



MARYLAND
CATHOLIC
CONFERENCE

February 8, 2024

HB 445

Minors Convicted as Adults – Sentencing – Transfer to Juvenile Court

House Judiciary Committee

Position: FAVORABLE

The Maryland Catholic Conference offers this testimony in support of House Bill 445. The Catholic Conference is the public policy representative of the three (arch)dioceses serving Maryland, which together encompass over one million Marylanders. Statewide, their parishes, schools, hospitals and numerous charities combine to form our state's second largest social service provider network, behind only our state government.

The aim of House Bill 445 is to mitigate sentencing for human trafficking victims who have been convicted of crimes against their trafficker, ensuring they are *sentenced* in juvenile court. While this bill would be a great first step in mitigating sentences for trafficking victims, often victims of circumstance and in the wrong situation at the wrong time, we submit that a better way to address the underlying issue for which this bill is needed would be to prohibit these victims from being *automatically* charged as adults in the first place. That concept would change the charging circumstances of these youth trafficking victims from a waiver-down to a waiver-up system, allowing victims charged with such crimes to be moved up to the adult system upon judicial determination.

In *Miller*, 567 U.S. at 471, the U.S. Supreme Court noted certain inherent characteristics of youthful offenders, such as “diminished capacity” and “greater prospects for reform”. Precedents such as *Miller* and many others, combined with Catholic social teaching, helps formulate our position that Maryland must take a more restorative approach to youth justice. The circumstances of youth charged with crimes in the instances that are the subject of House Bill 445 warrant even greater emphasis on the aforementioned considerations, as these youth begin their journey as victims in the first instance.

Thus, we urge your support and a favorable on report on House Bill 445, but suggest the committee consider amendments to Maryland's automatic charging statute as the focal point of this bill.