

February 13, 2024

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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.