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February 2, 2026

The Honorable William C. Smith, Jr.  
Chair, Judicial Proceedings Committee  
11 Bladen Street, Miller Senate Office Building  
Annapolis, Maryland 21401

Re: Senate Bill 323 – Juvenile Court – Jurisdiction (Youth Charging Reform Act) (Support with Amendments)

Dear Chair Smith,

The Office of the Attorney General (OAG) supports Senate Bill 323 – Juvenile Court - Jurisdiction (Youth Charging Reform Act) with the amendments described below. Senate Bill 323 significantly limits the offenses for which children are automatically charged as adults in Maryland's criminal justice system.

Senate Bill 323 implements Recommendation #17 from the Maryland Equitable Justice Collaborative (MEJC), which calls for limiting the automatic adult charging of children to more serious felonies or providing more opportunities for judicial review before transferring children to adult court. This recommendation reflects the need to address systemic inequities in Maryland's juvenile justice system.

Currently, Maryland law allows children 14 and 15 years of age to be charged as adults for first-degree murder and first-degree rape and 16- and 17-year-olds to be automatically charged as adults for 33 offenses.<sup>1</sup> This approach does not consider the individual circumstances of a child's involvement in an alleged offense, their prior history, or their amenability to treatment. The practice has been increasing, with the number of children charged as adults growing by 24.9%

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<sup>1</sup> Section 3-8A-03 of the Maryland Judicial Proceedings Act

between 2015 and 2024, and 87.4% of youth charged as adults in FY 2024 being charged automatically.<sup>2</sup>

The impact of these policies falls disproportionately on Black children. Although Black children make up only 31% of Maryland's youth population, they represented 81% of those charged as adults between 2021 and 2023, making them over seven times more likely to be charged as adults than their White peers.<sup>3</sup> Additionally, Maryland has the fourth-highest rate in the nation of people incarcerated for crimes they committed as children, with 6% of Maryland's prison population in 2023 serving time for a crime committed as a child. This number is double the national average.<sup>4</sup>

Additionally, roughly 85 percent of youth automatically sent to the adult justice system either have their case dismissed or are sent back to the juvenile system, representing a significant system failure that exposes children to adult court proceedings without ultimate adult prosecution.<sup>5</sup> During the pendency of these charges and any resulting trial, youth receive few if any rehabilitative opportunities, as adult prisons lack the post-conviction programs and specialized staff necessary for youth development.<sup>6</sup> This gap in services during what may be months or years of pre-trial detention means that even youth whose cases are ultimately dismissed have been denied access to the educational, mental health, and rehabilitative interventions they would have received in the juvenile system.

Senate Bill 323 aligns Maryland with national best practices. More than half of all states have recently narrowed eligibility for children being charged as adults, and eight states now require all juvenile cases to start in juvenile court.<sup>7</sup> This legislation represents a critical step toward ensuring that Maryland's juvenile justice system prioritizes rehabilitation over punishment and provides children with appropriate opportunities for treatment and reform.

We appreciate the intent of this legislation to limit the automatic adult charging of children and address the disparate impact on Black youth. However, to ensure effective implementation and appropriate public safety considerations, we respectfully recommend the following amendment:

### **Proposed Amendment - Add "Pattern of Violent Crime" Definition and Exception:**

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<sup>2</sup> Youth Charged as Adults data from Maryland Department of Public Safety and Correctional Services via Governor's Office of Crime Prevention and Policy (GOCPP) dashboard, pulled January 2025.

<sup>3</sup> Youth Charged as Adults data from Maryland Department of Public Safety and Correctional Services via Governor's Office of Crime Prevention and Policy (GOCPP) dashboard, pulled August 2024.

<sup>4</sup> Human Rights for Kids, "Crimes Against Humanity: The Mass Incarceration of Children in the United States," 2023, [Human-Rights-For-Kids-Crimes-Against-Humanity-The-Mass-Incarceration-of-Children-in-theUS.pdf](https://www.humanrightsforkids.org/wp-content/uploads/2023/09/Human-Rights-For-Kids-Crimes-Against-Humanity-The-Mass-Incarceration-of-Children-in-the-US.pdf).

<sup>5</sup> Report of the Processes and System Coordination Workgroup of the Commission on Juvenile Justice Reform and Emerging and Best Practices, October 23, 2025. <https://gocpp.maryland.gov/wp-content/uploads/Marylands-JJDP-Compliance-Crisis-Children-in-Adult-Detention-COMMISSION-APPROVED-.docx.pdf>

<sup>6</sup> 'Lamentable' policy of automatically trying some juveniles as adults must change, former judge says," February 26, 2025. <https://marylandmatters.org/2025/02/25/lamentable-policy-of-automatically-trying-some-juveniles-as-adults-must-change-former-judge-says/>

<sup>7</sup> William Brangham, "Advocates push to end the automatic charging of juveniles as adults in certain crimes," PBS News Hour, November 2022.

First, in § 3-8A-01, add the following definition:

*"Pattern of violent crime" means that the child is alleged to have participated in, within a six-month period, two or more of the following, when charged in the same charging document, provided the crimes were not part of the same incident:*

1. *Murder in the first or second degree;*
2. *Rape in the first or second degree;*
3. *Robbery or robbery with a dangerous weapon;*
4. *Carjacking or armed carjacking;*
5. *Home invasion;*
6. *First-degree assault; or*
7. *An attempt to commit any of these offenses.*

Then, in § 3-8A-03, at page 4, between lines 20 and 21, where the bill lists cases over which the juvenile court "does not have jurisdiction," add:

*(4) A child at least 16 years old alleged to have committed a pattern of violent crime, as defined in § 3-8A-01.*

This amendment ensures that the bill addresses children engaged in truly persistent patterns of serious violent behavior while preventing the inappropriate application of automatic adult charging to unrelated standalone offenses or single incidents involving multiple charges. By requiring that offenses be charged in the same charging document under Maryland Rule 4-203(a), the amendment ensures that they are "of the same or similar character or connected together or constituting parts of a common scheme or plan." By requiring that offenses not stem from the same incident, it prevents including a child who commits one violent offense that results in multiple charges.

With this amendment, this legislation will effectively balance public safety considerations with the critical need to ensure that Maryland's juvenile justice system provides children with fair and appropriate opportunities for rehabilitation. We have shared proposed amendment language with the bill sponsor and remain available to work collaboratively with the Committee to refine this legislation.

For the foregoing reasons, the Office of the Attorney General respectfully urges the Committee to give **Senate Bill 323** a favorable report with the amendments described above.

Sincerely,



Anthony G. Brown