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**WRITTEN TESTIMONY IN SUPPORT OF SB 323, YOUTH CHARGING REFORM
ACT**

TO: Chair Smith, Vice Chair Waldstreicher, and members of the Judicial Proceedings Committee
From: Melissa Rothstein,

I am a resident of District 43A in Baltimore City. I am submitting this testimony in support of SB 323, Youth Charging Reform Act. While I submit this testimony as an individual, it is informed by my experience as a criminal and juvenile justice advocate for more than 20 years, including 10 years as a member of the Maryland Office of the Public Defender’s policy team.

SB 323 is a modest measure that reduces the extent to which children accused of crimes are inappropriately treated like adults. As detailed in [the recent report of the Commission on Juvenile Justice Reform and Emerging and Best Practice’s Processes and Systems Coordination Workgroups](#), and previously addressed by virtually all experts and task forces examining the issue, automatically charging children as adults has had no positive impact on public safety, while creating extraordinary harm to young people, their communities, and the criminal system overall.

The practice of automatically charging children as adults has placed Maryland among the nation’s worst states in its response to youth crime. Maryland charges more children as adults than any other state except Alabama; has a detention rate for children that is more than six times the national average; and has such a high number of violations of the Juvenile Justice and Delinquency Prevention Act (JJDP) that the state is excluded from national averages due to its outlier status. This has devastating results for the children who are accused, their families, and the communities where they live. It is particularly harmful for the Black and Brown individuals and communities that are disproportionately swept into the legal system and more likely to be arrested, charged, and sentenced more harshly than their white counterparts.

While not fully ending the automatic charging of children as adults, this compromise measure targets the most egregious use of the adult system. The majority of cases involving children automatically charged as adults are ultimately transferred to the juvenile system, after experiencing the harms and dangers of being in the adult system for months. While a child may still be waived up to adult court based on the individual circumstances of their case, SB 323 will ensure that children who belong in the juvenile system start and end there without exposed to the indelible mark of the adult criminal legal system and the horrifically traumatic experience of adult jails.

Children, communities, and true public safety are best served when children accused of crimes start in the juvenile system, where age-appropriate services, treatment, and education are available. When children are not automatically charged as adults we empower a judge, not the

State's Attorney, to decide where a case should be heard. And until that decision is made, we must ensure that a child will not be exposed to the terrors of the adult system and will instead be infused with treatment and support.

I respectfully urge this committee to return a favorable report on SB 323.