



February 2, 2026

The Honorable William Smith, Jr.,
The Honorable Jeffrey Waldstreicher, and
members of the Senate Judicial Proceedings Committee
Miller Senate Office Building
11 Bladen St.
Annapolis, Maryland 21401

Re: In Favor of Senate Bill No. 323 Jurisdiction (Youth Charging Reform Act)

Dear Chair Smith, Vice Chair Waldstreicher, and members of the Senate Judicial Proceedings Committee:

The Gault Center: Defenders of Youth Rights writes **in favor** of Senate Bill No. 323. Given the well-established understanding of adolescent development and brain science research accepted by the United States Supreme Court and now incorporated into our legal jurisprudence, as well as extensive evidence of the detrimental impacts of prosecuting youth as adults and the racial disparities in these practices, the Gault Center believes all children should be retained in juvenile court. Accordingly, the Gault Center has established system standards that call for full evidentiary hearings with stringent due process requirements prior to the transfer of any young person to adult court.¹ And while Senate Bill 323 stops short of eliminating automatic transfer of youth to adult court, it represents a significant step toward addressing long-standing due process gaps for youth subject to automatic transfer based on charging decisions.

The Gault Center is a nonpartisan nonprofit committed to promoting justice for all children by ensuring excellence in youth defense. We believe that all youth have the right to zealous, well-resourced legal counsel. The Gault Center provides technical assistance, training, and support to youth defenders across the country and works to establish systems of youth defense that require effective representation for all youth. Additionally, we support the transformation of court systems that negatively impact our nation's youth.

Children are not the same as adults and the discretion this bill returns to juvenile court judges in making transfer decisions reflects that understanding. Senate Bill No. 323 recognizes that the transient qualities of youth, specifically lessened culpability and capacity for growth and development, requires judicial discretion in determining a young person's amenability to juvenile court jurisdiction.

¹ *The Gault Ctr., National Youth Defense System Standards, Standard 6.3 (2024).*

The Gault Center believes all children must be afforded the full panoply of their constitutional, statutory, and human rights consistent with legal doctrine that upholds a differential jurisprudence for youth. While we maintain that all young people involved in the legal system should be in juvenile court, Maryland will take a critical step toward affording more youth essential due process rights by issuing a favorable report on Senate Bill No. 323. The bill strengthens the supportive role of the juvenile court by ensuring that developmental principles are considered, consistent with United States Supreme Court jurisprudence.² The Court's decisions in the last two decades have adopted developmental science and affirmed that young people are less culpable and more amenable to rehabilitation than their adult counterparts. The Court stated, "It remains true that '[f]rom a moral standpoint it would be misguided to equate the failings of a minor with those of an adult, for a greater possibility exists that a minor's character deficiencies will be reformed.'"³ Accordingly, when young people face potential extreme sentences, courts must consider their youthfulness as a mitigating factor.⁴ "The relevance of youth as a mitigating factor derives from the fact that the signature qualities of youth are transient."⁵

The current scheme in Maryland, however (allowing charging decisions to determine the transfer of young people to adult court), is rooted in principles that suggest Maryland values punishment over the juvenile legal system's ultimate purpose which is to, "assist children in becoming responsible members of society."⁶ Senate Bill No. 323 begins to rectify this by adopting an understanding of both fairness and adolescent development for 14- and 15-year-old youth, and many 16- and 17-year-old youth.

This bill is also good policy supporting true community safety. For more than two decades, we have known that the transfer of young people to adult court leads to worse outcomes for both young people and communities. For example, in 2007, the Center for Disease Control released a report concluding that, "*Available evidence indicates that transfer to the adult criminal justice system typically increases rather than decreases rates of violence among transferred youth....On the basis of these findings, the Task Force recommends against laws or policies facilitating the transfer of juveniles to the adult criminal justice system for the purpose of reducing violence.*"⁷ SB 323 reflects an evidence-based strategy for improving public safety and the lives of youth.

² See, e.g., *J.D.B. v. North Carolina*, 131 S.Ct. 2394, 2397 (2011) (our history is "'replete with laws and judicial recognition' that children cannot be viewed simply as miniature adults") (quoting *Eddings v. Oklahoma*, 455 U.S. 104, 115-16 (1982)).

³ *Graham v. Florida*, 560 U.S. 48, 68 (2010), quoting *Roper v. Simmons*, 543 U.S., 551, 570 (2005).

⁴ *Id.* at 76; and see *Miller v. Alabama*, 132 S.Ct. 2455, 2467 (2012) ("we insisted in these rulings that a sentencer have the ability to consider the 'mitigating qualities of youth'") (quoting *Johnson v. Texas*, 509 U.S. 350, 367 (1993)).

⁵ *Roper*, 543 U.S. at 570.

⁶ Md. Code Ann., Cts. & Jud. Proc. § 3-8A-02, <https://www.courts.state.md.us/sites/default/files/import/family/pdfs/familylawinformation-jvenilelegaldigest.pdf>.

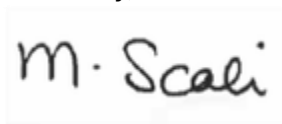
⁷ Ctrs. for Disease Control & Prevention, Effects on Violence of Laws and Policies Facilitating the Transfer of Youth from the Juvenile to the Adult Justice System, 56 MMWR RR-9, 1 (2007).

This bill also begins to address the well-documented racial disparities in automatic charging practices in Maryland. Black youth are more likely than their white peers to be prosecuted as adults and to receive longer sentences for similar offenses, in part because they are more often perceived and treated as adults. State data show that nearly 80 percent of youth charged as adults are Black.⁸ Senate Bill 323 offers Maryland a systemic means to begin mitigating the factors that drive these disparities, while moving the state toward ensuring that all children receive fair consideration of their individual circumstances.

Under Senate Bill No. 323, more children will receive the individualized consideration they are constitutionally entitled to. Where children are retained in juvenile court, they are more likely to receive opportunities and services to assist them on their way to being positive contributing members of our communities. Such a pathway will lead to less recidivism and increased public safety, reducing the burden on Maryland taxpayers. Thus, this bill produces not only a more just result, but a smarter one.

The Gault Center joins other local and national advocates in strongly supporting a **favorable** report on Senate Bill No. 323.

Sincerely,

A handwritten signature in black ink that reads "M. Scali". The signature is written in a cursive, slightly informal style.

Executive Director

⁸ Md. Governor's Off. of Crime Prevention & Pol'y, Juveniles Charged as Adults Dashboard, <https://app.powerbigov.us/view?r=eyJrljoiNzQzYTZhYmMtNzVmOC00OGE2LWFKNzktZDliYzg5NzEyODU2liwiZCI6IjYwYWZlOWUyLTQ5Y2QtNDliMS04ODUxLTY0ZGYwMjc2YTJlOCJ9> (last visited Feb. 1, 2026).