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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.ⁱ While many states are taking steps to protect children's rights, SB 52 would roll them back.ⁱ

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.ⁱⁱ 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.

ⁱ 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.>

ⁱⁱ 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