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Date: February 4, 2025
Bill Number/Title: SB 323- Juvenile Court - Jurisdiction (Youth Charging Reform Act)
Committee: Judicial Proceedings Committee
DJS Position: Support

The Maryland Department of Juvenile Services (DJS) supports Senate Bill 323 as a critical step to strengthen public safety, restore meaningful judicial discretion, and ensure timely, developmentally appropriate intervention for youth.

Senate Bill 323 reforms Maryland’s automatic charging framework by reducing the number of cases that are automatically filed in adult court, while preserving direct adult court charging for the most serious offenses. The bill ensures that more cases begin in juvenile court, where judges can conduct timely, individualized review, without limiting the State’s ability to pursue adult court when required to support public safety.

Automatic Charging Creates Harmful Delays and System Strain

Under current law, youth subject to automatic charging experience lengthy processing timelines in adult court before any judicial review occurs. These delays significantly extend lengths of stay in custody, place sustained pressure on DJS facilities, and result in youth remaining in adult detention facilities in violation of federal oversight requirements. In Fiscal Year 2025, approximately 57 percent of youth detained in DJS-operated facilities were youth charged as adults. Many remain in custody for extended periods while awaiting transfer decisions - far longer than the juvenile justice system was designed to support. These extended stays contribute directly to chronic capacity strain and Maryland’s on-going noncompliance with the federal Juvenile Justice and Delinquency Prevention Act (JJDP A).

Efficient Juvenile Court Review Improves Public Safety

The current statutory (adult to juvenile) transfer process is lengthy and inconsistent with research-based best practices. On average, youth charged as adults wait 124 days in juvenile detention for an adult transfer hearing, with some cases delayed as few as 8 days and others extending beyond 800 days. These prolonged timelines prevent timely intervention and contribute to extended stays in detention.

Research shows that youth prosecuted in adult court are significantly more likely to reoffend—and to commit more serious offenses—than similarly situated youth who remain in the juvenile justice system. By contrast, earlier access to developmentally appropriate interventions reduces recidivism, promotes behavior change, and strengthens long-term public safety outcomes.

DJS has safely served youth charged as adults in residential facilities for over a decade, demonstrating that the juvenile system can hold youth accountable while providing treatment and supervision tailored to their developmental needs. By reforming the automatic charging law, Senate Bill 323 enables earlier access to these developmentally appropriate interventions, creating the conditions for better outcomes for youth, families, and communities across Maryland.

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In practice, the majority of youth charged as adults ultimately return to the juvenile justice system. In Calendar Year 2025, 971 cases involving youth charged as adults reached resolution. Of those cases, 540 youth were returned to DJS custody, meaning the DJS ultimately became responsible for their care, treatment, and supervision—but only after extended periods during which meaningful intervention could not occur.

Of the cases returned to the Juvenile System:

- 264 youth were ordered to probation
- 232 youth were committed to DJS for out-of-home placement

By contrast, 238 youth were retained in the adult system. Of those youth, only 19 percent (47 individuals) received a prison sentence. This means that 81 percent of youth who remained in the adult system returned to the community before their 21st birthday—the same age at which youth must be released from DJS custody—without the benefit of the structured rehabilitative services available in the juvenile justice system.

Senate Bill 323 Restores Judicial Discretion

Under current law, when youth are charged as adults, those decisions are effectively made at the point of arrest, before a judge has the opportunity to review the youth's developmental status, individual circumstances, or amenability to treatment. This structure bypasses judicial discretion and limits the system's ability to make individualized, evidence-based decisions.

Senate Bill 323 restores balance by ensuring that some autocharged cases begin in juvenile court—where judges can conduct meaningful, individualized review—while preserving the State's Attorney's ability to identify cases that may warrant consideration for adult court. This approach allows prosecutorial discretion and judicial oversight to operate together, ensuring that adult court is reserved for the most serious cases while enabling earlier accountability and intervention for other youth.

Prosecutorial Authority and Judicial Oversight Remain Intact

Senate Bill 323 preserves Maryland's established safeguards by maintaining a clear and defined pathway for cases to be sent to adult court when appropriate.

- **State's Attorneys retain discretion** to seek transfer to the adult system based on individualized facts and public safety considerations.
- **Judges make the final determination** regarding waiver or transfer, ensuring consistent and meaningful judicial oversight.
- **Earlier case review supports better decisions**, allowing outcomes to be informed, individualized, and grounded in public safety.



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Conclusion

Senate Bill 323 represents a thoughtful, evidence-based approach that strengthens public safety, ensures timely accountability, and supports the developmental needs of youth. By reducing automatic adult charges while reserving direct adult court for the most serious offenses, the bill restores judicial discretion, allows earlier intervention, and aligns Maryland’s system with research and national best practices.

The Maryland Department of Juvenile Services has long demonstrated that youth can be safely held accountable while receiving developmentally appropriate treatment and supervision. Senate Bill 323 ensures that this approach occurs earlier, more efficiently, and more effectively—improving outcomes for youth, families, and communities across the state.

For these reasons, DJS respectfully urges a favorable report on Senate Bill 323.