

Testimony in Support of Senate Bill 323
Juvenile Court – Jurisdiction (Youth Charging Reform Act)
Position: Favorable

To: Senator William C. Smith, Jr., Chair, and the Members of the Judicial Proceedings Committee

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The Racial Justice and the Law Clinic at the University of Maryland Francis King Carey School of Law engages matters that examine, address, and aim to redress racial inequities and other harms experienced by historically racially marginalized groups. The Clinic supports Senate Bill 323 (“SB 323”). As many have stressed, Maryland’s auto-charging system overwhelmingly punishes Black children and is disconnected from science and public safety. If passed, SB 323 would protect a significant number of Maryland’s youth from being exposed to an adult criminal system that has historically failed our children, particularly Black children. Lessons from history and the present compel our State to move away from automatically charging children as adults and to treating all children as children.

In 1945, Maryland began charging children as adults.¹ Over time, the range of offenses which result in automatic charging of youth as adults has dramatically expanded and increased the number of children subject to adult incarceration.²

In 1995, a political scientist, John J. Dilulio Jr., proposed his infamous “super predator” theory³ Relying on his theory, Dilulio predicted a coming wave of “severely morally impoverished juvenile super-predators” of mostly “inner city” boys would be “more violent” and less remorseful than previous generations.⁴ Six years later, the United States Surgeon General debunked this myth.⁵ Dilulio subsequently renounced his theory as well. He admitted that it was wrong and regretted its impact.⁶ But the damage was done as Maryland, like many other states, had already

¹ See Barry C. Feld, *The Juvenile Court Meets the Principle of the offense: Legislative Changes in Juvenile Waiver Statutes*, 78 J. Crim. L. & Criminology 471, 512 (1987) (detailing that in 1945, the state of Maryland passed a law which legislatively excluded armed robbery from the scope of juvenile court).

² See Md. Code Ann., Cts. & Jud. Proc. § 3-8A-03(d) (Today, there are thirty-three offenses for which children are automatically charged in adult criminal court)

³ John J. Dilulio Jr., *The Coming of the Super-Predators*, Wash. Examiner, Nov. 27, 1995, <https://www.washingtonexaminer.com/magazine/1558817/the-coming-of-the-super-predators/>

⁴ *Id.*

⁵ See *State v. Belcher*, 342 Conn. 1, 15 (2022) (“In 2001, the United States office of the Surgeon General labeled the super predator theory a myth”) (citation omitted).

⁶ *Id.*

acted. Maryland passed a law stripping children as young as fourteen of their juvenile status and forcing them into the adult criminal justice system for certain crimes.⁷ As a result, Maryland quickly became a national leader in prosecuting children as adults and subjecting children to adult courts and prisons.

History offers an important lesson, as Maryland has long criminalized and punished Black children differently and more harshly than other children. In 1870, the Maryland General Assembly authorized the creation of the House of Reformation and Instruction for Colored Children (“House of Reformation”), a “training school” in Prince George’s County that soon housed Black boys.⁸ Children at the House of Reformation suffered from neglect, forced labor and other forms of abuse, limited education, and poor sanitation. George Clark, who was formerly incarcerated at the institution, described it over ninety years ago as “a place not fit for a dog.”⁹ Hundreds of children died there, many under circumstances that remain questionable. While many of these deaths were attributed to disease, poor conditions and neglect likely contributed to some of the deaths.¹⁰ A 2025 Washington Post investigation revealed that at least 230 Black boys died in custody at the House of Reformation. They remain buried there, under marked and unmarked gravestones that have recently been rediscovered.¹¹ Known now as the Cheltenham Burial Ground, this travesty has been brought to the public’s attention in the months *since* last year’s legislative session.

Turning to the present, recent developments in neighboring Washington, D.C. also bring extra urgency to SB 323 as they demonstrate how efforts to weaken protections for youth in the criminal system disregard Black children and disproportionately place them at risk. In 2025, the United States Attorney for the District of Columbia publicly advocated for changing the district’s laws to allow prosecutors greater authority to charge younger teenagers as adults. She stated that her “number one priority” was lowering the age of adult criminal responsibility to fourteen.¹² Given that Black children are disproportionately arrested and charged in the District, lowering the age at which children can be charged as adults would overwhelmingly impact the very same children. Advancing her position, she dismissed the brain science that has long proved that children are largely incapable of understanding the long-term consequences of their actions, as she lamented that she did not “want to hear about the pre-frontal lobe.”¹³ This rejection of science is

⁷ Md. Code Ann., Courts and Judicial Proceedings § 3–8A–03; see HUMAN RIGHTS WATCH, TRYING CHILDREN IN ADULT COURTS ¶ 2-3 (1999) (Maryland passed legislation to make it easier for children to be charged as adults in response to the Super Predator myth.) https://www.hrw.org/reports/1999/maryland/Maryland02.htm#P352_41088

⁸ Megan Sayles, *Graves of Imprisoned Black Children Inspire Reform in Maryland*, AFRO (Sept. 26, 2025), <https://afro.com/maryland-black-caucus-visit-cheltenham/>

⁹ Nicole Ramos, *Not fit for a dog’: Maryland reformatory boys died through neglect, disease and exhaustion*, CNS MARYLAND (Dec. 10, 2025), https://cnsmaryland.org/2025/12/10/cheltenham_mainbar/

¹⁰ *Id.*

¹¹ Katie Mettler & Michael Brice-Saddler, *230 Dead Black Boys. A ‘Secret Cemetery.’ Officials Knew, and Didn’t Act.*, WASH. POST (Sept. 22, 2025), <https://www.washingtonpost.com/dc-md-va/2025/09/22/house-of-reformation-graveyard/>

¹² *Jeanine Pirro touts results of Trump’s crime crackdown in DC: ‘It’s working*, FOX NEWS (Oct. 28, 2025) (8:00), <https://www.foxnews.com/video/6384185312112>.

¹³ *Tensions flare at community meeting with U.S. Attorney for the District of Columbia Jeanine Pirro*, YOUTUBE (September 27, 2025) (20:20), <https://www.youtube.com/watch?v=tdXxw38Uv1U>.

especially dangerous for Black children, who are already more likely to be perceived as older, more culpable, and less deserving of rehabilitation than their peers¹⁴

These events of history and the present bring sharper focus to Maryland's auto-charging law and why we must move in a different direction. Maryland needs to see and treat all children as children and hold children accountable in ways that align with adolescent development and brain science, support their growth, and promote public safety.

For the foregoing reasons, and many others, the Clinic respectfully asks the Committee to issue a favorable report.

This written testimony is submitted on behalf of the Racial Justice and the Law Clinic at the University of Maryland Francis King Carey School of Law and not on behalf of the School of Law, the University of Maryland, Baltimore, or the University System of Maryland

¹⁴ CPE Editorial Staff, *The Adultification of Black Children*, Center for Policing Equity (Jan. 19, 2023), <https://policingequity.org/the-adultification-of-black-children/>.