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TESTIMONY ON SB0323-POSITION: FAVORABLE
Juvenile Court - Jurisdiction (Youth Charging Reform Act)

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

FROM: Melissa Coretz Goemann

My name is Melissa Coretz Goemann and I am a resident of District 20. I am submitting this testimony in support of SB0323, the Youth Charging Reform Act.

I have spent most of my three decade career working in non-profit organizations as an advocate for youth justice reform at national and state-based organizations. Through this work, I learned the significant negative consequences to young people and to public safety that occurs when they are tried in the adult system. By limiting the automatic charging of youth as adults, this bill will ensure that the determination of whether to charge a young person as an adult is given the serious consideration by a judge that this significant, life-altering decision requires.

The negative impacts of treating youth as adults are substantial and often life-long, affecting individual youth, their families, and communities.¹ Youth held in adult facilities are extremely vulnerable to physical and sexual assault and have much higher rates of suicide than youth in juvenile facilities.² The adult system also lacks general educational programming, special education services, and appropriate physical and mental health care for youth.³ Youth with adult criminal records will likely have difficulty finding employment and may suffer from other collateral consequences such as restrictions on voting rights, access to higher education, joining the military, or living in public housing. These failings have a direct impact on public safety, as research shows that adult system processing and incarceration increases recidivism among teens.⁴

¹ See, e.g., Campaign for Youth Justice, “The Consequences Aren’t Minor: The Impact of Trying Youth as Adults and Strategies for Reform” (March 2007), https://www.njjn.org/uploads/digital-library/CFYJNR_ConsequencesMinor.pdf.

² Campaign for Youth Justice, “Jailing Juveniles: The Dangers of Incarcerating Youth in Adult Jails in America” (November 2007): 4, 11-13, https://papers.ssrn.com/sol3/papers.cfm?abstract_id=1697706; James Austin, et al., “Juveniles in Adult Prisons and Jails: A National Assessment” (Bureau of Justice Assistance, October 2000): 7-8, <https://www.ncjrs.gov/pdffiles1/bja/182503.pdf>.

³ Campaign for Youth Justice, “Jailing Juveniles,” 4-7.

⁴ “Effects on Violence of Laws and Policies Facilitating the Transfer of Juveniles from the Juvenile to the Adult Justice System: A Report on Recommendations of the Task Force on Community Preventive Services” (Centers for Disease Control and Prevention, April 2007): 6-8, www.cdc.gov/mmwr/pdf/rr/rr5609.pdf.

Adult sanctions for youth also do not account for fundamental differences in culpability. Studies of adolescent brain development have revealed that the part of a young person’s brain related to judgment and impulse control is generally not fully developed until the early to mid-twenties.⁵ As part of normal development, youth are more likely to take risks, act impulsively, and are highly susceptible to the negative influences of peers. Though these age-related factors may contribute to youthful mistakes, youth are uniquely capable of change. In fact, several recent U.S. Supreme Court decisions have cited these differences between youth and adults as necessary considerations when it comes to imposing extreme adult sentences and evaluating police custody.⁶ These decisions rely on both scientific evidence related to the psychology and development of children and youth, as well as a more general understanding that children possess a broad capacity for rehabilitation and positive change.

Finally, being tried as an adult is a sanction that falls disproportionately on the shoulders of Black youth. The most recent data reveals that over 77 percent of youth charged in adult court are Black. Such blatant disparities undermine the principle of fairness, highlighting the immediate need for serious consideration by a judge before a young person is transferred into the adult system.

Maryland sends more youth, ages 14-17, to adult court – automatically, without input from a judge – than any other state except Alabama. It is well past time to change this practice by passing the Youth Charging Reform Act which will limit the automatic charging of young people as adults. I respectfully urge this committee to return a favorable report on SB0323.

Respectfully Submitted,

Melissa Coretz Goemann

⁵ National Juvenile Justice Network (NJJN), “Using Adolescent Brain Research to Inform Policy” (Washington, DC: NJJN, September 2012); 1, https://www.njjn.org/uploads/digital-library/Brain-Development-Policy-Paper_Updated_FINAL-9-27-12.pdf.

⁶ See, e.g., *Roper v. Simmons*, 543 U.S. 551 (2005) (eliminates the death penalty for crimes committed while youth are under age 18); *Graham v. Florida*, 560 U.S. 48 (2010) (bans life without parole sentences for youth under age 18 convicted of non-homicide offenses); *J.D.B. v. North Carolina*, 564 U.S. 261 (2011) (holds that age is relevant factor to consider when determining whether a child is in police custody for Miranda purposes); and *Miller v. Alabama* and *Jackson v. Hobbs*, 567 U.S. 460 (2012) (ban mandatory life without parole sentences for youth 17 and under).