



BILL NO: House Bill 445
TITLE: Minors Convicted as Adults - Sentencing - Transfer to Juvenile Court
COMMITTEE: Judiciary
HEARING DATE: February 8, 2024
POSITION: Unfavorable

The Maryland Network Against Domestic Violence (MNADV) is the state domestic violence coalition that brings together victim service providers, allied professionals, and concerned individuals for the common purpose of reducing intimate partner and family violence and its harmful effects on our citizens. **MNADV urges the House Judiciary committee to issue an unfavorable report on HB 445.**

House Bill 445 would permit a court to transfer a case out of adult court and into juvenile court for sentencing of minor if the victim-witness in the minor-defendant's case committed a sex crime or human trafficking crime against the minor-defendant within the 3 months before the minor-defendant committed the offense. MNADV appreciates that this bill has good intent and values the desire to assist survivors, however, we respectfully suggest that this bill would not create sound policy as written.

Maryland's law on duress is out of date and should be amended to permit introduction of evidence regarding whether a defendant was a victim of a sex crime or trafficking at the hands of the alleged victim as part of the determination of guilt, not at sentencing. This would update the law and help incorporate the experiences of survivors of sexual assault into our justice system.

Moreover, this important information about whether defendants are themselves minor victims should be considered as part of the decision about whether to try the case in juvenile or adult court in the first place. Criminal trials are themselves very difficult and traumatic for victims. Good policy would avoid placing minor victims in adult court when they have committed against their assailants.

HB 445 proposes a 3-month timeline which does not recognize the needs of victims of trauma. Survivors frequently delay reporting, reacting to, and processing what has happened to them. The courts should have the discretion to evaluate whether a defendant's victimization is relevant without an arbitrary deadline. MNADV also questions whether minor victims of other crimes might also benefit from additional support in our law and should include them as well.

We fully support the bill's intent but cannot endorse the current language of HB445. For the above stated reasons, the **Maryland Network Against Domestic Violence urges an unfavorable report on HB 445.**

For further information contact Melanie Shapiro • Public Policy Director • 301-852-3930 • mshapiro@mnadv.org

1997 Annapolis Exchange Parkway, Suite 300 • Annapolis, MD 21401
Tel: 301-429-3601 • E-mail: info@mnadv.org • Website: www.mnadv.org