



## Maryland State's Attorneys' Association

3300 North Ridge Road, Suite 185

Ellicott City, Maryland 21043

410-203-9881

FAX 410-203-9891

Rich Gibson  
President

Steven I. Kroll  
Coordinator

**DATE:** February 13, 2024

**BILL NUMBER:** SB 195

**POSITION:** Favorable with Amendment

The Maryland State's Attorney's Association (MSAA) supports SB 195 with the inclusion of a minor amendment to the bill's language that would ensure its uniform application across the state.

MSAA supports legislation, like SB 195, that ensures the needs of at-risk children are identified and met, and that our youngest and most vulnerable children are not lost in the system simply by virtue of their age. One of the core insights that drove the 2022 passage of the Juvenile Justice Reform Act is that the primary causes of delinquent conduct by especially young children are external to the child.

The removal of these young children from the jurisdiction of the juvenile court, however, has left a void that other, currently-extant legal processes are unable to adequately fill. SB 195 recognizes this by requiring law enforcement officers to make an investigative referral to the local department of social services after arresting a child under the age of 13 for a firearms offense, or for any other offense if the child has been previously arrested.

In practice, though, some law enforcement agencies will not arrest children that are outside of the jurisdiction of the juvenile court – a child under the age of 13 engaged in repeated criminal conduct that does not qualify for prosecution under MD. CODE ANN., CTS. & JUD. PROC. § 3-8A-03(a)(1) may never be arrested, and law enforcement may never be required to make an investigatory referral. Pinning the referral requirement instead to whether there exists probable cause to believe a child under the age of 13 has committed an offense involving a firearm, or has committed two separate acts that would constitute a crime if committed by an adult, would solve this issue, and ensure the statewide effectiveness of SB 195 regardless of local law enforcement practice.