proceedings. In order for rehabilitation to work, children need to be held accountable for wrongdoing in a fair process that promotes healthy moral development.<sup>7</sup> This process results in children being prosecuted and penalized long after the underlying incident, and leads children to perceive the legal system as unjust. Distrust in the system reinforces delinquent behavior, does not foster prosocial development, and increases recidivism.<sup>8</sup> This directly thwarts the goals of treatment, guidance, and rehabilitation which are the goals of the juvenile court system, and places children at greater risk because they are being prosecuted rather than treated in other systems.

***Ethics and Equal Protection for Children Ages 10-12.*** Requiring that a child specifically within the ages of 10-12 come within the Juvenile Court Jurisdiction for two or more arrests, and for ***any*** crime, is an ethical and equal protection issue. There is no rational basis for treating younger children with police contacts differently from older youth. The provision is also overly broad and likely to have a disparate impact.

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<sup>5</sup> Grisso, T., Steinberg, L., Woolard, J., Cauffman, E., Scott, E., Graham, S., Lexcen, F., Reppucci, N. D., & Schwartz, R. (2003). Juveniles' competence to stand trial: A comparison of adolescents' and adults' capacities as trial defendants. *Law and Human Behavior*, 27(4), 333-363. <https://doi.org/10.1023/A:1024065015717>;

<sup>6</sup> Md. CJ 3-8A-17-17.8

<sup>7</sup> National Academies of Science, *Reforming Juvenile Justice: A Developmental Approach* (2013) pg 183-210.

<sup>8</sup> National Research Council 2014. *Implementing Juvenile Justice Reform: The Federal Role*. Washington, DC: The National Academies Press. <https://doi.org/10.17226/18753> at 17.

Children of color are far more likely to have contact with the police, due to the systemic practices of redlining and gentrification, which have led to the disparate treatment of neighborhoods. This provision would also further entrench the “school-to-prison pipeline,” a disturbing national trend wherein children—primarily children of color, children with learning disabilities, or children with histories of poverty, abuse, or neglect—are funneled out of public schools and into the juvenile justice systems.

Proponents are urging higher penalties for children under the age of 13 who are arrested on multiple occasions, but to what end? If a youth is displaying behavior that requires the attention of the police at the age of 10, 11, 12 years old, the rational response is to assess what needs the child has that are not being met within the community—through the CINS Petition Process, Diversion, School-Based or Community Programming, among others—not to require they be charged with delinquency and appear in a court system they statistically do not understand.

Moreover, under the current Juvenile Causes Act, if a youth is found to have committed a crime of violence involving a firearm, the Court already has jurisdiction and the discretion to impose the highest penalties available in the juvenile system: commitment to the Department of Juvenile Services until age 21.<sup>9</sup> This outcome is true regardless of the age of the child. If a younger child is suspected of possession of a firearm, the needs of that child can more swiftly be addressed outside of a court system that would require their attorney to assess for competency and delay the process of providing services to that child and their family.

Legal scholars have long recognized that laws must be coherent, clear, stable, and practicable for the Rule of Law to be sustained.<sup>10</sup> A system that more severely penalizes the youngest children in our system, *based upon two arrests*, and subjects them to potential removal from their homes and families, could lead children to perceive the legal system as unjust. Such distrust reinforces delinquent behavior, detracts from prosocial development, and increases recidivism.<sup>11</sup> Furthermore, charging a younger child based upon arrest rates presents due process issues, equal protection and racial inequality issues, and would emphatically increase distrust in the system.

Likewise, while it is dangerous for a young child to have access to firearms, distrust in the system is also dangerous. Charging children who—through negligent or reckless behavior by adults—gain access to weapons in the juvenile court system would only delay the services these children may need, and importantly, may deter families from looking to the police and the Department of Juvenile Services for help when it is needed.

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<sup>9</sup> Courts & Judicial Proceedings §3-8A-3 and §3-8A-19.

<sup>10</sup> Lon Fuller, *The Morality of Law*, YALE UNIVERSITY PRESS (1964).

<sup>11</sup> National Research Council 2014. Implementing Juvenile Justice Reform: The Federal Role. Washington, DC: The National Academies Press. <https://doi.org/10.17226/18753> at 17.

***Child Interrogation Protection Act and The Child’s Right To Consult With An Attorney.*** In 2022, Maryland passed the Child Interrogation Protection Act (“CIPA”). By providing this essential protection, Maryland made a commitment to upholding basic legal principles and deeply embedded constitutional rights. An amendment to this bill which allows for a child's parent, guardian, or custodian to consent to the custodial interrogation of the child, without the child's consultation with an attorney, is contrary to the studies utilized to pass CIPA in 2022 and deprives children of their right to be properly advised by an objective and trained lawyer.

Evidence suggests that the presence of a parent neither increases juveniles’ assertion of their rights nor mitigates the coercive circumstances inherent in police interrogations.<sup>12</sup> Many parents are unaware that their presence or participation in their child’s interrogation can fail to protect their child’s right against self-incrimination. The majority of adults misunderstand their legal rights and protections within a criminal setting, especially involving custodial interrogations. As the law currently stands, a parent has the right to be notified of their child’s custodial status; this right belonging to the parent is distinct from the child’s independent right to an attorney at all stages of a legal proceeding, and the additional right to consult with counsel created by CIPA prior to a custodial interrogation.

Children are entitled to legal protections as individuals—separate and apart from their parents. Every child has the right to understand their legal rights and protections. Children also have the right to understand what it means to abandon their rights, and that any waiver of their rights must be knowingly, intelligently, and voluntarily made. Parents cannot replace legal counsel for a child, especially when the child is accused of delinquency or criminal acts, and the Constitution does not allow a third-party, even their parent, to waive a child’s Constitutional rights.

***Conclusion.*** With the current laws as they stand, Maryland’s juvenile justice system is focused on aligning the laws that impact children with the established science of adolescent development. Children need to be held accountable for wrongdoing in a developmentally appropriate way that promotes healthy moral growth. An effective youth legal system is a fair legal system, with laws that improve the odds that young children who come into contact with the justice system will successfully and safely transition to adulthood. A law that removes protections and imposes higher standards on the youngest children in our system does not accomplish this goal.

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<sup>12</sup> Naomi E. S. Goldstein, Emily Haney-Caron, Marsha Levick & Danielle Whiteman, Waving Goodbye to Waiver: A Developmental Argument Against Youth’s Waiver of Miranda Rights, 21 LEG. & PUB. 1, 52 (2018) (citing Thomas Grisso & Carolyn Pomicter, Interrogation of Juveniles: An Empirical Study of Procedures, Safeguards, and Rights Waiver, 1 LAW & HUM. BEHAV. 321, 340 (1997)).



**For these reasons, the Maryland Office of the Public Defender urges this Committee to issue an unfavorable report on Senate Bill 52.**

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**Submitted by: Maryland Office of the Public Defender, Government Relations Division.**

**Authored by: Kimber Watts, Sara Wendel, and Evelyn Walker, Assistant Public Defenders,  
[kimber.watts@maryland.gov](mailto:kimber.watts@maryland.gov), [sara.wendel@maryland.gov](mailto:sara.wendel@maryland.gov), [evelyn.walker@maryland.gov](mailto:evelyn.walker@maryland.gov).**

# **2024 Juvenile Justice Restoration Act- Senate.pdf**

Uploaded by: Steven Asin

Position: UNF

February 13, 2024

Steven G. Asin  
Bethesda, MD 20817

**TESTIMONY ON SB052/HB0319 - POSITION: UNFAVORABLE**  
**Juvenile Justice Restoration Act of 2024**

**TO:** Chair Smith, Vice Chair Waldstreicher, and members of the Judicial Proceedings Committee

**FROM:** Steven G. Asin

**My name is Steven G. Asin. I am a resident of District 16. I am submitting this testimony in opposition SB052/HB0319.**

I am a 73-year-old attorney whose career and retirement have been devoted to providing representation to persons charged with or convicted of crimes who cannot afford to retain a lawyer to represent them, including children who have been prosecuted as adults. My experience has shown me that real and lasting criminal justice reform requires a change in the way criminal legal system actors view the individuals whose fates they determine. They need to see them as more than the worst thing they have ever done, and as fully human as their own sons and daughters, nieces and nephews, and close friends and relatives. This is especially true when it comes to responding to children who commit acts that, if perpetrated by adults, would be criminal.

SB052/HB0319 targets the Juvenile Justice Reform Act and the Child Interrogation Protection Act by allowing parents to waive their child's right to speak to a lawyer prior to custodial interrogation by law enforcement. A child in this situation is more likely than children in other circumstances to have parents who have demonstrated an inability to act in the child's best interest. Moreover, the judgment of parents, even those acting in good faith and with heartfelt concern for what is best for their child, is no substitute for the advice of counsel that the United States Supreme Court's *Miranda* decision and its progeny held that every citizen has a right to consider before agreeing to custodial interrogation.

The bill also alters the jurisdiction of juvenile court to include jurisdiction over 10–12-year-olds alleged to have committed a crime involving the use or possession of a firearm. This measure flies in the face of recommendations from Maryland's Juvenile Justice Reform Council and ignores decades of research and data on the most effective ways to provide accountability and improve public safety while changing the negative life trajectory of the children whose conduct has compelled the intervention of law enforcement.

**I respectfully urge this committee to return an UNFAVORABLE report on SB052/HB0319.**

# **SB52 Toby Ditz UNFAV.pdf**

Uploaded by: Toby Ditz

Position: UNF

Toby Ditz  
Baltimore, 21217 (D40)

Feb. 13, 2024

**TESTIMONY ON SB#52 POSITION: UNFAVORABLE**  
**Juvenile Justice Restoration Act**

**TO:** Chair Smith, Vice Chair Waldstreicher, and members of the Judicial Proceedings Committee

**FROM:** Toby Ditz

I am a longtime resident of Bolton Hill in Baltimore City in D 40. I oppose SB052.

I come to the table as fearful as anyone about violent crime. In fact, police statistics for my district show that there has been a substantial uptick in armed carjackings in my neighborhood this fall and winter—some committed by children and youths, some by adults. My very close friend was beaten at gunpoint in December in front of his house just after dropping us off around the corner, and just two weeks ago a 77 year-old neighbor was so violently assaulted during a carjacking that he was hospitalized with severe injuries and had to have surgery. We feel frightened and vulnerable.

Even so, I still believe this bill is the wrong response. As study after study has shown, including the work of your own juvenile justice commission, sweeping more children into the criminal justice system and cutting back on their due process rights will not reduce crime and will blight the futures of minors who might otherwise be helped.

The original Juvenile Justice Protection Act passed by this body rightfully protected younger children from the full force of the criminal justice system: you knew then that criminalizing the behavior, even very dangerous behavior, of the very young, will not solve our problem and exposes them to the brutalizing consequences of the carceral system.

Similarly, we know that our youth, despite their superficial bravado, are typically afraid of police, and many have also experienced trauma. Even my own district police captain said to me privately at a community meeting two months ago that children can easily be made to tell the story that their questioners want to hear. And studies show that even older minors cannot be expected to fully comprehend or evaluate their rights. That is why the original CIPA law strengthened its protections for minors facing custodial interrogation.

Yet here we are in danger of capitulating in an election year to the same hyped up racist media narratives about dangerous black youths that plagued us the 1990s and to false claims that the current reforms “tie the hands of the police and prosecutors.” Don’t retreat from your own

best work. Don't let fear and racial bias stop your reforms in their tracks before they have barely had time to be implemented.

Instead of this reactionary lurch backward to the era of mass arrest and incarceration, let's have the courage of our convictions and invest real resources in major support services, diversion programs, and, where truly necessary, in carceral services that are tailored toward children and their rehabilitation. You and I know that we are not doing this on anywhere near the scale needed. In fact, at a recent panel on youth justice held at my synagogue, Beth Am, Vinny Schiraldi, Secretary of the Department of Juvenile Services, said that among the most painful aspects of his job was noticing "how thinned out" services for youth had become throughout the state over the last decade. That is what we need to fix.

I oppose this unwise, backward-looking bill. It will not make people like me safer, and it will not build better futures for our youth, especially black minors: **I respectfully urge this committee to return an unfavorable report on SB52.**