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BILL: HB 1107 Juvenile Law - Confinement and Restrictive Housing – Limitations

FROM: Maryland Office of the Public Defender

POSITION: Favorable with Amendments

DATE: February 19, 2025

The Maryland Office of the Public Defender (hereinafter “OPD”) respectfully requests that the Judicial Proceedings Committee issue a favorable report with amendments on House Bill 1107.

The two purposes of House Bill 1107 are:

(1) to make sure that all youth ordered detained while pending hearings seeking to have their cases transferred to Juvenile Court pursuant to Criminal Procedure § 4-202 are maintained in a secure juvenile detention center operated by the Maryland Department of Juvenile Services (hereinafter “DJS”); and

(2) to ensure that those youth under the age of 18 who are either ineligible to have their cases transferred to juvenile court or have had their motions to transfer denied are maintained in a secure facility where they are prevented from having physical, sight, and/or sound contact with adult inmates without having to be placed in solitary confinement to achieve this objective.

While we applaud the intent of the bill, we think that there is a simpler way to craft the language to achieve the second of these objectives.

All Detained Youth Pending Transfer Hearings to Be Held in Secure Juvenile Facilities Operated by DJS

The proposed language amending the existing provisions of Criminal Procedure § 4-202 to ensure that all detained youth pending transfer are detained in a juvenile detention facility achieves the intent of objective number one in a clear and concise way. No revisions are recommended for this section.

All Detained Youth Ineligible for Transfer or Who Have Been Denied Transfer to be Held in a Secure Facility for Youth Operated by the Department of Public Safety and Correctional Services (hereinafter “DPSCC”)

In OPD’s view, the language proposed to achieve this objective is overly complicated. In order to preclude youth from unnecessarily being placed in restrictive housing in an adult facility and moved to the “general population,” while still preventing the youth from having contact with adult inmates, the facility would have to keep the youth in a “general population” composed of only youth. Jails would have to maintain a separate juvenile wing, which would be cost

prohibitive for many County jails. For smaller jails, where there may be only one youth detained, the juvenile only wing would consist of that one youth and would essentially still amount to solitary confinement. Maryland has a youth detention center operated by the DPSCS in Baltimore called the Youth Detention Center (hereinafter “YDC”). It has only children under the age of 18 and has an excellent school, which will allow them to continue their educations for so long as they are there. Many youth ineligible to have their cases transferred to juvenile court or who have had their motions to transfer denied, are currently housed there. However, there are also a number of these youth currently housed in local jails, often maintained in solitary confinement to keep them from having exposure to adult inmates.

Rather than HB 1107’s language to achieve this objective, OPD proposes to simplify the language as follows:

“Any detained child under the age of 18 who is not eligible to have their case transferred to juvenile court pursuant to Criminal Procedure Sec. 4-202 or any child under the age of 18 who has had their petition to transfer to juvenile court denied shall be detained at a facility for children operated by the Maryland Department of Public Safety and Correctional Services.”

With this amendment, OPD urges the Judicial Proceedings Committee to issue a favorable report on HB 1107.

Submitted by: Maryland Office of the Public Defender, Government Relations Division.