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STATE'S ATTORNEY

DATE: February 2, 2026

BILL NUMBER: SB 0323/HB 0409

POSITION: Unfavorable

Limiting direct file will increase the risk to public safety and substantially impair prosecutors' and the courts' ability to address serious juvenile crime. The Department of Juvenile Services (DJS) is already a strained system, lacking sufficient safeguards and resources to ensure consistent delivery of services and meaningful rehabilitation for the high-needs youth it serves.

At the outset, we should correct a repeated assertion that has not been supported by local data — that 85% of juveniles charged as adults are transferred back to juvenile court.

That is not the experience in Wicomico County.

In 2023, eight (8) juveniles were charged in adult court. Only one (1) was transferred to juvenile court — a transfer rate of 12.5%.

In 2024, seventeen (17) juveniles were charged as adults. Five (5) were transferred — a transfer rate of 29.4%.

In 2025, fourteen (14) juveniles were charged as adults. Four (4) were transferred — a transfer rate of 28.6%.

By contrast, the percentage of cases originally filed in juvenile court that were waived to adult court was exceedingly low: 3.6% in 2023, 2.9% in 2024, and 4.7% in 2025.

Since 2023, Wicomico County has experienced a significant increase in gang-related activity involving youth. This activity centers on drug use and distribution (primarily cocaine and marijuana), car theft, illegal firearm possession, and violent assaultive crime, including murder. The membership of these gangs is almost exclusively male and largely juvenile.

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On April 16, 2023, a gang-related shooting resulted in the murder of a 16-year-old and the wounding of a 21-year-old as they stood outside a restaurant. The perpetrators were 16 and 15 years old. Both have now been convicted of murder as adults, with one awaiting sentencing.

Approximately six weeks later, in a continuation of that conflict, a 15-year-old was shot and killed and seven (7) others were wounded at a July 4 gathering. The perpetrators — ages 15, 16, and 27 — have all been convicted. Notably, the 15-year-old defendant was AWOL from a DJS placement at the time of the July 4 murder. The 16-year-old was one of the two youths convicted in the April 16 predecessor incident. Each of the juvenile defendants charged as adults had extensive prior juvenile contacts.

Additional recent cases further illustrate systemic concerns. One juvenile charged with second-degree burglary failed to appear for juvenile proceedings after the State filed a waiver petition. While an arrest writ was outstanding, he turned eighteen (18) and incurred a second burglary charge as an adult. The waiver was ultimately granted, and both matters now proceed in adult court.

In another case, a juvenile who had cut off his ankle monitor and absconded from DJS supervision was charged with murder and illegal possession of a firearm after shooting a victim in the face while AWOL from supervision. That prosecution remains pending.

These are not isolated lapses. They reflect structural weaknesses in supervision, accountability, and capacity.

The juvenile justice system, as currently structured and resourced, is not equipped to adequately protect public safety in cases involving serious, violent offenders. Eliminating or significantly limiting direct file — particularly removing most firearm offenses from eligibility — would further restrict the ability of law enforcement and prosecutors to respond effectively to the most dangerous conduct, thereby risking the lives of innocent citizens.

Before taking legislative action, I urge a realistic assessment of DJS's current operational capacity and outcomes, and urge your review of the Ombudsman's report. Public safety demands that policy be grounded in actual performance data, not broad statewide generalizations that are not supported by accurate data and that do not reflect local experience.

Attached are screenshots obtained during Wicomico County's 2023 homicide investigations reflecting the gang-related activity at issue. These images depict both the nature of the youth conduct involved and the level of firepower that poses the greatest risk to our community.

For these reasons, this Office strongly urges an unfavorable report as to SB 0323/HB 0409.

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