

SB323 - Youth Charging Reform Act Testimony.pdf

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Position: FAV



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Suburban Orthodox Congregation
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Baltimore District

WRITTEN TESTIMONY

SB323: Juvenile Court - Jurisdiction (Youth Charging Reform Act)

Senate Judicial Proceedings Committee

February 4, 2026

SUPPORT

Background: Senate Bill 323 would alter the jurisdiction of the juvenile and adult court systems by raising the age children would be tried as adults from 14 to 16, unless they are charged with serious violent crimes that would be punishable by life imprisonment. ***This bill does not preclude children to be tried as adults, it only precludes them from automatically beginning their legal process in adult court for certain criminal charges.***

Written Comments: The Baltimore Jewish Council (BJC) represents the Associated Jewish Federation of Baltimore and all its agencies, and programs, as well as the organized Jewish Community of Baltimore.

Maryland sends more youth to adult court than any other state besides Alabama. Children who start in the adult system are more likely to regress and engage in more violent crimes. Further, choosing to charge these individuals as adults highlights large racial disparities, where over 80% of children charged as adults are Black. Unfortunately, those children are much more likely to receive longer sentences in adult prison than White children.

Services and treatment that are offered in juvenile facilities are evidence-based and preventative. By starting these cases in juvenile court, we not only save the state money and time, but also create better outcomes for these children.

The Baltimore Jewish Council believes that children are society's most vital future resources, yet one of its most vulnerable classes. When our youth are charged with crimes, great care should be taken to ensure that the justice system provides them with fair opportunities for growth. The mandatory charges of children as adults should be avoided at all costs.

As a proud member of the Maryland Youth Justice Coalition, we ask for a favorable report on SB323.

The Baltimore Jewish Council, a coalition of central Maryland Jewish organizations and congregations, advocates at all levels of government, on a variety of social welfare, economic and religious concerns, to protect and promote the interests of the Associated Jewish Community Federation of Baltimore, its agencies and the Greater Baltimore Jewish community.

SB323_MYJC_FAV.pdf

Uploaded by: Alice Wilkerson

Position: FAV



SB 323 Juvenile Court – Jurisdiction (Youth Charging Reform Act)
Position: Favorable

February 4, 2026

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

The Maryland Youth Justice Coalition (MYJC) is a diverse array of organizations dedicated to preventing children and adolescents from becoming involved in the legal system, upholding the highest standards of care when children do enter the legal system, and ensuring a platform for system-involved youth and their families to be heard. MYJC strives for a Maryland where no children are at risk of system involvement and, if they are involved with the legal system, they and their families receive every possible opportunity to define and live safe, healthy, and fulfilling lives through restorative practices supported by our state and local communities.

We urge the Judicial Proceedings Committee to issue a favorable report of SB 323

This legislation seeks to address components of our state's unacceptable system of automatically charging youth as adults. It eliminates automatic charging for children aged 14 and 15, and reduces the list of charges for 16 and 17-year-olds. While MYJC supports ending the practice of automatically charging people under 18 as if they were adults entirely, and beginning all cases involving youth (17 and younger) in juvenile court, we recognize this compromise legislation as a critical step forward.

Maryland is a National Outlier on Automatic Charging

Under current Maryland law, some 14 and 15-year-olds, and most 16 and 17-year-olds are required to be automatically prosecuted in adult court for [33 offenses](#) – putting us out of step with other states and international human rights law. Due to this unusually long list of automatic charges, Maryland sends more young people per capita to adult court based on offense type than any other state except for Alabama.ⁱ Maryland also ranks 4th highest in the country for the number of people convicted as adults when they were children, according to a [2024 report](#) from Human Rights for Kids (HRFK).

Automatic-charging Harms Youth Wellbeing and Public Safety

Research shows that treating kids as if they were adults, in the adult criminal legal system, puts them at far greater physical, emotional, and psychological risk, and leads to higher rates of recidivism. **Youth charged in adult court are less likely to receive rehabilitative services, which makes them more likely to reoffend than similarly situated youth charged in juvenile court.ⁱⁱ Adult charging results in increased physical violence, sexual violence, and isolation.** According to the 2024 HRFK reportⁱⁱⁱ about individuals incarcerated as children in Maryland:

- Nearly 80% were placed in solitary confinement as children
- Over 80% reported experiencing abuse from staff or other incarcerated people
- Only 28.23% of people incarcerated as children have received treatment to address any of the various traumas they experienced prior to their incarceration

The Current System is Biased Against Black Youth

Black youth, overwhelmingly Black and brown, are overrepresented at every stage of the Maryland court system.^{iv} Rampant racial inequities are evident in the way Black kids in particular are disciplined in school, policed and arrested,^v detained, sentenced, and incarcerated.^{vi} These inequities persist even after controlling for variables like offense severity and prior criminal record. **Nearly 80% of youth charged in adult court in Maryland are Black.**^{vii} Black youth are more likely to be prosecuted as adults^{viii}, and receive longer sentences than their white counterparts for similar offenses, in part because Black kids are more likely to be seen and treated as adults than white kids.^{ix}

“Tough on Crime” Laws Criminalize Kids and Make Us Less Safe

Research shows that “tough on crime” policy shifts during the 1980s and 1990s have negatively impacted children, families, and Black communities. These laws were fueled by high-profile criminal cases involving youth, sensationalized coverage of system-involved youth by the media, and crusading politicians who warned that juvenile “super-predators” posed a significant threat to public safety. The general sentiment — not based on research or data — across the political spectrum was that treatment approaches and rehabilitation attempts did not work. However, time has shown that harshly punishing kids by trying them in the adult system has failed as an effective deterrent.^x Studies have found higher recidivism rates among kids tried and sentenced in adult court than among kids charged with similar offenses in juvenile court.

Automatically Charging Kids as Adults is Inefficient and Costly for the State

Keeping children and communities safe should be our highest priority. That's why we must improve laws for teenagers facing adult criminal charges. Maryland's juvenile justice system is designed to hold teens accountable by providing them with tools and resources to change their behavior and avoid future involvement in the criminal legal system. Yet every year, hundreds of kids are placed in the adult criminal justice system instead. And every year, judges decide to have 87% of these cases sent to juvenile court, dismissed, or granted probation – an expensive process that costs over \$20 million a year. This system is wasting resources that could go towards violence prevention and rehabilitative services that actually reduce crime. By requiring cases to start in juvenile court where a judge can review a case and decide whether it is in the best interest of both the youth and our communities to move the case to adult court, Maryland legislators would help produce better outcomes for youth, improve community safety, and save taxpayer money.

This evidence-based reform is long overdue. The first bill on automatic charging was introduced in 2013. Since that time, *three commissions* appointed by three different Governors have recommended ending automatic charging, including the Commission on Juvenile Justice Reform & Emerging & Best Practices (CJJR) created by the General Assembly in 2024 – [2025 Commission report](#). We can and must treat our kids better. Since the year 2000, half of the states have narrowed or eliminated automatic pathways to adult court.^{xi} Maryland should follow suit and pass SB 323 this year.

MYJC respectfully requests that this committee return a favorable report on SB 323

ACLU of Maryland	Maryland Coalition to Reform School Discipline
Advance Maryland	Maryland Defenders Union
Baltimore Algebra Project	Mental Health Association of Maryland
Baltimore Jewish Council	Maryland Out of School Time Network
BRIDGE Maryland, Inc.	Ortega Law, LLC
Campaign for the Fair Sentencing of Youth	Out For Justice
CASH Campaign of Maryland	Public Justice Center
Center for Criminal Justice Reform, University of Baltimore School of Law	Quaker Voice of Maryland
Center for Violence Prevention at the University of Maryland, Baltimore	R Street
The Choice Program at UMBC	The Rebuild, Overcome, and Rise (ROAR) Center of UMB
Disability Rights Maryland	Sayra & Neil Meyerhoff Center for Families, Children and the Courts
Fenix Youth Project Inc.	The Sentencing Project
The Gault Center: Defenders of Youth Rights	Showing Up for Racial Justice Baltimore (SURJ)
Human Rights For Kids	Strong Schools Maryland
Jewish Community Relations Council (JCRC) of Greater Washington	Youth As Resources
Jews United for Justice	
Maryland Alliance for Racial Equity in Education	
Maryland Association of Youth Service Bureaus (MAYSB)	
Maryland Catholic Conference	

Sources

ⁱMaryland JJRC and Marcy Mistrett, National Trends in Charging Children as adults, The Sentencing Project (July 20, 2021)

ⁱⁱ Centers for Disease Control and Prevention. (2007). [*Effects on violence of laws and policies facilitating the transfer of youth from the juvenile to the adult justice system: A report on recommendations of the task force on community preventive services*](#);

ⁱⁱⁱHuman Rights for Kids, [Disposale Children The Prevalence of Child Abuse and Trauma Among Children Prosecuted and Incarcerated As Adults in Maryland](#), 17 (2024)

^{iv} Hagan J, Shedd C, Payne MR. Race, ethnicity, and youth perceptions of criminal injustice. *American Sociological Review*. 2005;70(3):381-407. See also, DJS Data Resource Guide FY2021, 241.

https://djs.maryland.gov/Documents/DRG/Data_Resource_Guide_FY2021.pdf.

^v Monroe CR. Why Are “Bad Boys” always Black?: Causes of Disproportionality in School Discipline and Recommendations for Change. *The Clearing House: A Journal of Educational Strategies, Issues and Ideas*. 2005;79(1):45-50. doi:10.3200/TCHS.79.1.45-50

^{vi} Douglas Young, et al, [Disproportionate Minority Contact in the Maryland Juvenile Justice System](#) , Institute for Governmental Service and Research, University of Maryland, College Park

^{vii} Maryland Governor’s Office of Crime Prevention and Policy. *Juveniles charged as adults*. Retrieved from <https://app.powerbigov.us/view?r=eyJrljoiNzQzYTZhYmMtNzVmOC00OGE2LWFKNzktZDliYzg5NzEyODU2liwidCI6IjYwYWZlOWUyLTQ5Y2QtNDliMS04ODUxLTY0ZGYwMjc2YTJlOCJ9>.

^{viii} <https://www.baltimoresun.com/2025/01/29/marylands-youth-are-unfairly-criminalized-guest-commentary/>

^{ix} Soler M. Health issues for adolescents in the justice system. *Journal of Adolescent Health*. 2002;31(6):321–333.

^x https://humanimpact.org/wp-content/uploads/2018/10/HIP_JuvenileInJusticeReport_2017.02.pdf

^{xi} Mistrett, M., & Espinoza, M. (2021, December 16). *Youth in adult courts, jails, and prisons*. The Sentencing Project. <https://www.sentencingproject.org/reports/youth-in-adult-courts-jails-and-prisons/>

Bill_SB0323_Andrew Miller - FAV.pdf

Uploaded by: Andrew Miller

Position: FAV

Date of Hearing: Wednesday 2/4/26

Name: Andrew J. Miller

Address: Baltimore, MD 21209

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: Andrew J. Miller

My name is Andrew Miller. I am a resident of District 11B. I am submitting this testimony in support of SB0323, Juvenile Court – Jurisdiction (Youth Charging Reform Act)

I am a long-time member and a Past President of Chizuk Amuno Congregation in Stevenson, MD. I am the chair of the Synagogue Social Justice Roundtable, which works with Jews United for Justice and includes representatives from 11 congregations in Baltimore City, Baltimore County, and Howard County.

As a person of faith I believe in what our sacred texts tell us about pursuing justice. As a scientist I believe in looking at the facts, and not at false assertions that are disseminated to create fear. The “superpredator” myth that led to mass incarceration targeting Black youth in this country still persists in Maryland. Last year I heard it myself coming out of the mouth of one of our States’ Attorneys during a Senate committee hearing.

Maryland sends more youth ages 14 to 17 to adult court per capita than any state in the U.S. other than Alabama, and current law requires automatic charging of youth in adult court for 33 offenses. To “protect” them from the adult prisoners, we often place them in solitary confinement for 23 hours a day. Overuse of solitary confinement in Maryland prisons violates international standards against torture. And there are enormous racial disparities in who experiences this treatment. We are the only state other than Louisiana where more than 80% of the incarcerated youth are Black and where more than 6% of the adult prison population have been incarcerated since they were children. Statistics also show that Black children receive longer sentences for the same crime by comparison with other groups. This is unacceptable.

On Sunday January 18, the Synagogue Social Justice Roundtable sponsored a program on Youth Justice, hosted by Har Sinai Oheb Shalom Congregation, featuring a panel of speakers including Judge Andre Davis, Chair of the Commission on Juvenile Justice Reform and Emerging and Best Practices; Natasha Dartigue, Maryland Public Defender; and Delmont Player, author, youth mentor, and conflict mediator, who served more than 25 years in adult prison for a crime committed when he was 17 years old.

Judge Davis spoke to us about the report issued by the Commission last November, titled “[Maryland’s JJDPa Compliance Crisis: Children in Adult Detention](#).” After careful analysis of statistical trends on youth incarceration and outcomes of current policy, the Commission concluded: “Maryland’s practice of automatically charging children as adults does not improve public safety. In fact, each year 85% of these cases are eventually dismissed or sent back to juvenile court after youth have spent weeks or months in adult detention without access to rehabilitative services shown to reduce reoffending. This practice fails to protect communities... For this workgroup, the clearest and most effective path to JJDPa compliance and to a more just system is to end the practice of automatic charging while retaining the option for judges to waive children’s cases to adult criminal court, when appropriate.”

For me the most shocking among many shocking statistics about Maryland’s approach to youth justice was

this: **“Maryland is significantly out of compliance with federal standards** governing the pretrial detention of children charged as adults...In FY 2023, Maryland’s detention rate was 93.26 per 100,000 children, **over six times the federal standard of 14.68. That number rose to 119.59 in FY 2024, a 27% increase. The state reported roughly 1,600 violations, more than any other state, prompting OJJDP to exclude Maryland’s data from national averages due to its extreme outlier status.”**

In 2022, all 871 teens automatically charged as adults faced lengthy and expensive processes to decide if their cases would stay in adult court, with average wait times 103 days longer than those in the juvenile system. **In FY2024, children whose cases were transferred back to juvenile court spent 90-180 days in adult court before being transferred.** This is not only inefficient and wasteful of public resources; it also causes an extended period of trauma for many of these youth who do not have access to services they need, including counseling and education. How does our state repay them for the damage done? It doesn’t.

Prosecutors can have a case moved from juvenile to adult court if they can demonstrate that the crime itself and the circumstances warrant making that change. Nothing in SB0323 prevents them from making that argument. This should be a universal standard.

Many people living in Maryland think of this as a progressive state. Yet our practice with regard to Youth Justice, and in particular charging of youth as adults, is so far out of alignment with national policy that the Department of Justice had to exclude Maryland from the statistical summary of state practices so that we would not skew the entire national average. Let that sink in for a moment and ask yourselves whether there is any valid justification for our current policy.

As a Maryland voter and as a Jewish voter who believes in the pursuit of justice, I am deeply ashamed of our state’s record. As legislators I hope you would be equally ashamed and that you would support a more humane and equitable approach.

Therefore I respectfully ask this committee to return a favorable report on SB0323.

Testimony in favor of SB#323 Juvenile Court-Jurisd

Uploaded by: Anita Lampel

Position: FAV

Date of Hearing: February 4, 2026
Anita Lampel
Bethesda, MD 20817

TESTIMONY ON SB#323 - POSITION: FAVORABLE
Juvenile Court-Jurisdiction (Youth Charging Reform Act)

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

FROM: Anita Lampel

My name is Anita Lampel. I am a resident of District 16. I am submitting this testimony in support of SB#323, Juvenile Court Jurisdiction (Youth Charging Reform Act).

I am a retired psychologist who worked extensively with youth involved in the juvenile justice system in California, where I managed a Child and Adolescent Mental Health Program for a large county and later did private work for the court system. I belong to Adat Shalom Reconstructionist Congregation in Bethesda. My Jewish values and my background and experience in this area unite in my statement that the current juvenile injustice system in Maryland must end. Per capita, we have more Black youth incarcerated than any other state except Alabama. The practice of automatically charging children as young as 14 in adult court has led to this horrific imbalance. Last year, you asked for yet another report on this issue. That was returned to you condemning the current state of affairs in no uncertain terms as both harmful to children and a waste of money. Maryland is better than this—isn't it? You are better than this—aren't you?

Let me give you an example from my personal experience. In California, all youth begin in juvenile court and the State's Attorney (there, the District Attorney) must argue for why the young person should be sent to adult court. A sixteen-year-old killed his father, who had been abusive to his mother and his brothers. He remained in juvenile court, received a sentence to a youth facility, and successfully completed high school there. He remains a good citizen to this day.

In conclusion, this bill will bring an end to this most egregious overcharging of children and the permanent harm it causes. I ask you to pass it and to lobby your fellow Senators for his passage in the legislature.

I respectfully urge this committee to return a favorable report on SB#323.

TESTIMONY SB0323-2026.pdf

Uploaded by: ANNA RUBIN

Position: FAV

SB0323_AnnaRubin_FAV

Feb. 2, 2026

Position: Favorable

Juvenile Court – Jurisdiction

Dr. Anna Rubin

Columbia, MD 21045

**TESTIMONY - Favorable with Amendments of Senate Bill 0323:
Juvenile Court – Jurisdiction (Youth Charing Reform Act)**

TO: Chair Senator Smith and Vice Chair Waldstreicher, Judicial Proceedings Committee

FROM: Dr. Anna Rubin

DATE: Friday, January 31, 2025

I want to thank Sen. Will Smith for sponsoring this bill. I urge the committee to issue a favorable report on this bill. I am writing as a private citizen and as a member of the Columbia Jewish Congregation (chair of Social Justice Committee and former board member) as well as civic organizations.

The Torah commands us to pursue justice, and our sages instruct us that the methods we use to do so must be just themselves. The practice of automatically charging youths as adults in Maryland is unjust, ineffective and disproportionately targets Black and brown youth. SB0323 is a step forward by reforming the racist practice of autocharge. This legislation addresses components of our state's unacceptable system of automatically charging kids as adults. Ending automatic charging for all children leads to better community safety, and better long term outcomes for the children who are brought into the legal system.

80% of the kids tried and held in the adult court and prison system are Black. 87% of kids held in adult court and prison system end up being either released or returned to Juvenile jurisdiction. Ending this practice would reduce not only violent crime, but also the criminalization and incarceration of Black youth, who are disproportionately targeted by our justice system. It would also produce significant savings which could be applied to the chronically underfunded Juvenile Services Department.

Respectfully submitted,
Dr. Anna Rubin (Emerita, UMBC) 21045

Copy of MD Senate Judicial Proceedings version 2.p

Uploaded by: Arlene Ogurick

Position: FAV

Wednesday, February 4, 2026

Arlene Ogurick
Baltimore, MD 21210

TESTIMONY ON SB#323 - POSITION: FAVORABLE
Juvenile Court - Jurisdiction (Youth Charging Reform Act)

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

FROM: Arlene Ogurick

My name is Arlene Ogurick. I am a resident of District 41, Baltimore City. **I am submitting this testimony in support of SB#323, Juvenile Court - Jurisdiction (Youth Charging Reform Act).** This bill would end automatically charging children as adults.

I am a member of the Baltimore Jewish Cultural Chavurah. Jewish tradition consistently urges us to pursue “justice” - justice is defined as compassion and responsibility towards the oppressed/marginalized. Saving a life takes precedence over almost all of the other commandments.

I regularly volunteer with a non-profit organization that brings the arts into Baltimore city public schools. Students are involved in a variety of projects that inspire creativity, self confidence, and awareness of possibilities.

Children who are automatically charged as adults by the Maryland court system are removed from any of the juvenile courts’ involvement in the transfer process. They miss out on contact with juvenile court judges who are trained to consider factors like childhood trauma and juvenile brain development when making decisions. If these youth are placed in adult jails, they do not have access to rehabilitative programs, mental health treatment and other services available in the youth justice system.

Charging kids as adults leads to higher rates of later reincarceration, as well as increased isolation and physical and sexual violence. This the opposite of the outcome Marylanders want for their young people.

I respectfully urge this committee to return a favorable report on SB# 323.

SB323_BarbaraSchaffer_FAV.pdf

Uploaded by: Barbara Schaffer

Position: FAV

Date of Hearing: February 4, 2026

Barbara Schaffer
Rockville, MD 29850

TESTIMONY ON SB323 POSITION: FAVORABLE

Juvenile Court - Jurisdiction (Youth Charging Reform Act)

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

FROM: Barbara Schaffer

My name is Barbara Schaffer. I am a resident of District 17. I am submitting this testimony in support of SB323, Juvenile Court - Jurisdiction (Youth Charging Reform Act).

I am a parent, a grandparent, a former school teacher, a member of Chabad Shul of Potomac, and a concerned citizen of Maryland. I am in support of SB323 because I believe children under the age of 16, who are accused of crimes should be charged as children. Sending children to adult detention facilities with fewer resources and less access to education than in the juvenile system leads to significantly higher recidivism, as well as increased isolation and physical and sexual violence. That is why more than half of US states have passed common sense laws to treat kids as kids and keep them out of adult court.

I am compelled to support this legislation because it aligns with my Jewish values. I believe all the children in Maryland are our future and must be nurtured and educated to their full potential, not just my own children. That is why I'm concerned that 81% of children charged in adult court in Maryland are Black. We need to end the criminalization and incarceration of Black youth, who are disproportionately targeted by our legal system..

My values are such that I want justice and fair treatment for all of Maryland's children. **I respectfully urge this committee to return a favorable report on SB323.**

Thank you.

Yours truly,

Barbara Schaffer

DJS SB 323- Juvenile Court - Jurisdiction FAV.pdf

Uploaded by: Betsy Tolentino

Position: FAV

Aruna Miller
Lt. GovernorWes Moore
GovernorBetsy Fox Tolentino
Acting Secretary

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 Act).

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.

Aruna Miller
Lt. GovernorWes Moore
GovernorBetsy Fox Tolentino
Acting Secretary**Most Youth Charged as Adults Ultimately Return to DJS**

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.

Aruna Miller
Lt. GovernorWes Moore
GovernorBetsy Fox Tolentino
Acting Secretary**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.

SB0323_BruceHerman_FAV (2).pdf

Uploaded by: Bruce Herman

Position: FAV

February 4, 2026

Bruce Herman
Baltimore, MD 21212

TESTIMONY ON SB 0323 - POSITION: Favorable
Youth Charging Reform Act.

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

FROM: Dr. Bruce Herman

My name is Bruce Herman. I am a resident of District 43B. I am submitting this testimony in support of SB0323, Youth Charging Reform Act.

As a Maryland-licensed psychologist, I have dedicated my career to working with young people. My commitment to this issue is also rooted in personal experience, as I have had family members and neighbors who have been directly impacted by youth violence. While this personal experience has helped me understand the frustration with some dysfunctional aspects of the Maryland Juvenile Justice system and the call for meaningful reform, I am firmly convinced that automatically transferring children who have committed crimes into the adult criminal justice system is not the solution. Every child deserves to live a life with dignity, respect, and safety, and we deserve to benefit from all they can bring to our state.

The practice of treating children as adults in our system only severely diminishes their potential for rehabilitation and their ability to function as productive citizens. We cannot afford to abandon this significant proportion of our state's most vital future resource: our children. The Youth Charging Reform Act will redirect our focus away from the counterproductive and inhumane practice of treating children as adults, allowing us to concentrate on establishing appropriate, evidence-based alternatives within the juvenile system.

This legislation is essential for securing a positive future for Maryland's children and ensuring that our state upholds the standards of justice, reform and humanity we aspire to. I respectfully and strongly urge this committee to return a favorable report on SB 0323 on February 4, 2026.

SB323 - Youth Charging Reform Act.pdf

Uploaded by: Brytani Fraser

Position: FAV

Dear Members of the Judicial Proceedings Committee,

This testimony is being submitted by Showing Up for Racial Justice Baltimore in collaboration with Out For Justice. **I am a resident of District 45, and I am testifying in support of SB0323, the Youth Charging Reform Act.**

SB323 would end the practice of charging 14 and 15-year old children as adults, and ensure that only 16 and 17-year-olds accused of the most serious crimes, such as rape and murder, are charged in adult court.

The practice of charging children as adults is inhumane. It is also economically wasteful, as the vast majority of these cases are either transferred to juvenile court or dismissed.¹ Finally, it's ineffective, since statistics indicate that automatic charging of youth as adults does not decrease youth crime generally or reduce recidivism.² By significantly decreasing the automatic charging of youth as adults, we can bring Maryland more into line with modern juvenile justice standards, redirect resources to treating rather than simply imprisoning young offenders, and ultimately improve the safety of our communities by preventing re-offending. It is for these reasons that I am encouraging you to vote **in support of SB0323, the Youth Charging Reform Act.**

Thank you for your time, service, and consideration.

Sincerely,
Brytani Fraser
3211 Moravia rd. Baltimore, MD 21214



Showing Up for Racial Justice

¹ In 2017-19, 48% of juveniles charged as adults in Baltimore City were returned to juvenile court, and 33% were dismissed or otherwise closed without a verdict. In MDEC counties the figures were 41% and 36% respectively. Juvenile Justice Reform Council Supplemental Report p 33.

² Lila Kazemian, *Pathways to Desistance From Crime Among Juveniles and Adults: Applications to Criminal Justice Policy and Practice*, Nov. 2021 (internal citations removed), <https://www.ojp.gov/pdffiles1/nij/301503.pdf>

2026 Testimony on SB 323 FAVORABLE Cichowski.pdf

Uploaded by: Carol Cichowski

Position: FAV

Senate Bill 323
Juvenile Court – Jurisdiction (Youth Charging Reform Act)
Judicial Proceedings Committee – February 4, 2026
FAVORABLE

Thank you for the opportunity to submit written testimony in support of Senate Bill 323. I am a long-time resident of Montgomery County and previously served on its Commission on Juvenile Justice.

I support Senate Bill 323 because the policy of automatically charging youth as adults harms children and does not advance public safety. Like other highly punitive measures, this practice is not effective. The threat of adult court does not stop teenagers from making bad decisions, and it does not help the community when they do.

The large number of offenses that trigger auto charging in Maryland earned Maryland the distinction of charging more children as adults per capita than any state other than Alabama. **It also has resulted in wasted time and money because judges end up dismissing or transferring most of the cases to juvenile court.**

The problem is that children awaiting a transfer decision are left languishing for months, with little or no attention to their mental health needs, with their education interrupted, and at times in facilities with unhealthy conditions, which jeopardize their success. **The state is spending millions of dollars for worse outcomes for youth.**

The situation is even worse for youth left behind in the adult system, especially those who are denied even a chance to seek a transfer because of their offense.

Many have had traumatizing childhood experiences that adversely affected their development. It is unconscionable to put young people like these in adult prisons, which are unsafe and do not provide services that are critical to their rehabilitation. This is hardly a recipe to prevent recidivism.

We cannot hope to have safe and healthy communities if we treat any young people as disposable. The solution is to start all cases in juvenile court and invest in giving children the help they need to succeed.

While this bill does not end automatic charging entirely, **Senate Bill 323 takes an important step by eliminating automatic charging for children under 16 and by removing all but the most serious offenses so that most of the children who currently end up being transferred from adult court to juvenile court as a result of a waiver would appropriately start their cases in juvenile court.** Many children will benefit from this bill, most of whom are Black.

Senate Bill 323 not only protects the human rights of some of the most vulnerable young people in Maryland, but in so doing also makes Maryland safer. Young people who commit offenses stand a much better chance of success if they are not forced to wait for months to get the treatment and services they need.

For these reasons, I urge a Favorable report on SB 323.

Carol Cichowski

Bethesda, Maryland

SB323_Carol Stern_FAV.pdf

Uploaded by: CAROL STERN

Position: FAV

February 2, 2026

Carol Stern
4550 North Park Avenue, Apt T106
Chevy Chase, Maryland 20815

TESTIMONY ON SB323 - POSITION: FAVORABLE
Juvenile Court - Jurisdiction (Youth Charging Reform Act)

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

FROM: Carol Stern

My name is Carol Stern, and I am testifying in favor of SB323, the Youth Charging Reform Act, as a resident of Montgomery County's District 16 and a member of Adat Shalom Reconstructionist Congregation in Bethesda.

The Jewish text that shapes my religious and moral conviction that Juveniles must never be automatically charged as adults is the directive issued in Deuteronomy 16:20, "**Tzedek, tzedek tirdof - Justice, justice shall you pursue.**" The Jewish sages explain that the word tzedek is repeated not only for emphasis but to teach us that in our pursuit of justice, our means must be as just as our ends. When we are working to reform our criminal justice system, we must demand that it operates in accordance with these deeply held Jewish beliefs.

Youth charged in adult court are less likely to receive rehabilitative services, which makes them more likely to reoffend than similarly situated youth charged in juvenile court. According to the U.S. Department of Justice –"To best achieve reductions in recidivism, the overall number of juvenile offenders transferred to the criminal justice system should be minimized."

Adult charging results in increased physical violence, sexual violence, and isolation. Research shows that youth charged as adults are at increased risk of physical and sexual assault and isolation from their families, which may contribute to future criminality. Adolescent brains are not adult brains. **Charging youth as adults ignores definitive research that adolescent brains are rapidly developing and have yet to reach full maturity.** Services and treatment in juvenile facilities are evidence-based and preventative. According to the U.S. Dept. of Justice, "intensive juvenile placements are relatively more beneficial than either adult prison or mild juvenile sanctions."

As a mother of two children and a grandmother of three, I cannot imagine allowing my children or grandchildren to automatically be charged as adults.. This is not the kind of justice that our State of Maryland should allow for anyone. **THE YOUTH CHARGING REFORM ACT PROMOTES RACIAL JUSTICE.** 81% of youth charged in adult court in Maryland are Black. Black youth are more likely to be sent to adult prison and receive longer sentences than their white counterparts for similar offenses. Passing SB323 will add much needed reform for treating minors in the justice system with equality and the respect that all people deserve. **I respectfully urge a favorable report on SB323.**

SB0323 Youth Charging Reform Act FAV.pdf

Uploaded by: Chuck Koplik

Position: FAV



Committee: Judicial Proceedings
Testimony: SB0323 – Juvenile Court - Jurisdiction (Youth Charging Reform Act)
Organization: Jewish Community Relations Council of Howard County, MD
Submitting Laura Salganik, Chair
Position: FAVORABLE
Hearing Date: February 4, 2026

Dear Chair Smith, Vice Chair Waldstreicher, and Committee Members:

The Jewish Community Relations Council is submitting this testimony in favor of SB0323. We favor ending the practice of automatically charging youth as adults.

Maryland sends more young people to adult court based on offense types than any other state per capital except Alabama. A major reason is that Maryland requires that some 14- and 15-year-olds and most 16- and 17-year-olds be automatically prosecuted in adult court for 33 offenses, putting us out of step with other states.

It may seem like youth who are accused of very serious crimes should be subject to the type of consequences that are designed for adults. However, as a strategy for deterring future criminal behavior, it is ineffective. It has been demonstrated that youth who are charged as adults have a higher recidivism rate when completing their sentences than those charged as juveniles for similar acts.

Similarly, charging juveniles as adults exacerbates racial inequities that begin with how young children are treated when they first enter school. In Maryland, over 77% percent of juveniles charged in adult courts are Black. And studies have shown that Blacks receive harsher sentences than Whites for the same acts.

As Jews, we are taught to pursue justice of all kinds. We do not believe the current system of automatic charging of youth as adults is just. It is high time to change it. We urge the committee to give a favorable report on SB0323.

SB0323_ClaireLanders_FAV.pdf

Uploaded by: Claire Landers

Position: FAV

Hearing: February 4, 2026
Claire Landers
Baltimore, MD, 21209

SB323_ClaireLanders_FAV
Juvenile Court - Jurisdiction (Youth Charging Reform Act)
Ending Automatic Charging of Youth as Adults

TO: Chair Smith, Vice Chair Waldstreicher, and Members of the Judicial Proceedings Committee
FROM: Claire Landers, Baltimore County resident

I am a parent residing in Baltimore County, District 11, and I strongly urge you to support SB323. .

A couple of years ago **I viewed a video of a very young Black child being held alone in an adult detention facility in Baltimore County**, supposedly because space in a more appropriate setting was unavailable. **This boy was distraught, crying and begging his attorney to take him home. It was disturbing and heartrending to watch a recording of a child's helpless anguish in a facility he should never have experienced.** Witnessing such an incident as this, occurring a mere 10 minutes drive from my own child's home, stirs my conscience to plead with members of this committee to support SB323 to end the practice of automatically charging children and young teenagers as adults for certain offenses in Maryland.

No matter the offense attributed to a minor in custody, any and every young person should be availed of rigorous professional assessment(s) and impartial judicial hearing(s) in juvenile court before facing the full, enormous weight of prosecution as an adult for those offenses.

I'm certain you will hear and read other testimony from experts providing documented evidence and data for the many ways autocharging harms young human beings. Autocharging a) damages children and teens, particularly Maryland's Black young people, and impacts them forward into their adult lives, b) how autocharging young people super-charges recidivism - thus, negatively impacting society in the long term as well, and c) that autocharging places Maryland squarely in the company of other US states more notoriously recognized for their own historically racist practices around prosecution and incarceration of Black people in America. That hard, documented evidence alone should be enough to persuade you on the merits of SB323.

But writing as a mother in Maryland, I want to put forth another consideration beyond data and politics: Autocharging children and teenagers is a draconian, Dickensian practice that does not benefit the best values Maryland ascribes to in 2026. Lawyers Mall plaza, fronting America's oldest state capitol building is graced by a sculpture of Black children seated in the towering

shadow of Justice Marshall. Maryland proudly asserts that Justice Marshall is “one of our own” and so it should follow in 2026 that our State Legislature demonstrates that Marshall’s legal legacy of protecting vulnerable Black children will still animate how our justice system will treat *all children in Maryland* going forward. Please issue a favorable report on SB323. Thank you.

LWVMD_02.04.2026_SB0323-Testimony in Support of Ju

Uploaded by: Cynthia Boddie-Willis

Position: FAV



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TESTIMONY TO THE SENATE JUDICIAL PROCEEDINGS COMMITTEE

SB0323: JUVENILE COURT – JURISDICTION (YOUTH CHARGING REFORM ACT)

POSITION: FAVORABLE

By: Linda T. Kohn, President

Date: February 4, 2026

The League of Women Voters of Maryland supports SB0323. The League supports a criminal justice system that is just, effective, equitable, transparent and that fosters public trust at all stages, including pretrial and sentencing. The League has long advocated for the expansion of the juvenile courts to include all children under 18, regardless of the seriousness of their alleged crimes.

At its inception, the juvenile justice system in the United States was intended to focus on treatment and rehabilitation rather than punishment. This contention changed when the notion of a “super predator” took hold in the late 20th century following an increase in juvenile crime. [“Super predators”](#) were generally understood to be crime-prone youth of color with a propensity to commit heinous acts of violence for trivial reasons; and it was believed that their numbers were growing. In response, many states changed their laws to make it easier for juveniles to be tried in the adult criminal justice system. The upward trend in [youth violent crime](#) never materialized, but the impact of the characterization persists to this day. [Studies](#), however, have demonstrated that the resulting tough-on-crime laws do not deter youth from offending and that purely punitive approaches to youth crime can be detrimental. Juveniles who are prosecuted in the adult criminal system often end up in adult prisons where they face an [increased risk](#) of physical and sexual assault, psychological trauma and suicide.

SB0323 takes a step toward decreasing this risk by stipulating that juveniles who are at least 16 years old and who are alleged to have committed a crime that would be punishable by life imprisonment if it had been committed by an adult must nonetheless be tried in a juvenile court. This requirement aligns with League positions.

Therefore, **the League of Women Voters of Maryland**, representing nearly 2,000 citizens throughout Maryland, **strongly urges you to issue a FAVORABLE report.**

Carrington 2026 Testimony Carrington SB323 youth c

Uploaded by: Darrell Carrington

Position: FAV



CARRINGTON & ASSOCIATES, LLC

Integrity.Passion.Results

Since 2006

WRITTEN TESTIMONY IN SUPPORT OF SB323
Juvenile Court Jurisdiction Youth Charging Reform Act

Position: SUPPORT

Submitted on behalf of Carrington & Associates, LLC

Carrington & Associates, LLC submits this testimony in support of Senate Bill 323.

Our work with local governments, nonprofit organizations, and community based partners across Maryland consistently underscores the importance of thoughtful, well-structured policy when addressing issues affecting youth. Decisions made at this level have long-term consequences for young people, families, and communities, and must be grounded in clarity, fairness, and practical implementation.

Senate Bill 323 reflects a measured and responsible approach to juvenile justice policy by addressing jurisdiction and charging decisions in a way that aligns with both developmental realities and public safety considerations. By improving clarity and consistency within the juvenile court framework, the bill strengthens the State's ability to support positive outcomes for youth while maintaining accountability.

From a practitioner's perspective, SB323 represents sound policymaking that prioritizes long-term impact, system coherence, and improved outcomes for Maryland's youth and communities.

For these reasons, Carrington & Associates, LLC respectfully urges a favorable report on Senate Bill 323.

SB323 - Youth Charging Reform Act.pdf

Uploaded by: Daryl Yoder

Position: FAV

Dear Members of the Judicial Proceedings Committee,

This testimony is being submitted by Showing Up for Racial Justice Baltimore, a group of individuals working to move white folks as part of a multi-racial movement for equity and racial justice in Baltimore City, Baltimore County, and Howard County. We are also working in collaboration with Out For Justice. I am a resident of District 44 and a longtime volunteer with Out for Justice. **I am testifying in support of SB0323, the Youth Charging Reform Act.**



Showing Up for Racial Justice

SB323 would end the practice of charging 14- and 15-year old children as adults, and ensure that only 16- and 17-year-olds accused of the most serious crimes, such as rape and murder, are charged in adult court.

Unfortunately, after more than a century of progress in juvenile justice, in the 1990s Maryland reversed course and began to pass laws purporting to be “tougher” on youth crime, including requiring many charges against minors to be prosecuted in adult court by default.¹ Maryland, once progressive in its view of youth crime, is now a national outlier in its practice of automatically charging young people as if they were adults. Per capita, we send more young people to adult court based on offense type than every other state but Alabama.² Additionally, the current system disproportionately affects Black youth, as nearly 80% of Maryland youth charged in adult court are Black.³

The practice of charging children as adults is inhumane. It is also economically wasteful, as the vast majority of these cases are either transferred to juvenile court or dismissed.⁴ Finally, it does not even do what it is intended to do, since statistics indicate that automatic charging of youth as adults does not decrease youth crime generally or reduce recidivism by the youth so charged.⁵ By significantly decreasing the automatic charging of youth as adults, we can bring Maryland more into line with modern juvenile justice standards, redirect resources to treating rather than simply imprisoning young offenders, and ultimately improve the safety of our communities by preventing re-offending. It is for these reasons that I am encouraging you to vote **in support of SB0323, the Youth Charging Reform Act.**

Thank you for your time, service, and consideration.

Sincerely,

Daryl Yoder, 309 Glenmore Ave., Catonsville, MD 21228
Showing Up for Racial Justice Baltimore

¹ Jason R. Tashea, & Al Passarella, *Youth Charged as Adults: The Use and Outcomes of Transfer in Baltimore City*, 14 U. Md. L.J. Race Relig. Gender & Class 273 (2015). <https://digitalcommons.law.umaryland.edu/rrgc/vol14/iss2/4>

² The Sentencing Project, National Trends in Charging Children, Presentation to the JJRC (July 20, 2021). <http://dls.maryland.gov/pubs/prod/NoPblTabMtg/CmsnJuvRefCncl/Sentencing-Project-National-Trends-inCharging-Children.pdf>

³ Juvenile Justice Reform Council Supplemental Report, http://dls.maryland.gov/pubs/prod/NoPblTabMtg/CmsnJuvRefCncl/JJRC-Report-Final_2021SupplementalReport.pdf

⁴ In 2017-19, 48% of juveniles charged as adults in Baltimore City were returned to juvenile court, and 33% were dismissed or otherwise closed without a verdict. In MDEC counties the figures were 41% and 36% respectively. Juvenile Justice Reform Council Supplemental Report p 33.

⁵ Lila Kazemian, *Pathways to Desistance From Crime Among Juveniles and Adults: Applications to Criminal Justice Policy and Practice*, Nov. 2021 (internal citations removed), <https://www.ojp.gov/pdffiles1/nij/301503.pdf>

SB0323_DavidFriedman_FAV.pdf

Uploaded by: David Friedman

Position: FAV

February 4, 2025
David M. Friedman
Silver Spring, MD 20905

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: David M. Friedman

My name is David Friedman. I am a resident of Colesville/Cloverly in District 14. I am submitting this testimony in support of SB0323, Juvenile Court - Jurisdiction (Youth Charging Reform Act).

I am an active member of Oseh Shalom, a Jewish Reconstructionist congregation located in Laurel, MD. Jewish tradition and values have long recognized the differing capacities of children and adults. While Maryland has made progress on youth justice issues over the last few years, the practice of automatically charging kids as adults urgently needs to change as well, since it ignores definitive research that adolescent brains are rapidly developing and have yet to reach full maturity. Services and treatment in juvenile facilities are evidence-based and preventative.

Studies indicate that automatically charging kids as young as 14 as adults also leads to higher recidivism, as well as subjecting them to increased isolation and physical and sexual violence. It is also inefficient and damaging as 85% of kids in Maryland charged as adults are eventually dismissed or sent back to juvenile court and time spent in the adult system delays getting critical rehabilitative services. Limiting automatic charging of juveniles as adults would also significantly reduce the criminalization and incarceration of Black youth as 81% of kids charged in adult courts in Maryland are Black. I feel strongly that it is well past time for Maryland to join the other 26 states that have passed laws to limit pathways for juveniles into adult courts and end Maryland's status as the state that sends more young people to adult court based on offense type than any other state per capita except Alabama.

SB0323 makes significant progress by eliminating automatic charging for children aged 14 and 15, and reducing the list of charges for 16 and 17 year olds. Although the recent recommendation from a workgroup of Maryland's [Commission on Juvenile Justice Reform and Emerging and Best Practices](#) calls for a system where all cases begin in juvenile court with discretion to waive youth to adult court when warranted, I believe this bill goes a good distance toward meeting that recommendation. **Thus, I respectfully urge this committee to return a favorable report on SB0323.**

SB 323 Juvenile Court - Jurisdiction (Youth Chargi

Uploaded by: deborah miller

Position: FAV



**Testimony in SUPPORT of Senate Bill 323 – *Juvenile Court - Jurisdiction*
(*Youth Charging Reform Act*)
Judicial Proceedings Committee
February 4, 2026**

The Jewish Community Relations Council of Greater Washington (JCRC) serves as the public affairs and community relations arm of the Jewish community. We represent over 100 Jewish social service agencies, synagogues, and schools throughout Maryland, Virginia, and the District of Columbia. The JCRC is strongly committed to cultivating a society based on freedom, justice, equity, and pluralism. We work throughout the region to advocate for our nonprofits that serve the most vulnerable on a non-sectarian basis and to campaign for important policy interests on behalf of the Jewish community and all Marylanders.

The JCRC supports Senate Bill 323 which alters the jurisdiction of the juvenile court by repealing provisions specifying that the juvenile court does not have jurisdiction over a child alleged to have committed any crime punishable by life imprisonment. SB 323 will eliminate automatic charging for children aged 14 and 15 and reduce the number of auto-charging offenses that apply to 16- and 17-year-olds. Under current Maryland law, 14- and 15-year-olds, and most 16- and 17-year-olds are required to be automatically prosecuted in adult court.

Maryland sends more young people to adult courts, per capita, than any other state except Alabama. Research shows that automatically prosecuting children as adults does not lower recidivism or enhance community safety. Young people should not be automatically sent to adult court, but rather to juvenile court, unless they are charged with a heinous crime. Today, there are 33 offenses that automatically send Maryland children to an adult detention center upon arrest. 85% of them ultimately return to juvenile court or have their cases dismissed. In the meantime, many spend up to 180 days housed in adult jail while awaiting trial. In this setting, they are vulnerable to adult criminals and are not eligible to receive educational support or behavioral health services that would be provided in the juvenile system.

At the JCRC, our Jewish values teach us to pursue equity and justice. Not only is it unjust for children not charged with a violent crime to automatically be sent to adult court; it is also highly problematic in that 81% of juveniles charged in adult courts in Maryland are Black. It is time for Maryland to fall in line with the rest of the nation. We believe children should be treated as children and given the support they need in the juvenile justice system, with access to rehabilitative services and not punitive action of the adult system. For these reasons, we urge a favorable report for Senate Bill 323.

SB 323 Jacobsohn _FAV.pdf

Uploaded by: Deedee Jacobsohn

Position: FAV

February 4, 2026

Deedee Jacobsohn
Rockville, MD 20852

TESTIMONY ON SB#0323 - POSITION: FAVORABLE
Juvenile Court - Jurisdiction (Youth Charging Reform Act)

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

FROM: Deedee Jacobsohn

My name is Deedee Jacobsohn. I am a resident of D16. I am submitting this testimony in support of SB# 323, the Youth Charging Reform Act.

I am a member of B'nai Israel Congregation where a group of teens in a "Mitzvah Corps" are learning about community organizing and social justice. They have chosen to focus on youth justice, specifically the Youth Charging Reform Act. I have been impressed by their passion, their conviction, and their willingness to engage with this work. Still, a shadow diminishes their exuberance as they talk of peers who do not share their freedom and opportunities.

The Torah uses many words to speak of youth, but one that is particularly relevant is "*na'ar*." *Na'ar* is used to describe a young person, distinct from someone who is a child, a "*katan*." Our tradition values the time between childhood and adulthood, and understands that while someone may no longer be a child, they may still act childishly or foolishly or even criminally because they are not fully grown up. Juvenile Court is grounded in this same recognition. Yet Maryland has persisted in charging youth as adults for dozens of crimes; compelling them to begin their experience of the justice system with adults instead of receiving the mental and educational support that children require.

Changing our misguided system of automatically charging youth as adults will codify our understanding that children deserve education, deserve mental health support, and deserve our compassion to help them finish growing up and become the best version of themselves. Understanding, unfortunately, that some children will still end up in the adult system, I applaud the efforts to reduce those numbers significantly.

For these reasons, **I respectfully urge this committee to return a favorable report on SB#0323, the Youth Charging Reform Act.**

SB0323_DevinKrol_Favorable.pdf

Uploaded by: Devin Krol

Position: FAV

February 2, 2026

Devin Krol
Baltimore, MD, 21208

Testimony On Bill SB0323- Position Favorable
Juvenile Court - Jurisdiction (Youth Charging Reform Act)

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

FROM: Devin Krol

My name is Devin Krol, I am a resident in Stevenson, District 11. I am submitting this testimony in support of SB0323, Juvenile Court- Jurisdiction (Youth Charging Reform Act). I've lived in Baltimore my entire life, work in childcare, and attended schools throughout Maryland. I am also the granddaughter of Holocaust survivors, David and Rose Krol, who settled in Baltimore City and then the county when they arrived as refugees. My family background and Jewish roots gave me a deep sense of equity and civil action, as stated "justice, justice you shall pursue". This has led me to working towards youth justice, protecting children- some of the most vulnerable members of our community.

Maryland has made strides in recent years in regards to youth justice issues but the racist practice of Autocharge remains in effect. At this time, the law requires that children as young as 14 are automatically charged and prosecuted in adult court for 33 different offenses. This practice disproportionately affects Black youth, as they are targeted by police and the justice system; of the total number of children sent into the adult court system, 81% are Black. In Maryland, of the total amount of children automatically charged as adults 87% of them are waived back into the juvenile system. But the time spent in the adult system can cause severe damage, especially with the lack of necessary services.

Automatically charging children as adults completely ignores the definitive research that adolescent brains are rapidly developing and have yet to reach maturity. This practice leads to higher rates of recidivism and puts children in danger. Children who are held in adult facilities are at a greater risk of sexual assault and violence. The Campaign for Youth Justice writes, "According to research by the Bureau of Justice Statistics, youth under the age of 18 represented 21% of all substantiated victims of inmate-on-inmate sexual violence." By ending autocharge, the amount of sexual and violent crime committed against these juveniles would be reduced significantly.

We, as a Maryland community, must stand together to protect children. The Bill SB0323 would help move Maryland towards a more just and equitable future.

I respectfully urge this committee to return a favorable report on SB0323.

SB323_DianneDumais_FAV.pdf

Uploaded by: Dianne Dumais

Position: FAV

Date of Hearing Thursday, February 4, 2026 at 11 AM

Dianne E. Dumais

Silver Spring, MD 20910

TESTIMONY ON SB# 0323- POSITION: FAVORABLE

Juvenile Court - Jurisdiction (Youth Charging Reform Act)

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

FROM: Dianne E. Dumais

My name is Dianne Dumais. I am a resident of District 20. I am submitting this testimony in support of SB#0323, Juvenile Court- Jurisdiction (Youth Charging Reform Act).

I want to thank Senator Smith, my District 20 representative, for sponsoring this bill. I am a longtime Maryland resident and have lived in District 20 since 1998. We have raised our children here and have had experience with the Montgomery County police and justice system along the way.

When our younger child was 19 they were arrested for entering the second floor bathroom window of a neighborhood house. Although they were legally an adult and taken to an adult facility, they were traumatized and disoriented. The judge looked at the evidence in our child's case and gave a decision of probation before judgement. Our son completed probation without being convicted of the crime and has gone on to have stable employment and a productive life, without further incident. A juvenile in a family without the economic resources to hire a defense lawyer would most likely not be given this chance. Such outcomes have lifelong consequences, both emotional and economic.

SB#0323 should be passed to stop automatically charging 16 and 17 year olds as adults. Juvenile court judges need to do what they are trained to do: render judgement that fits the circumstances of the case before them. This will give all children a better chance to build a productive future for themselves, their families and our communities.

I respectfully urge this committee to return a favorable report on SB#0323.

SB 323 FAV GOCPP.pdf

Uploaded by: Dorothy Lennig

Position: FAV

WES MOORE
Governor

ARUNA MILLER
Lieutenant Governor



DOROTHY LENNIG
Executive Director

TESTIMONY IN SUPPORT OF SENATE BILL 323

February 4, 2026

DOROTHY J. LENNIG, GOCPP EXECUTIVE DIRECTOR

The Governor's Office of Crime Prevention and Policy (GOCPP) serves as Maryland's central coordinating agency for criminal and juvenile justice policy, federal grant administration, and compliance with the Juvenile Justice and Delinquency Prevention Act (JJDP).

Compliance monitoring under federal law requires that GOCPP provide for an effective system of monitoring to ensure that the core requirements of the JJDP are met. The requirements are:

- Deinstitutionalization of Status Offenders
- Sight and Sound Separation of Juveniles from adults in institutions
- Removal of juveniles from adult jails and lockups
- Addressing Racial and Ethnic Disparities

GOCPP submits an annual report to the Office of Juvenile Justice and Delinquency Prevention (OJJDP), citing the number of violations for each of the first three core requirements. The number of violations is collected from every applicable facility across the state. Maryland currently has 215 physical facilities that are a part of this monitoring universe. GOCPP identifies, investigates, and verifies all data provided from a monitored facility. Violations of any core requirement are counted and reported annually.

SB 323 reforms Maryland's automatic charging statute by restoring juvenile court as the default jurisdiction for some youth cases, narrowing Maryland's automatic charging law by removing robbery, some assault charges, several firearm offenses, and other non-life-eligible charges from automatic adult court jurisdiction, while preserving adult court for the most serious violent crimes. Under current law, if any of the 33 separate offenses are charged, the youth's case will start in adult court. Opponents often argue that lowering the number of offenses in this statute softens the concept of accountability. However, the bill preserves judicial discretion, while reducing automatic adult court exposure as a default and maintaining an age-appropriate structure for accountability in the youth system. This is both fiscally advantageous and utilizes best practices to reduce mental and physical health impacts of the adult correctional system.

Housing youth in adult jails can lead to serious, unintended consequences to their physical and mental health. Most adult jails cannot accommodate sight and/or sound separation, resulting in youth being placed in with the adult population or held in solitary confinement or isolation.

The research on youth held in solitary confinement shows the damage done to a young person. Isolation poses serious psychological and physical risks, including anxiety, depression, anger, cognitive disturbances, perceptual distortions, obsessive thoughts, paranoia, and psychosis, along with physical symptoms such as appetite and weight loss, headaches, heart palpitations, and sleep problems. Youth are particularly susceptible to these risks due to ongoing brain development—particularly in the prefrontal cortex, which governs impulse control, decision-making, and strategic thinking and does not fully mature until the mid-twenties.¹ The risks are further compounded by the high prevalence of existing psychological disorders among justice-involved youth, with researchers estimating that nearly 60 percent of arrested juveniles have some form of mental illness.²

By limiting exposure to these environments, youth can remain in developmentally appropriate environments that foster growth and development during vulnerable times. Alternatives to pre-trial detention in adult facilities may allow for youth to remain in connection with critical support systems, such as family ties and education, that may lead to better post-detention outcomes and may result in higher compliance with court dates and lower levels of reoffending.³

Maryland's current rate of youth detained in adult facilities far exceeds the federal compliance threshold and is the national outlier for violations. In FY2024, Maryland's violation rate for holding youth in adult jails reached 119.59 per 100,000 youth. The federal compliance threshold is 14.68 per 100,000. As a result, Maryland faces ongoing noncompliance with the JJDPA's removal and separation requirements and is at risk of losing federal formula grant funding. GOCPP estimates an approximately \$2 million loss in federal funds available to community providers over the next three years, with the majority of funds required to be redirected toward compliance activities rather than community-based services.

GOCPP's compliance monitoring analyses show that Maryland's current automatic charging framework is a primary driver of prolonged youth detention in adult facilities, federal noncompliance, and avoidable costs. A review of recent data obtained directly from the adult jails shows that this bill could reduce the number of youth intakes into adult jails by almost 65%. This change would bring Maryland much closer to compliance with the JJDPA.

GOCPP urges the Senate Judicial Proceedings Committee to report favorably on SB 323.

¹ Giedd, J.N. (2004). [Structural magnetic resonance imaging of the adolescent brain](#). Annals of the New York Academy of Science, 1021(1), 77-85

² Teplin, L. A., Abram, K. M., McClelland, G. M., Dulcan, M. K., & Mericle, A. A. (2002). [Psychiatric disorders in youth in juvenile detention](#). Archives of general psychiatry, 59(12), 1133–1143

³ IBID

Bill_SB0323_Edward Kraus - FAV.pdf

Uploaded by: Edward Kraus

Position: FAV

Date of Hearing: Wednesday, February 4
Name: Edward S. Kraus, M.D.
Address: Baltimore MD 21209

TESTIMONY ON SB323 - POSITION: FAVORABLE
Juvenile Court - Jurisdiction (Youth Charging Reform Act)

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

FROM: Edward S. Kraus, M.D.

My name is Edward S. Kraus. I am a resident of District 43. I am submitting this testimony in support of SB323, Youth Charging Reform Act.

I have been a resident of Maryland since July 1978 and specifically of Baltimore City since 1979. I came to MD to complete my medical training at Johns Hopkins in Nephrology and subsequently have served as faculty at Johns Hopkins until my retirement on September 30, 2023. I am currently a Professor Emeritus. During my entire medical career, I have served patients and their families with chronic kidney disease needing interventions including dialysis and access to transplantation. Many of my patients and their families have struggled with financial hardships, access to education and basic needs of day-to-day living. I worked closely with my pediatric colleagues and have had many patients transitioned to my care in their late teenage years. In addition, I have been very active in the National Kidney Foundation of MD over my entire career including leadership roles. This organization is extremely active in trying to fill the gaps to access of care and resources needed due to socioeconomic barriers.

In my professional career, I have personally taken care of many young patients in their late teens struggling to obtain their care with transportation needs, lack of insurance, lack of social support, and lack of education to understand and cope with their medical challenges to successfully navigate a complex medical system. These issues are not minor but rather have a major impact upon their chances of surviving. I remember vividly one young man who had been incarcerated, interrupting his education, and post release needing enormous help to obtain complex medical care that directly impacted his chances to receive a transplant due to difficulties navigating all the multiple steps. There have been other patients that I have cared for with similar journeys. If they had had more access to education and rehabilitation while incarcerated and spent limited time in prison, I am convinced their long-term health would have improved significantly. This impacts not only these individual patients but also the cost of their care which lessens as they more easily move through the multiple steps posed by the medical system. Passing this Bill is absolutely imperative to give young people with major chronic medical challenges a chance to survive!! I urge that it be passed!

I respectfully urge this committee to return a favorable report on HB409/SB323.

SB0323_ElisaFrost_FAV.pdf

Uploaded by: Elisa Frost

Position: FAV

February 4, 2026

Elisa Frost
Baltimore, Maryland 21218

TESTIMONY ON SB323 - POSITION: FAVORABLE
Juvenile Court - Jurisdiction (Youth Charging Reform Act)

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

FROM: Elisa Frost

My name is Elisa Frost. I am a resident of District 43. I am submitting this testimony in support of SB323, Juvenile Court - Jurisdiction (Youth Charging Reform Act). I am a daughter of Baltimore and a mother of Baltimoreans, a white woman and a Jew, and an educator of teenagers and young adults. I take issue with some fundamental truths of how we do things in Maryland. How can it be that we bypass juvenile court in large numbers of cases involving children? Are we not in agreement that our human young under the age of 18, however developed their bodies or however grave their mistakes, are not yet adults and should not be treated as such? By curbing the automatic charging of children as adults, SB323, if passed, will be a step in a better direction for the people of Maryland.

Charging children as adults makes them vulnerable to harm by putting them in dangerous, trauma-inducing situations based solely on charges of an alleged crime. This practice does not advance public safety, but rather clogs the judicial system and leads to a failure to offer the very social services and educational opportunities that can mitigate recidivism. Charging children as adults is a moral stain on the State of Maryland. Maryland is a statistical outlier, charging more children as adults per capita than any state in the Union but Alabama.

The juvenile justice system, though flawed, is designed to emphasize rehabilitation over punishment. When a child missteps, however egregiously, we owe it to the child not to discontinue care, but to provide the protection and resources needed for further growth. When a child missteps, however egregiously, we owe it to society not to withhold opportunities for that child to develop into an adult with the capacity to make positive contributions: to be a loving family member, a connected and connective community member, and an engaged and responsible citizen. When the State missteps by failing to see the children behind the charges, the State can take corrective measures. Maryland must end the practice of auto-charging children as adults. **I respectfully urge this committee to return a favorable report on SB323.**

SB#323Yourh Charging Reform Act, Emily Blank.pdf

Uploaded by: Emily Blank

Position: FAV

Date of Hearing: February 4, 2026

Emily C. Blank
Brentwood, MD 20722

TESTIMONY ON SB# 323 - POSITION: (FAVORABLE)
Juvenile Court - Jurisdiction (Youth Charging Reform Act)

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

FROM: Emily C. Blank

My name is Emily C. Blank. I am a resident of District 47a. I am submitting this testimony in support of SB#323), (Bill Name).

I am a retired economics professor. I am also a member of Congregation Oseh Shalom and a core leader of the Maryland chapter of Bend the Arc, Jewish Action. I believe it is wrong to charge children as adults, because their brains are still developing. When children are charged as adults, they don't receive critical educational resources and psychological support. For their own protection, they are sometimes placed in solitary confinement, which Amnesty International claims is torture. Children charged as adults are statistically more likely to offend again when they actually become adults. Most children charged as adults are eventually shifted back to the youth system anyway, but they are harmed by the time spent in adult prisons.

Maryland charges more teens as adults than any state except for Alabama. I remember being a young person and not entirely in control of my impulses. Fortunately for me, I was a white girl, and not automatically looked upon as suspicious. My students at Howard University, however, had a much more precarious adolescence. They told me often that they were the lucky ones who had made it to college. I would like to see all children have that same opportunity should they wish it.

End with: **I respectfully urge this committee to return a (favorable/favorable with amendments/unfavorable) report on SB#323.**

SB0323_Favorable_OPD.pdf

Uploaded by: Erin Seagears

Position: FAV



NATASHA DARTIGUE
PUBLIC DEFENDER

KEITH LOTRIDGE
DEPUTY PUBLIC DEFENDER

HANNIBAL KEMERER
CHIEF OF STAFF

ELIZABETH HILLIARD
DIRECTOR OF GOVERNMENT RELATIONS

POSITION ON PROPOSED LEGISLATION

BILL: Senate Bill 0323 Youth Charging Reform Act

FROM: Maryland Office of the Public Defender

POSITION: Favorable

DATE: 2/4/2026

The Maryland Office of the Public Defender respectfully requests that the Committee issue a favorable report on SB0323.

Introduction

Senate Bill 0323 changes the jurisdiction in which charges are filed against a child for certain offenses from criminal court (adult court) to juvenile court. In other words, where a case with a serious offense *starts*- in which jurisdiction the child is charged- not in which jurisdiction the case will be tried or where the child may be sentenced. Charging children in adult court is an inefficient and costly process which has a disproportionate impact on children of color from marginalized and impoverished communities, and which is detrimental to public safety in the long run. The Maryland Office of the Public Defender has consistently favored ending the automatic charging of all of Maryland's children as if they were adults. While this bill does not end the practice in its entirety, it represents a positive step for Maryland's children, saves the state considerable costs, promotes public safety, and represents areas of compromise that some opponents have previously found acceptable. For these reasons we urge a Favorable report on SB0323.

Current Law Regarding Charging Children as Adults

Currently, the law defines adults as individuals over the age of 18 and children as individuals under the age of 18.¹ In general, adults are charged in district or circuit court (adult court), whereas children are charged in juvenile court. In Maryland, however, there are thirty-three (33) enumerated charges that are excluded from juvenile court jurisdiction for 16 and 17 year olds, and two

¹ MD. CODE ANN., CTS. & JUD. PROC. § 3-8A-01.

exclusionary charges for 14 and 15 year olds. This means that those cases are automatically charged in district and circuit court, as if the children were adults, without any judicial oversight.

Misdemeanor firearm possession was the most common charge in FY 2025 that resulted in automatic adult court jurisdiction for children². Due to the large amount of charges that automatically give the adult court jurisdiction over children, it's estimated that Maryland sends more children to adult court per capita than any other state besides Alabama³. In FY20, Maryland sent more children to adult court than Arizona, Massachusetts, California, and Pennsylvania combined. Those states have nearly 10 times Maryland's population. In addition, Maryland and Louisiana are the only two states in which 6% or more of the prison population had been there since childhood and where at least 80% of that population was Black. More than 1,100 people have been in Maryland prisons since childhood, costing the state annually more than \$50 million dollars.⁴

² *Juveniles Charged as Adults*, MD. DEPT. PUBL. SAFETY & CORR. SERVS. (June 30, 2025), <https://app.powerbigov.us/view?r=eyJrIjoibNTZmYzZIN2MtNjc5NC00OGRjLTkwYjktYTZNGVmnZc0M2UzIiwidCI6IjYwYWZlOWUyLTQ5Y2QtNDliMS04ODUxLTUyOZGYwMjc2YTJlOCJ9>.

³ Marcy Mistrett, *National Trends in Charging Children as Adults*, SENT'G PROJECT (July 20, 2021), <https://dls.maryland.gov/pubs/prod/NoPblTabMtg/CmsnJuvRefCncl/Sentencing-Project-National-Trends-in-Charging-Children.pdf>.

⁴ HUM. RTS. FOR KIDS, CRIMES AGAINST HUMANITY: THE MASS INCARCERATION OF CHILDREN IN THE UNITED STATES (2023), <https://humanrightsforkids.org/a-crime-against-humanity/>.

AUTOMATIC ADULT JURISDICTION		
Source: § 3-8A-03 of the Maryland Courts & Judicial Proceedings Article		
AGE 14 AND OLDER	AGE 16 AND OLDER	
• Murder – 1ST Degree • Rape – 1ST Degree • Any attempts of above • Any conspiracies of above	Serious/Violent Offenses: • Kidnapping • Assault – 1st Degree (CL, §3-202) • Carjacking & Armed Carjacking (CL, § 3-405) • Murder – 2nd Degree • Attempted Murder –2nd Degree (CL, §2-206) • Voluntary Manslaughter • Rape – 2nd Degree • Attempted Rape – 2nd Degree (CL, §3-310) • Robbery w/ Dangerous Weapon • Attempted Robbery w/ Dangerous Weapon (CL, §3-403) • Sex Offense-- 3rd (CL, 3-307(a)(1)) (IE force, a weapon, or threat of force used)	Firearms Offenses: • Wear, Carry, Transport Handgun (CL, §4-203) • Possession of Unregistered Short-barreled Shotgun or Short-barreled Rifle (PS, §5-203(a)) • Possession of Regulated Firearm (PS, §5-133--convicted of prior disqualifying offense, etc.) • Minor in Possession of Regulated Firearm (PS, § 5-133(d)(1)) • Use Wear, Carry, Transport Firearm during Drug Trafficking Crime (CL, §5-621) • Use of Firearm in Commission of Crime of Violence or Felony (CL, §4-204) • Possess, Own, Carry, Transport Firearm by Drug Felon (CL, §5-622) • Possess, Sell, Transfer Stolen Regulated Firearm (PS, §5-138) • Sell, Rent, Transfer Regulated Firearm (PS, §5-134(b)) • Sell, Rent, Transfer Regulated Firearm to Minor (PS, §5-134(d)) • Use or Possess Machine Gun in commission/attempted commission of Crime of Violence (CL, §4-404) • Use or Possess Machine Gun for Offensive or Aggressive Purpose (CL, §4-405) Miscellaneous: • Any felony IF prior felony conviction as an adult • Non-incarcerable Traffic & Boating Offenses • Domestic Violence Peace Order requests are heard in the adult court where the victim is: the current or former spouse of the respondent; a cohabitant of the respondent; a person related to the respondent by blood, marriage or adoption; a parent, stepparent, child, or stepchild of the respondent or victim who resides or resided with the respondent or victim for at least 90 days within 1 year before the filing of the petition; a vulnerable adult; or an individual who has a child in common with the respondent. CP, §3-8A-03(d)(6). The juvenile court retains jurisdiction over violations of this section by a juvenile.
Automatic Adult Jurisdiction – When Transfer to Juvenile Court is Prohibited (CP, §4-202(c)) • In an unrelated case, Juvenile was <u>convicted</u> of any of the above offenses (excluding “non-incarcerable traffic & boating” and excluding if adult jurisdiction is created only by a prior, non-excluded felony offense). • Offense is 1st degree murder and the juvenile was 16 or 17 years of age when the alleged crime was committed		

The Transfer Process

Most cases where children are charged as adults can be (and are) transferred from adult court to juvenile court; the only exception to this is 16 and 17 year olds charged with First Degree Murder.⁵ When children are automatically charged as adults, directly following arrest they are taken to an adult jail to be booked. Typically, the child remains detained in the adult facility overnight and has a bail hearing the following day in front of a district court judge. That judge will decide if the child will continue to be held in an adult jail, is eligible for detention in a secure juvenile facility, or may be released on house arrest or other conditions determined by the judge. In the adult court system, charges are often initiated in district court, where the case remains for a maximum of 15 days, until either a probable cause hearing is held before a district court judge or the State’s Attorney files an indictment in circuit court. Once the case is moved up to circuit court, the child’s attorney then files a motion to transfer jurisdiction to the juvenile court. A transfer hearing, where the child has the burden of proving to a circuit court judge that they are amenable to treatment in the juvenile system, is subsequently scheduled for as early as 60 days out.

⁵ MD. CODE ANN., CRIM. PROC. § 4-202.

In anticipation of a transfer hearing, the Department of Juvenile Service (DJS) utilizes a Multidisciplinary Assessment Staffing Team (MAST) which includes a psychiatric evaluation, a psychological evaluation, a psychosocial evaluation, and information regarding appropriate services for the child in the juvenile system, which is provided to the court. In addition, it is common practice for the child's counsel to hire an expert to evaluate the child and prepare a report for the transfer hearing. Preparing for these transfer hearings, therefore, often require a number of months - on average 125 days⁶. A transfer hearing may be contested, or proceed by agreement between the parties. It is not unusual for the State and Defense to come to an agreement in which the child agrees to enter into a plea in juvenile court, (and often to be sent to an out of home DJS placement) in exchange for an agreement to transfer. Regardless if there is an agreement or not, the court is required to consider five factors in any transfer decision: (1) the age of the child; (2) the child's physical and mental condition; (3) the child's amenability to treatment in any institution, facility, or programs available to delinquents; (4) the nature of the offense(s); and (5) public safety.⁷ The most important factor is amenability to treatment. Once the judge grants or denies the motion to transfer, the child proceeds to either a trial or an adjudication, in the respective jurisdiction. If the child's case is transferred down to juvenile court, and they are detained, the adjudication then must occur within 30 days.⁸

In addition to automatically charging children as adults for 33 offenses, in Maryland, there is another legal process that can give district and circuit court jurisdiction over children: waiver of jurisdiction. For children at least 15 years old, the State's Attorney may file a motion to waive jurisdiction from the juvenile court to adult court. Similarly to a transfer hearing, with waiver, there is a hearing in which a judge decides which jurisdiction the case will be tried in. In a waiver hearing it is the State's burden to prove that a child is unfit for juvenile rehabilitative measures.⁹ While this bill would require that certain cases start in juvenile court, it would *not* eliminate the waiver of jurisdiction process. Whenever they deem appropriate, the State's Attorney would still have the

⁶ Governor's Office of Crime Prevention and Policy. (2024). Youth charged as adults: The costs to Maryland's justice system and communities. <https://gocpp.maryland.gov/wp-content/uploads/Youth-Charged-as-Adults-Costs.pdf>

⁷ CTS. & JUD. PROC. § 3-8A-06(e); CRIM. PROC. § 4-202(d).

⁸ In the juvenile justice briefing, Delegate Cardin inquired if the cases move faster if there is a transfer hearing proceeding the adjudication. Because the law already requires that an adjudication be heard within 30 days once the case gets to juvenile court, the prior transfer process does not make a significant difference in the speed in which the case is adjudicated.

⁹ CTS. & JUD. PROC. § 3-8A-06(d).

ability to file a motion to waive juvenile jurisdiction - petition for the case to be tried in adult court - in any case in which a child is at least 15 years old. Therefore, this bill does not change which children are *eligible for* (or can be tried in) adult court, it simply changes where the children's cases *start*.

Inefficient Process

Starting so many cases in adult court, rather than in juvenile court - with the option to waive up to adult court if necessary - is timely, costly, and wasteful. Roughly 85% of the cases that start in adult court are eventually dismissed or transferred down to juvenile court.¹⁰ Starting these 33 offenses in the slower moving adult court system extends the time it takes for transfer hearings and trials/adjudications to happen and therefore increases the length of time a child spends in detention. By comparison, starting cases in juvenile court with the ability to waive cases to adult court is a much more efficient process that will better serve Marylanders. This bill will streamline an inefficient system while still enabling prosecutors and courts to waive the most serious offenses to adult court.

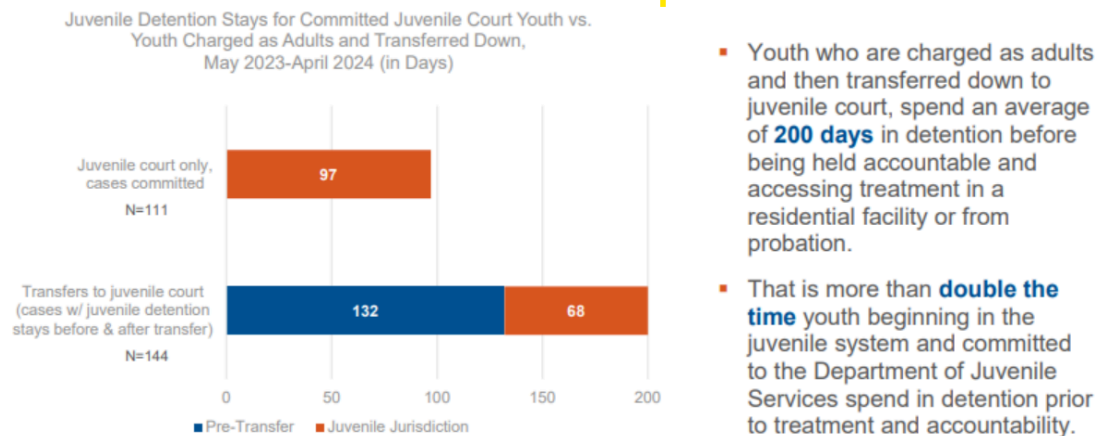
The adult court system moves significantly more slowly than the juvenile court system in general. For example, circuit court cases must be tried within 180 days, whereas juvenile court cases must be tried within 60, or 30, if the child is detained. This slower process means that children sitting in detention (whether it be adult detention or juvenile detention) spend much more time waiting for a transfer hearing than children whose cases have started in juvenile court and are waiting for a waiver hearing. According to the Governor's Office of Crime Prevention and Policy, the average time a child waits for a transfer hearing is 125 days.¹¹ This means that our process as it currently stands also lengthens the amount of time it takes for children to receive the services they might need, that only the juvenile system can provide. As shown in the below chart, it takes twice as

¹⁰ Josh Rovner of the Sentencing Project Before the Maryland Senate Judicial Proceedings Committee (Feb. 4, 2025), <https://www.sentencingproject.org/app/uploads/2025/02/Testimony-SB-422-TSP.pdf> ("Roughly 85 percent of youth automatically sent to the adult justice system either have their case dismissed or sent back to the juvenile system. Clearly, too many young people begin their cases in adult courts under current law. The status quo sends hundreds of teenagers into adult courts to wait for a process that will dismiss the charge entirely or waive the youth back into the juvenile court more than 85 percent of the time."). When the JJRC examined this issue they received technical support from the Vera Institute, which included analyzing data from Maryland's Courts on the cases of children charged as adults. See *Preliminary Findings: Youth Charged as Adults in Maryland*, VERA INST. (Dec. 10, 2020), <https://dls.maryland.gov/pubs/prod/NoPblTabMtg/CmsnJuvRefCncl/Preliminary-Findings-Youth-Charged-as-Adults.pdf>. It should be noted that Vera only analyzed data from 21 Counties and Baltimore City. Two of Maryland's largest jurisdictions, Prince George's County and Montgomery County, were not yet utilizing MDEC.

¹¹ Governor's Office of Crime Prevention and Policy. (2024). Youth charged as adults: The costs to Maryland's justice system and communities. <https://gocpp.maryland.gov/wp-content/uploads/Youth-Charged-as-Adults-Costs.pdf>

long for children to receive services via a commitment to DJS when their case starts in adult court versus juvenile court.

Dead Time: Youth initially charged as adults take much longer to receive accountability and treatment in JJ system



Source: Juvenile detention data from Maryland Department of Juvenile Services Research and Evaluation Unit
 Note: This only includes detention in a juvenile detention facility. It does not include time in adult jail, which would increase the time detained pre-transfer.

13

Given that such a small percentage of cases automatically charged in adult court actually result in an adult sentence, the lengthy and expensive periods of incarceration, significant litigation costs, and judicial resources that process requires, is both wasteful and unnecessary. Further, the damage done to children, charged as adults yet still presumed to be innocent, can never be undone despite the outcome of the case. In just the month of December 2025, there were 3 separate cases in Baltimore City alone where children were detained for several months pending contested transfer hearings that were ultimately dismissed. In one case, a child was detained for 6 months waiting for her transfer hearing, only to have the entire case dismissed for insufficient evidence the day after the transfer hearing. The adult co-Defendant's case was dismissed at the preliminary hearing 6 months prior for the same reason, yet, because the child had no other option than to pursue a transfer hearing, she had to be detained 6 months waiting for that hearing; costing the State of Maryland around \$211,000¹² in detention alone (not taking into account court resources, expert fees, etc.).

¹² One day in DJS facilities costs \$1,174/day x 6 months. See DJS Expenditures, FY 2024. Retrieved from pg IX: https://djs.maryland.gov/Documents/DRG/Data_Resource_Guide_FY2024.pdf

Though that child was always presumed to be innocent, and her case was ultimately dismissed, due to the practice of automatically charging children as adults, she was detained for 6 months that will never be recovered..

High Cost

The inefficiency of starting children's cases in adult court is also costing the State of Maryland a significant amount of money. When children's cases start in adult court, they spend, on average, 98 days longer in DJS detention facilities waiting for a disposition than if their case started in juvenile court. In FY24, the cost to detain each child per day was \$1,174 - amounting to \$147,000 per child on average for children automatically charged as adults.¹³ In FY24, 60% of the youth detained by DJS were those automatically charged as adults and pending their transfer hearings.¹⁴ Ending the practice of automatically charging children as adults would significantly reduce the amount of time these children are in DJS detention, thus lowering the daily population, and as estimated by DJS, saving them approximately \$17 million annually.¹⁵

In addition to the large number of children in DJS custody due to this practice, numerous children are also held in adult detention. There are significant costs associated with housing these children in adult facilities, and with the large number of children improperly housed in adult detention there is widespread federal noncompliance. Maryland stands to lose \$350,000 in federal formula grant funding over the next two years due to these violations.¹⁶

Finally, Senate Bill 323 would effectuate cost savings for the Maryland Office of the Public as it would decrease the number of transfer hearings, and the expense of hiring expert psychologists to evaluate the children for their hearings. OPD has estimated they would save \$1.85 million annually after an initial \$1.4 million in the first year.¹⁷ Starting so many cases in adult court, while we know that the vast majority will not stay there, is costing Maryland millions of dollars a year. That

¹³ DJS Expenditures, FY 2024. Retrieved from pg IX:

https://djs.maryland.gov/Documents/DRG/Data_Resource_Guide_FY2024.pdf

¹⁴ Youth Charged as Adults Pending Transfer Demographics by Detention Facility, FY 2024. Retrieved from pg 115:

https://djs.maryland.gov/Documents/DRG/Data_Resource_Guide_FY2024.pdf

¹⁵ Fiscal and Policy Note SB422 (2025 Session). https://mgaleg.maryland.gov/2025RS/fnotes/bil_0002/sb0422.pdf, page 4.

¹⁶ GOCPP (2025). Maryland's JJDA Compliance Crisis in Adult Detention. Retrieved from

<https://gocpp.maryland.gov/wp-content/uploads/Marylands-JJDPA-Compliance-Crisis-Children-in-Adult-Detention-COMMISSION-APPROVED-.docx.pdf>

¹⁷ GOCPP (2025). Youth charged as adults: The costs to Maryland's justice system and communities. Retrieved from <https://gocpp.maryland.gov/wp-content/uploads/Youth-Charged-as-Adults-Costs.pdf>

money could be relocated to community resources, wrap around services, and the juvenile system to ensure that our children receive all the guidance, treatment, and rehabilitative services needed, in turn making our communities safer as well.

Harmful Impact on Children

Automatically charging children as adults is not only highly inefficient and expensive, it also causes unnecessary, irreparable damage to children, their families, and their communities. The children who bear the brunt of this practice are black and brown children with histories of trauma. Starting these children's cases in adult court, without any judicial oversight, often results in children being detained in adult facilities which are vastly underequipped to house children and further traumatize these children as they wait for their transfer hearings. The impact is often devastating to their emotional health, their education, and to public safety - as detaining children in adult facilities increases the recidivism rate.

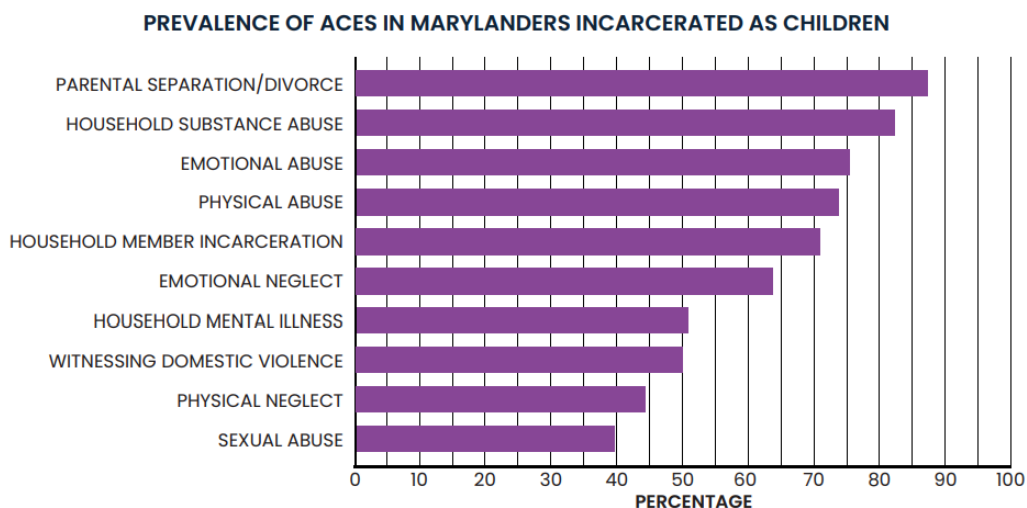
Under the current law, Maryland is charging an inordinate amount of children of color in adult court. According to the Department of Public Safety and Correctional Services (DPSCS), between July 1, 2024 and July 30, 2025, 77.4% of youth who were charged as adults were Black.¹⁸ Further, 90% of people incarcerated in Maryland who have been there since childhood are Black. This practice which impacts primarily children of color from marginalized communities may be a contributing factor to why Maryland imprisons a higher percentage of Black people (70%) than any other state in the nation.¹⁹

In addition, this practice harms the most vulnerable children in Maryland, those who already have a significant history of trauma. In their 2024 report, "Disposable Children: The Prevalence of Child Abuse and Trauma Among Children Prosecuted and Incarcerated as Adults in Maryland," Human Rights for Kids found that there was an average ACE (Adverse Child Experience) score of 6.38 out of 10 for the respondents of their survey and nearly 70% of respondents reported experiencing six or more ACEs prior to their incarceration. CDC studies show that only 17.3 % of the general population display ACE scores of four or higher. In addition, 73.39% of the survey

¹⁸*Juveniles Charged as Adults*, MD. DEPT. PUBL. SAFETY & CORR. SERVS. (June 30, 2025), <https://app.powerbigov.us/view?r=eyJrIjoibNTZmYzZlN2MtNjc5NC00OGRjLTkwYjktYTZzNGVmNzc0M2UzIiwidCI6IjYwYWZlOWUyLTQ5Y2QtNDliMS04ODUxLTY0ZGYwMjc2YTJlOCJ9>

¹⁹Justice Policy Institute, *Rethinking Approaches to Over Incarceration of Black Young Adults in Maryland*, 2019. <https://justicepolicy.org/research/policy-briefs-2019-rethinking-approaches-to-over-incarceration-of-black-youngadults-in-maryland>

respondents reported having experienced physical abuse, 39.52% reported sexual abuse, and 75.81% reported emotional abuse before their incarceration. On average, respondents first experienced abuse at the age of six years old.²⁰



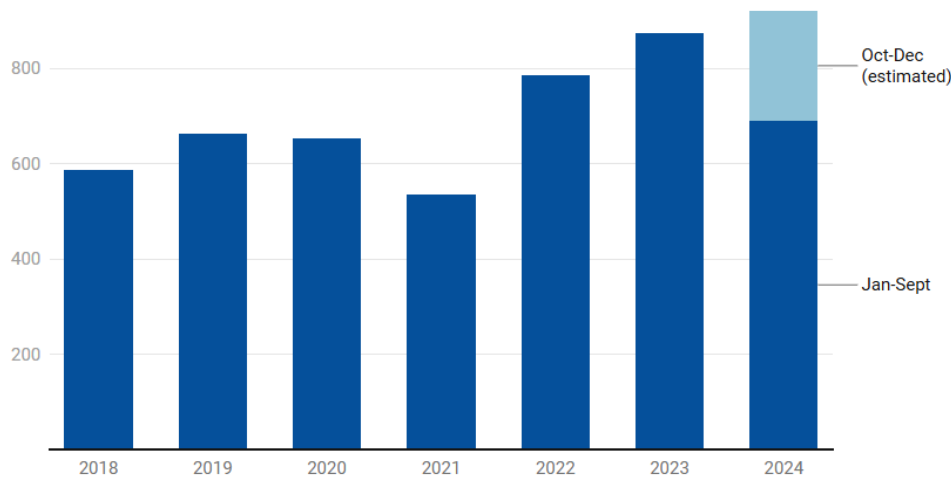
When these children, the vast majority having significant trauma, are automatically charged as adults, they will automatically be held in adult detention, usually in solitary confinement, until they are seen by a judge for a bail review hearing.²¹ While Maryland law allows judges to hold children charged as adults at DJS facilities, not all do. Rachel Baye, from WYPR, reported in March 2025 that about a quarter of children stays in adult jails lasted longer than 30 days, and that “some lasted more than a year. The number of times youth were booked in adult jails each year has also increased. Last year was on pace to have the highest number of bookings in the seven-year period, based on the nine months of data available from 2024.”²²

²⁰ HUM. RTS. FOR KIDS, DISPOSABLE CHILDREN: THE PREVALENCE OF CHILD ABUSE AND TRAUMA AMONG CHILDREN PROSECUTED AND INCARCERATED AS ADULTS IN MARYLAND (2021), <https://www.defendyouthrights.org/wp-content/uploads/Disposable-Children-The-Prevalence-of-Child-Abuse-and-Trauma-Among-Children-Prosecuted-As-Adults-in-Maryland.pdf>.

²¹ While it is possible for a Commissioner to release a child charged as an adult on bond this rarely, if ever, happens.

²² Rachel Baye, *A national outlier, Maryland's jails fail to protect young inmates*, WYPR (Mar. 3, 2025), <https://www.wypr.org/wypr-news/2025-03-03/a-national-outlier-marylands-jails-fail-to-protect-young-inmates>.

Youth bookings in Maryland's adult jails each year



Source: The Governor's Office of Crime Prevention and Policy provided juvenile holding logs to WYPR and APM Reports. Figures from October through December, 2024 were unavailable at the time of publishing, and were estimated based on the previous 9 months. [Get the data](#)
Created with [Datawrapper](#)

When children are held in adult jails the Prison Rape Elimination Act requires children to be sight and sound separated from adult inmates.²³ Local detention centers are not equipped to maintain separate units for children and adults. Instead, children are often held in solitary confinement while they wait for a transfer hearing. Mental health professionals have long known that solitary confinement causes significant harm. The American Psychological Association has come out solidly against the use of prolonged solitary confinement for children.²⁴ As has the American Academy of Child and Adolescent Psychiatry noting “the potential psychiatric consequences of prolonged solitary confinement are well recognized and include depression, anxiety and psychosis. Due to their developmental vulnerability, juvenile offenders are at particular risk of such adverse reactions. Furthermore the majority of suicides in juvenile correctional facilities occur when the individual is isolated or in solitary confinement.”²⁵ Courts have also acknowledged the harms caused by solitary confinement, holding that for inmates already suffering with mental illness it can amount to cruel and unusual punishment.²⁶

²³ 28 C.F.R. § 115.14.

²⁴ *Position Statement on Solitary Confinement (Restrictive Housing) of Adolescents*, AM. PSYCH. ASS'N (2018), <https://www.psychiatry.org/getattachment/7bc96d18-1e73-4ac1-b6b5-f0f52ed4595a/Position-2018-Solitary-Confinement-Restricted-Housing-of-Juveniles.pdf>.

²⁵ *Solitary Confinement of Juvenile Offenders*, AM. ACAD. CHILD & ADOLESCENT PSYCHIATRY (2012), https://www.aacap.org/aacap/Policy_Statements/2012/Solitary_Confinement_of_Juvenile_Offenders.aspx.

²⁶ *Palakovic v. Wetzell*, 854 F.3d 209 (3d Cir. 2017).

Therefore, this period of incarceration not only exacerbates the trauma that has already typically gone untreated (only 28.23% of people incarcerated as children have received treatment to address any of the various traumas they experienced prior to their incarceration²⁷), but further traumatizes these children. Of the respondents in the Human Rights for Kids Report, “almost 98% of respondents had been placed in solitary confinement at some point during their incarceration, with nearly 80% experiencing solitary confinement as children. Over 80% of respondents reported experiencing abuse at the hands of staff or other incarcerated people.” According to a report by the Department of Justice, “[a]s compared with those in juvenile facilities, juveniles incarcerated in adult prison are eight times more likely to commit suicide, five times more likely to be sexually assaulted, and almost twice as likely to be attacked with a weapon by inmates or beaten by staff.”²⁸ In addition, the facilities and their resources in and of themselves are often below basic standards for children. This past December, for example, the Youth Detention Center in Baltimore City, a facility that houses Baltimore children charged as adults that is run by the Department of Public Safety and Correctional Services (*not* the Department of Juvenile Services) was without heat for weeks.²⁹ In local jails across the state, it is not uncommon to see children with the adult jumpsuits falling off their shoulders, a visual example of how ill-fitting it is to detain a child in an adult facility.

The harmful conditions and practices involved with children detained in adult facilities are the symptoms of the Maryland adult court system’s inability to safely manage the extraordinary amount of children charged as adults. As recently reported by the Commission on Juvenile Justice Reform and Emerging and Best Practices, “Maryland is significantly out of compliance with federal standards governing the pretrial detention of children charged as adults. In 2025, the United States Department of Justice’s Office of Juvenile Justice and Delinquency Prevention (OJJDP) began enforcing thresholds on length of stay and sight and sound separation in adult facilities, using new data formulas to assess state performance. In FY 2023, Maryland’s detention rate was 93.26 per 100,000 children, *over six times* the federal standard of 14.68. That number rose to 119.59 in FY 2024, a 27% increase. The state reported roughly 1,600 violations, more than any other state, *prompting*

²⁷ *Id.*

²⁸ Richard E. Redding, *Juvenile Transfer Laws: An Effective Deterrent to Delinquency?*, OFF. JUV. JUST. & DELINQ. PREVENTION (June 2010), <https://www.ncjrs.gov/pdffiles1/ojjdp/220595.pdf>.

²⁹ Ian Round, *After Baltimore detention center loses heat, calls to end automatically charging kids as adults intensify*, DAILY REC. (Dec. 8, 2025), <https://thedailyrecord.com/2025/12/08/after-detention-center-loses-heat-calls-to-end-automatically-charging-kids-as-a-dults-intensify/#:~:text=The%20lack%20of%20heat%20at,detention%20centers%20and%20criminal%20court.>

OJJDP to exclude Maryland's data from national averages due to its extreme outlier status (emphasis added).³⁰

To put it another way, by detaining such a high number of children, **Maryland has come so far out of Federal compliance in housing children in adult facilities that it cannot be included in federal data, as it would skew the results.** As stated in the report: “The severity of this issue of noncompliance lays bare the overarching issue of adult auto charging in the state. As long as we uphold the practice of auto charging, compliance will be a perpetual issue. There are no winners in the current situation.”

Detrimental Impact of Auto-Charging on Public Safety

In addition to being inefficient, costly, and harmful, automatically charging children as adults does *not* yield positive outcomes for public safety, but rather, increases recidivism rates, placing communities more at risk. In the long run, prosecuting children in the adult criminal system does more harm to Marylanders than prosecuting them in the juvenile court. The problems created by automatically charging children as if they were adults are separate and apart from the problems created by actually trying them and *sentencing* them as if they were adults. Nevertheless, one might be concerned that by charging more children in juvenile court we could be undermining public safety if more children are therefore also ultimately tried and sentenced in juvenile court. The simple fact of the matter is that the opposite appears to be true. Decades of research published by governmental agencies responsible for public safety and health - Office of Juvenile Justice and Delinquency Prevention (OJJDP) and the Centers for Disease Control (CDC) - make clear that prosecuting children as adults increases recidivism among juvenile offenders, rather than reducing it. In 2007, the CDC published an article entitled "Effects on Violence of Laws and Policies Facilitating the Transfer of Youth from the Juvenile to the Adult Justice System" reviewing several studies. The authors of the CDC Report concluded “the transfer policies have generally resulted in increased arrest for subsequent crimes, including violent crime, among juveniles who were transferred [to the adult criminal system] compared with those retained in the juvenile justice system.”³¹

³⁰ PROCESSES & SYS. COORDINATION WORKGROUP OF THE MD. COMM’N ON JUV. JUST. REF. & EMERGING & BEST PRACTICES, MARYLAND’S JJDP COMPLIANCE CRISIS: CHILDREN IN ADULT DETENTION (Oct. 23, 2025), <https://gocpp.maryland.gov/wp-content/uploads/Marylands-JJDP-Compliance-Crisis-Children-in-Adult-Detention-COMMISSION-APPROVED-.docx.pdf>.

³¹ Robert Hahn et al., *Effects on Violence of Laws and Policies Facilitating the Transfer of Youth from the Juvenile to the Adult Justice System*, 56 MORBIDITY AND MORTALITY WKLY. REP. 1 (Nov. 30, 2007).

Four years later the OJJDP published a bulletin where they found “[I]nsofar as these laws are intended to deter youth crime generally, or to deter or reduce further criminal behavior on the part of youth subjected to transfer, research over several decades has generally failed to establish their effectiveness.”³² ... Six large-scale studies have all found greater overall recidivism rates among juveniles who were prosecuted as adults than among matched youth who were retained in the juvenile system. Criminally prosecuted youth were also generally found to have recidivated sooner and more frequently. Poor outcomes like these could be attributable to a variety of causes, including the direct and indirect effects of criminal conviction on the life chances of transferred youth, the lack of access to rehabilitative resources in the adult corrections system, and the hazards of association with older criminal ‘mentors.’”³³

In 2012 OJJDP examined a longitudinal study conducted in Maricopa Co., Arizona. This study showed evidence of differential effects of prosecuting children as adults.³⁴ They explain that children who had been prosecuted as adults “experience many challenges in the community while on probation or following release from an adult facility. Although the vast majority are involved in gainful activity quickly (within 2.5 months) and consistently (for nearly three-quarters of the months they spend in the community), the majority (77%) also resumed some level of antisocial activity and two-thirds were subsequently re-arrested or placed in an institutional setting. Only 18 of these youth (out of 193) managed to break out of this antisocial pattern completely.”³⁵

Children are held accountable for their illegal actions in the juvenile court system but in a way that aims for rehabilitation rather than only retribution. In fact, DPSCS purports to have a recidivism rate of approximately 37% after three (3) years,³⁶ as compared to DJJS’s rate of 15.2% after three (3) years³⁷.

Many kids charged and tried as adults have cases that are dismissed after they have been incarcerated, often for months, sometimes for a year or more. That is a concrete implication of our

³² PATRICK GRIFFIN, ET AL., OFF. JUV. JUST. & DELINQ. PREVENTION, TRYING JUVENILES AS ADULTS: AN ANALYSIS OF STATE TRANSFER LAWS AND REPORTING 1, 8 (Sept. 2011) (Hereinafter *OJJDP 2011 Report*).

³³ *Id.* at 26.

³⁴ Edward P. Mulvey & Carol A. Schubert, *Transfer of Juveniles to Adult Court: Effects of a Broad Policy in One Court*, OFF. JUV. JUST. & DELINQ. PREVENTION (Dec. 2012) (Hereinafter *OJJDP 2012 Report*).

³⁵ *Id.* at 11.

³⁶ MD. DEPT. PUBL. SAFETY & CORR. SERVS., RECIDIVISM REPORT 9, 24 (Nov. 15, 2022) (defining recidivism as “return to either the DOC or the Division of Parole and Probation following sentencing for a new criminal offense, or return to the Department’s physical custody from parole or mandatory supervision due to violation of the conditions of release”).

³⁷ MD. DEP’T JUV. SERVS., DATA RESOURCE GUIDE FISCAL YEAR 2024 167 (organizing recidivism data by rearrest, re-conviction, and re-incarceration.) In an effort to compare “apples to apples,” the re-incarceration rate is shown.

current process that starts off by putting children in solitary confinement, a practice widely understood to be harmful. Those children who have been harmed by virtue of charging them as adults and not starting in juvenile court, will eventually return to the community. We are all better off with policies that favor rehabilitation rather than retribution. Our current laws impact not only the most terrifying scenarios, but also comparatively minor conduct. To use a real world example, if a child is riding in the backseat of a car that happens to have a gun in it (whether they are aware of it or not) they are automatically charged as an adult. Whether that child happens to be a student taking Advanced Placement and Gifted and Talented classes with no prior incidents of problematic behavior, or a child who habitually skips school and has previously been on probation will not matter at the point of charging. Both of those children will start in adult court and are subjected to the harms outlined above merely by starting in adult court. Senate Bill 0323 would allow a case like this to be **started** in Juvenile Court. If a prosecutor felt that the circumstances of the case, the child's history, and potential risk for public safety justified waiving juvenile jurisdiction they would be able to file a waiver petition and have a full hearing on the issue.

We know that trauma plays a role in both offending and re-offending. And so to inflict these harmful conditions on children before we have even decided whether to try them as children or adults, let alone determine whether they are guilty or innocent, increases the likelihood that they will get into trouble with the law in the future. Given that the vast majority of these children will be released someday regardless of where the case is tried, or what the ultimate outcome of the case is, we are doing a grave disservice to our communities by inflicting further trauma on them.

The Office of the Public Defender remains in favor of ending the automatic charging of all of Maryland's children as if they were adults. OPD acknowledges that while SB0323 does not end the practice in its entirety, it does take a step in the direction of making Maryland's communities safer.

For these reasons we urge a Favorable report on Senate Bill 0323.

Submitted by: Maryland Office of the Public Defender, Government Relations Division.
Authored by: Erin Seagears, Supervising Attorney Juvenile Division,
Erin.seagears@maryland.gov 443-263-6390

SB 323 - Autocharging - ACLU Testimony (Feb 4, 202

Uploaded by: Frank Patinella

Position: FAV



**Senate Judicial Proceedings Committee
Senate Bill 323 – Juvenile Court - Jurisdiction (Youth Charging
Reform Act)**

Favorable

February 4, 2026

AMERICAN CIVIL
LIBERTIES UNION
OF MARYLAND

FRANK PATINELLA
SENIOR POLICY
ADVOCATE

3600 CLIPPER MILL ROAD
SUITE 200
BALTIMORE, MD 21211
T/410-889-8555
F/410-366-7838

WWW.ACLU-MD.ORG

OFFICERS AND DIRECTORS
COREY STOTTLEMYER
PRESIDENT

DANA VICKERS SHELLEY
EXECUTIVE DIRECTOR

ANDREW FREEMAN
GENERAL COUNSEL

The ACLU of Maryland urges a favorable report on Senate Bill 323, which seeks to take a step toward correcting Maryland's outdated "automatic charging" system. Currently, children as young as 14 are automatically charged in adult court for 33 offenses in Maryland. SB 323 seeks to remove some of these charges to ensure that more children start their cases in juvenile court. Our position is aligned with the first recommendation of Maryland's Commission on Juvenile Justice Reform and Emerging and Best Practices, released in December 2025.¹ Further, due to the practice of automatically charging children as adults, Maryland has been in noncompliance with the federal Juvenile Justice and Delinquency Prevention Act for decades.

Children have a right to be treated as children, and they should start their case, no matter the charge, in the juvenile court. If a prosecutor believes a young person should instead be tried as an adult, the bill allows them to petition the court to waive juvenile jurisdiction and make that argument before a judge.

Debunked “Super Predator” Narrative Lingers in Maryland, Still Ranked at the Bottom

Over 100 years ago, the first juvenile justice systems were created as advocates and government officials recognized the need to separate children from the influence of adult prisons and to focus on treatment and rehabilitation. In the 1980s, Maryland, like the other states throughout America, drifted away from this philosophy and began adopting harsher punishments for children including transferring more children to the adult system. The trend of instituting excessive punitive measures upon children continued through the 1990s, justified by the now debunked theory that characterized children in that decade as a new breed of “super predators.”²

¹ Maryland's JJDP Compliance Crisis: Children in Adult Detention. December 2025. Commission on Juvenile Justice RefOrm and Emerging and Best Practices. <https://gocpp.maryland.gov/wp-content/uploads/Marylands-JJDP-Compliance-Crisis-Children-in-Adult-Detention-WG-DRAFT.docx-4.pdf>

² The Superpredator Myth, 25 Years Later. April 2014. Equal Justice Initiative. <https://ejl.org/news/superpredator-myth-20-years-later/>

Since the turn of the century, youth arrests and incarceration have been steadily declining, and most states have been rolling back inequitable policies towards children and replacing them with more age-appropriate and evidence-based programming focused on rehabilitation and treatment. While youth crime in Maryland mirrored the national trend, not enough has been done to reform our outdated and inequitable legal system for children. In 2022, the Maryland legislature passed the Juvenile Justice Reform Act, but it did not address the automatic charging of children in adult courts.

A 2021 study found that only Alabama sends more children per capita to adult court each year than Maryland. Further, Maryland ranks fourth in the nation for the number of adults in prison who were convicted as children.³

Disproportionate Impact of Automatic Charging

The legal carceral system in America has a long history of discriminatory practices towards adults and children of color. After controlling for the type and severity of offenses, Black and Latinx children often receive harsher sentences than white children, as prosecutors and judges are oftentimes driven by bias.^{4,5} These biases are based on the flawed notion that Black children and children of color are predisposed to criminality, and they are misperceived as being older and more mature than their age would indicate. As a result, they are adultified and held more accountable for their actions than their white peers. These biases exist in all aspects of the legal system, from the police officers who make the arrests, to the court room, and to the work of juries, correctional officers, and parole boards.

Of the 932 children in Maryland who were charged as adults between July 2023 and June 2024, 755 were Black, which represents 81% of the cases.⁶ Boys accounted for 91% of the charges. In Baltimore City, the number of youth arrests have declined in recent years but a larger portion of them are being charged as adults.⁷ Over the past three years, approximately 30% of children

³ National Trends in Charging Children as Adults. July 20, 2021. Maryland Juvenile Justice Reform Council. The Sentencing Project.

<http://dls.maryland.gov/pubs/prod/NoPblTabMtg/CmsnJuvRefCncl/Sentencing-Project-National-Trends-in-Charging-Children.pdf>

⁴ One in Five. Racial Disparity in Imprisonment – Causes and Remedies. December 7, 2023. The Sentencing Project. <https://www.sentencingproject.org/publications/one-in-five-racial-disparity-in-imprisonment-causes-and-remedies/>

⁵ Vera Institute, Preliminary Findings: Youth Charged as Adults in Maryland, Dec. 10, 2020. <http://dls.maryland.gov/pubs/prod/NoPblTabMtg/CmsnJuvRefCncl/Preliminary-Findings-Youth-Charged-as-Adults.pdf>.

⁶ Juveniles Charged as Adults. June 30, 2024. Governor's Office of Crime Prevention and Policy. State of Maryland.

<https://app.powerbigov.us/view?r=eyJrIjoiaNzQzYTZhYmMtNzVmOC00OGE2LWFKNzktZDIiYzg5NzEyODU2liwidCI6IjYwYWZlOWUyLTQ5Y2QtNDIiMS04ODUxLTY0ZGYwMjc2YTJlOICJ9>

⁷ In Baltimore, teens more likely to be charged as adults than in the past. July 22, 2024. WYPR. <https://www.wypr.org/wypr-news/2024-07-22/in-baltimore-teens-more-likely-to-be-charged-as-adults-than-in-the-past#>

arrested were charged as adults – more than double the rate as those charged in 2018 and 2019.

More recent data shows that between January 2025 and June 2025, Black children represent 76% of the 515 cases in which children were charged in adult court in Maryland⁸. The most common offenses were gun possession and assault. While much more work needs to be done to root out bias and discriminatory practices within the legal system for children, SB 323 represents a big a step in the right direction.

Eliminating Auto-charging will Improve Outcomes and Reduce Harm

The pursuit of harsh punitive measures to address youth crime – instead of improving upon a system focused on rehabilitation – has been ineffective and has created significant harm.⁹ The science of childhood and adolescent development shows that children are more likely than adults to engage in risky behavior, and that they do not fully understand the long-term consequences of their actions.¹⁰

Several large-scale studies have concluded that children sentenced in adult court led to higher recidivism rates than children charged in juvenile court for similar offenses.¹¹ There are more effective and proven strategies and interventions to address youth crime and rehabilitate children than the carceral system such as programs that connect youth with formerly incarcerated mentors, community-based restorative justice programs, wraparound services, and cognitive behavioral therapy.¹²

In Maryland, children charged as adults – even if their case is eventually waived down to juvenile court – spend weeks and sometimes months in adult detention facilities while awaiting their court date. Young people who have had the experience in adult detention have reported bullying and threats of

⁸ Juveniles Charged as Adults in Maryland, 1/1/2025-6/30/2025. December 29, 2025. Governor's Office of Crime Prevention and Policy. https://gocpp.maryland.gov/wp-content/uploads/CP-§-10-219b6_-GOCPP_-Juveniles-Charged-as-Adults-in-Maryland-1_1_2025-6_30_2025.pdf

⁹ Juvenile InJustice: Charging Youth as Adults is Ineffective, Biased, and Harmful. February 2017. Human Impact Partners. <https://humanimpact.org/hiprojects/juvenile-injustice-charging-youth-as-adults-is-ineffective-biased-and-harmful/#:~:text=Community%20disinvestment%20affects%20youth%20development,considered%20%20deviant%20and%20antisocial.>

¹⁰ Teen Brain: Behavior, Problem Solving, and Decision Making. September 2017. American Academy of Child and Adolescent Psychiatry. https://www.aacap.org/AACAP/Families_and_Youth/Facts_for_Families/FFF-Guide/The-Teen-Brain-Behavior-Problem-Solving-and-Decision-Making-095.aspx

¹¹ Juvenile InJustice: Charging Youth as Adults is Ineffective, Biased, and Harmful. February 2017. Human Impact Partners. <https://humanimpact.org/hiprojects/juvenile-injustice-charging-youth-as-adults-is-ineffective-biased-and-harmful/#:~:text=Community%20disinvestment%20affects%20youth%20development,considered%20%20deviant%20and%20antisocial.>

¹² Effective Alternatives to Youth Incarceration. June 2023. The Sentencing Project. <https://www.sentencingproject.org/reports/effective-alternatives-to-youth-incarceration/>

violence from adult inmates.¹³ They are subjected to the environment of adult inmates and despite the federal separation requirement, children witness and hear violence happening with the facility. Unlike juvenile detention, they are not offered education services, which adds another significant barrier to these children's rehabilitation. Further, rehabilitative services, including mental health treatment, are largely absent in adult detention. While most children who are auto-charged eventually get waived down to juvenile court, their experience in the adult jail environment oftentimes results in their traumatization and significant setbacks towards getting on the right track.

Ending the Auto-charging will Save the State Money

In addition to reduced recidivism and overall better outcomes for children, the state can save money by ending the automatic charging of children as adults. Between 2017 and 2013, 87% of children in Maryland who were initially charged in adult court, were eventually transferred to the juvenile court. This process is costly and unnecessary. Starting children in juvenile court could save the state an estimated \$20 million – money that can be invested in evidence-based programming to give these children the strongest chance at success.

Lastly, ending the automatic charging of children in adult court does not prohibit prosecutors or judges to refer cases to the adult court if they believe that the circumstances warrant such a move.

For the foregoing reasons, the ACLU of Maryland is asking the committee for a favorable report on SB 323.

¹³ Maryland's JJDP A Compliance Crisis: Children in Adult Detention. December 2025. Commission on Juvenile Justice Reform and Emerging and Best Practices. <https://gocpp.maryland.gov/wp-content/uploads/Marylands-JJDP A-Compliance-Crisis-Children-in-Adult-Detention-WG-DRAFT.docx-4.pdf>

MD Catholic Conference_SB 323_FAV.pdf

Uploaded by: Garrett O'Day

Position: FAV



February 4, 2026

SB 323
Juvenile Court – Jurisdiction (Youth Charging Reform Act)

Senate Judicial Proceedings Committee

Position: FAVORABLE

The Maryland Catholic Conference offers this testimony in support of Senate Bill 323. The Catholic Conference is the public policy representative of the three (arch)dioceses serving Maryland, which together encompass over one million Marylanders. Statewide, their parishes, schools, hospitals and numerous charities combine to form our state's second largest social service provider network, behind only our state government.

Senate Bill 323 would end the *automatic* charging of youth as adults in certain instances, allowing for most youth to begin their case in the juvenile court system, rather than mandating that the adjudication of their case begin in the adult court system. This bill would refocus our juvenile system from a “waiver-down” system to a “waiver-up” system, wherein judges would retain discretion to waive cases up to the adult court system. This bill does not prevent those youth from being ultimately charged as an adult. It is about where their case *starts*.

It is well-settled, in many secular, judicial and faith-based circles, that holding youth to the same standards of accountability as a fully formed adult is plainly unjust. In *Miller v. Alabama*, 132 S. Ct. 2455 (2012), the United States Supreme Court specifically noted that youthful offenders possessed “diminished capacity” and the inability to fully appreciate the risks and consequences of their actions, in considering whether youth should be treated the same as adults jurisprudentially. Additionally, the United States Conference of Catholic Bishops has further stated that “society must never respond to children who have committed crimes as though they are somehow equal to adults fully formed in conscience and fully aware of their actions.” (*Responsibility, Rehabilitation, and Restoration: A Catholic Perspective on Crime and Criminal Justice*, USCCB, 2000)

These inherent truths regarding youth should be carefully considered when assessing Maryland's current automatic-charging law, which presumes that youth should be considered to have the same capacity as an adult in every one of thirty-three different charging scenarios. This presumption can often leave a lasting effect severely limiting a child's ceiling for success for the rest of their lives. Conversely, the transition to a “waiver up” system sought in Senate Bill 323 would safeguard several youth from a lifetime of wasted opportunity, while still allowing judicial

discretion to waive them up where a judge decides that doing so is warranted. Accordingly, this bill is a noteworthy step, for approximately 87% of kids charged as adults never ultimately ended up with adult criminal convictions in their cases. Those 87% should not start in adult court, causing highly detrimental effects for the rest of their lives and at the same time jeopardizing future public safety, simply for the sake of the other 13%.

Additionally, Maryland sends more young people to adult court based on offense type, per capita, than any other state except for Alabama. Maryland also ranks 4th highest in the country for the number of people convicted as adults when they were children. These policies do not work to prevent future recidivism, nor do they seem to make our communities safer. T

SB323 is a compromise bill. It leaves the most serious offenses such as first-degree murder, assault and rape as being automatically subject to adult court jurisdiction. It proposes to start about 75% of cases currently subject to automatic treatment as an adult in juvenile court.

Since 2000, half of all U.S. states have narrowed or eliminated automatic adult charging. After over a decade of study and recommendations from three separate gubernatorial commissions, it is time for Maryland to act.

For these reasons, we urge a favorable report on SB 323.

SB0323 - Gordon Pack - 2.2.26.pdf

Uploaded by: Gordon Pack, Jr.

Position: FAV

SB 0323 – Youth Charging Reform Act – Support – February 2, 2026

Dear Members of the Judicial Proceedings Committee:

I am a registered voter of District 7a. I am 62-years-old husband, father, neighbor, employee, tax paying Marylander, and I imagine I have the same fears as most adults related to youth and crime. I sorrowfully share that who I am today is a far cry from who I was five decades ago.

Maryland law allowed 15-year-old me to be adjudicated and serve nearly 43 consecutive years in the adult prison system for my horrible youthful transgressions. Rape. Kidnapping. Armed Robbery. Unauthorized use of a Vehicle. Assault. Possession of a Weapon. All are horrible charges. I am truly sorry for the harm I caused and continue to pay my debt to society.

A 14-15-year-old is different from a 17-18-year-old. Both are different from a 20-30-year-old. Yet, MD Law has treated unprivileged youth as adults simply because they committed actions which an adult could be sentenced to life for committing. This practice of deeming mostly unprivileged mid-teen boys as incorrigible offenders is a shame. I could argue that this practice undermines public safety because most of these youthful offenders exit the adult system far worse than they entered. They are faced with collateral barriers of reintegration. They are certainly not afforded the rehabilitative services and care afforded their counterparts in the juvenile justice system.

How can anyone of us not applaud a bill that clearly distinguishes that 13, 14, and 15-year-old delinquent youth from an adult criminal? Perhaps, one out a dozen of us survives the adult system by having a successful long-term reintegration. I believe in this truth so strongly that I expose my vulnerabilities. I urge you to break this debilitating cycle by voting favorably for SB323.

SB 323 Youth Charging Reform Act CCJR FAV.pdf

Uploaded by: Heather Warnken

Position: FAV

TESTIMONY IN SUPPORT OF SB 323

Juvenile Court - Jurisdiction (Youth Charging Reform Act)

TO: Members of the Senate Judicial Proceedings Committee

FROM: Center for Criminal Justice Reform, University of Baltimore School of Law

DATE: February 2, 2026

The University of Baltimore School of Law’s Center for Criminal Justice Reform (“Center”) is dedicated to supporting community-driven efforts to improve public safety and address the harm and inequities caused by the criminal legal system. **The Center strongly supports Senate Bill 323.**

Maryland is a national outlier in its practice of automatically charging children in adult court. Maryland sends more young people per capita to be tried as adults than every other state but Alabama.¹ This extreme and outdated practice has endured for so long that Maryland is increasingly known for this shameful outlier status, particularly given its extreme racial disparities. Nearly 80% of the youth charged in adult court in Maryland are Black.²

This policy is not only inequitable; it is inefficient and costly, which is particularly troubling in these fiscally challenging times. The status quo costs the state over \$20 million annually, and a significant portion of this is spent unnecessarily burdening the legal system and exacerbating the trauma experienced by impacted youth and their families. 87% percent of these cases do not end up staying in adult court. The majority return to juvenile court or are dismissed, but only after lengthy delays and burdensome processes that undermine desired outcomes for public safety, recidivism and for youth.³

The current autocharging policy worsens outcomes in a number of ways. Often this process creates extended periods of pretrial incarceration of youth in adult facilities and uncertainty for everyone involved. Research shows that youth charged as adults are at increased

¹ Marcy Mistrett, *National Trends in Charging Children as Adults*, The Sentencing Project, (July 20, 2021)

<https://dls.maryland.gov/pubs/prod/NoPblTabMtg/CmsnJuvRefCncl/Sentencing-Project-National-Trends-in-Charging-Children.pdf>

² Human Rights for Kids, *Disposable Children: The Prevalence of Child Abuse and Trauma Among Children Prosecuted and Incarcerated As Adults in Maryland*, (Nov. 20, 2024)

<https://humanrightsforkids.org/wp-content/uploads/Disposable-Children-The-Prevalence-of-Child-Abuse-and-Trauma-Among-Children-Prosecuted-As-Adults-in-Maryland.pdf>

³ Commission on Juvenile Justice Reform, *Emerging & Best Practices, Maryland’s JJDPa Compliance Crisis: Children in Adult Detention*, (Oct. 23, 2025)

<https://gocpp.maryland.gov/wp-content/uploads/Marylands-JJDPa-Compliance-Crisis-Children-in-Adult-Detention-COMMISSION-APPROVED-.docx.pdf>

risk of physical assault, sexual assault and isolation, which heightens the risk of future offending. Of those charged as adults, 80% are placed in solitary confinement at some point, and over 80% report abuse from staff or other incarcerated individuals. Adult charging results in increased physical violence and sexual violence in a system well known for its poor conditions and insufficiency of resources for even the adult population, much less the youth it is not designed for. Notwithstanding the well-documented trauma histories of nearly all children automatically charged in adult courts, and the well-documented additional traumas caused and compounded by this process, only 28.2% of youth received trauma treatment.⁴

We can and must do better. Since 2000, half of all states have narrowed or eliminated the automatic charging of children in adult court. For 14 years in Maryland, youth justice advocates, researchers, criminal justice reformers, judges, public defenders and many other constituencies have come to the Maryland General Assembly calling for change. Over a decade of study and recommendations on this issue specifically in Maryland, across three gubernatorial commissions and now the Commission on Juvenile Justice Reform, Emerging & Best Practices established by law in 2024, have recommended that the state reform its ill-conceived approach to autocharging. In its recent report, *Maryland's JJDPa Compliance Crisis: Children in Adult Detention*, a bipartisan and diverse commission highlighted the urgent necessity of addressing this issue.⁵

Unlike some of the prior efforts to end or severely limit this extreme practice in Maryland, SB 323 is a compromise bill. It leaves the most serious offenses automatically subject to adult court jurisdiction, including first-degree murder, rape and carjacking. It values judicial discretion and individualized assessment, allowing a judge to determine if and when cases should be tried in adult court.

This is not just about correcting a persistent injustice in Maryland's system and advancing the public safety interests of our state. It is important to note the ways in which it specifically supports the interests of crime victims. Unnecessarily subjecting this huge percentage of children and cases that do not belong there to the adult system worsens outcomes and rates of recidivism, driving future victimization and harm. It also deprives resources from victims. The millions of dollars wasted as a result of autocharging across 33 offenses is a missed opportunity to invest these resources elsewhere to advance the interests of victims and communities. This includes critically under-funded areas spanning crime victim services and support, youth programming, treatment and education, and community violence intervention programs, including street outreach, hospital based violence intervention programs (HVIPS), and other violence prevention work.

Our work at the Center devoted to supporting crime victims lays these realities and misalignment of resources bare. We recently launched the Crime Survivor Voices Project, dedicated to elevating the data, perspectives and lived experiences of diverse crime victims in order to inform more effective and thoughtful public safety policy. This project, among many other aspects of our work seeks to challenge the oversimplification and politicization of survivor narratives which too often distracts policymakers, media and the public from effective public

⁴ *Supra* note 2, at 19.

⁵ *Id.*

safety strategies, and from what many crime victims themselves are asking for, especially those in marginalized communities bearing the brunt of crime.

The fact that all crime victims deserve accountability for the harm done to them does not mean that all victims see accountability and justice in the same way, or have the same priorities. Research demonstrates this diversity of victim and survivor perspectives, including the large percentage of crime victims interested in more than simply punishment, and for whom healing and accountability require much more. Survey data from the Alliance for Safety and Justice shed more light on the views of victims. Their recent report found that victims overwhelmingly prefer justice approaches that prioritize rehabilitation over punishment, and strongly prefer investments in crime prevention and treatment to more spending on prisons. Most victims who were surveyed prefer more spending on prevention and rehabilitation to prison sentences that keep people incarcerated as long as possible.⁶

In 2021, the Public Safety Partnership (PSP), a U.S. Department of Justice initiative providing data-driven support and technical assistance to cities to strengthen public safety and improve their responses to violence, conducted a Victim Services Capacity Assessment for the City of Baltimore. A 90+ page report resulting from this rigorous assessment detailed numerous barriers to services and discrimination faced by victims throughout the city, and in particular Black youth victims and victims of gun violence.⁷ Many victims experience being stigmatized, ignored, and retraumatized by a fragmented and overly punitive system incapable of meeting their needs. Many service providers feel unequipped to advance healing and prevention and to more holistically address harm. Our center director co-authored this report which details these failures of the system to provide needed services and dignity for victims, and to interrupt cycles of harm, and which result in increased risk of that victim carrying a gun for protection, harming someone else, or otherwise ending up as a defendant in adult court.

These findings, like much of the other sources of data and reasoning above, further underscore why SB 323 is necessary. Peer reviewed research recently published also demonstrates that justice-involved youth often have extensive trauma histories, and that trauma-informed approaches improve justice and mental health outcomes.⁸

Maryland can take a huge step forward this session in advancing these goals, and the healing, dignity and fairness that all victims, young people and communities deserve. Keeping youth in juvenile court ensures that trauma and developmental considerations are applied consistently, creating a more fair and effective system for all. **For these reasons, we urge a favorable report on SB 323.**

⁶ The Right to Heal and a New Approach to Public Safety: A National Crime Victims' Platform", p. 9, <https://asj.allianceforsafetyandjustice.org/wp-content/uploads/2024/09/RTH24Summary.pdf>.

⁷ Warnken et al., Victim Services Capacity Assessment Report, USDOJ National Public Safety Partnership, July 2021.

⁸ Carolyn M. Boyd, Andrew Day, Catia G. Malvaso, *The Outcomes of Trauma-Informed Practice in Youth Justice: An Umbrella Review*, (Apr. 22, 2024) <https://link.springer.com/content/pdf/10.1007/s40653-024-00634-5.pdf>.

SB323_Public Justice Center_FAV.pdf

Uploaded by: Ingrid Lofgren

Position: FAV

**Senate Bill 323: Juvenile Court – Jurisdiction (Youth Charging Reform Act)
Hearing before the Judicial Proceedings Committee - February 4, 2026
Position: FAVORABLE**

The Public Justice Center (PJC) is a not-for-profit civil rights and anti-poverty law firm that advances social justice, economic and racial equity, and human rights in Maryland. The PJC provides free legal education and representation to clients with low-income, collaborates with community and advocacy organizations, and advocates before legislatures and government agencies. The PJC's Education Stability Project protects Maryland children's fundamental right to public education by challenging exclusionary school discipline and criminalization practices that disproportionately harm Black and brown students and students with disabilities.

SB323 (Youth Charging Reform Act) improves access to education and interrupts the systemic racial inequities of the school-to-prison pipeline by reducing the number of criminal offenses for which 16 and 17-year-olds in Maryland are automatically charged as adults and ending automatic charging of 14- and 15-year-olds as adults.

The Public Justice Center strongly urges a favorable report on SB323.

Maryland's current practice of charging youth as adults, which resulted in more than 1,000 youth under age 18 being charged in adult courts in FY 25, is inhumane, racially biased, fiscally irresponsible, and fails to increase safety or reduce recidivism. Most youth charged as adults in Maryland are Black, and the vast majority are sent to juvenile court after a judge reviews their case, but at that point they have already been subjected to significant harm in the adult system and deprived of education and rehabilitative services available in the juvenile system. The PJC supports ending the practice of automatically charging youth as adults entirely and starting all cases for people under 18 in juvenile court, but we recognize SB323 as a critical step forward. By ensuring that more cases start in juvenile court, SB323 will bring Maryland in line with other states, increase safety, reduce racial inequity, save money, and improve education access and long-term outcomes for youth.

SB323 will improve access to education and rehabilitative services for youth with legal systems involvement.

Not surprisingly, research shows that educational access and achievement is significantly related to lower recidivism for youth with legal systems involvement, and is a key predictor of positive post-release outcomes.¹ Youth charged in juvenile court have access to education and rehabilitative services through the Maryland Department of Juvenile Services (DJS), while youth charged as if they are adults do not. DJS operates the Juvenile Services Education Program (JSEP), an independent program that provides comprehensive education

¹ See, e.g., Development Services Group, Inc. (2019). "Education for Youth Under Formal Supervision of the Juvenile Justice System." Literature review. Washington, D.C.: Office of Juvenile Justice and Delinquency Prevention, *available at* <https://www.ojjdp.gov/mpg/litreviews/Education-for-Youth-in-the-Juvenile-Justice-System.pdf>; Bond, M., & Davidson, K. M. (2025). "Juvenile Justice Contact, Educational Trajectories, and Recidivism: A Mixed Method Evaluation". *American Journal of Criminal Justice*, 50(3), 446–471.

services to all students in DJS detention and residential facilities, including instruction in coursework aligned with state graduation requirements and special education services.² For youth who are charged but not detained, local school districts are likely to exclude youth charged as adults from their regular school program for longer periods than youth charged in juvenile court.

The PJC sees these disparities in access to education and services firsthand through our individual legal cases. In one particularly germane case, the PJC represented two teenage brothers who lived in the same family home, attended the same high school, and were charged with the same offense, but due to a slight difference in age one brother was charged in juvenile court while the other was automatically charged as an adult. The local school district excluded both brothers from school due to their criminal charges, but their parallel trajectories diverged at this point. The brother who was charged in juvenile court was assigned a DJS case manager, received counseling, and participated in community service activities. As a result, he was able to demonstrate positive progress, which DJS reported to the school, and he was allowed to return to high school where he is on track to graduate and plays football. His brother, who was automatically charged in adult court, did not have access to any of these services. Although a judge deemed him safe to be in the community, he was removed from school for a much longer period until the adult court ultimately transferred his case to juvenile court. The school district ultimately allowed him to return to his high school, but only after a harmful period of exclusion.

Maryland's current approach to "automatic charging" entrenches systemic racial bias by channeling youth from the school-to-prison pipeline directly into the adult criminal justice system.

Almost 80 percent of youth charged as adults in Maryland are Black³ although only about 30 percent of Maryland youth are Black, and crime rates do not justify this racial disparity. Maryland's current approach to "automatic charging" further institutionalizes and compounds the racial biases of the school-to-prison pipeline. Racial bias and systemic racism play a central role in driving exclusionary school discipline and fueling the school-to-prison pipeline, with well-documented disparities showing that Black and brown students are disciplined more harshly and more frequently than their white peers for similar behavior. Once excluded from school, youth are more likely to experience academic disengagement, increased surveillance, and law enforcement involvement, all of which heighten the risk of adult court involvement, which in turn is associated with greater punishment, fewer rehabilitative services and educational opportunities, and lasting collateral consequences. SB323 takes an important step towards disrupting these racial inequities.

The General Assembly must take decisive action now to reform Maryland's "automatic charging" law.

The General Assembly must move Maryland away from being a national outlier—ranking second only to Alabama in automatically charging youth under 18 as adults—by prioritizing judicial discretion and evidence-based rehabilitative justice. Both the Maryland Equitable Justice Collaborative (MEJC), a partnership led by the Office of the Attorney General and the Office of the Public Defender, and the Commission on Juvenile Justice Reform and Emerging and Best Practices, issued formal recommendations in 2025 urging an end to Maryland's current practice of automatically charging youth as adults.⁴ The PJC joins a large number of community and advocacy organizations in urging the Judicial Proceedings Committee to act upon these calls for reform.

For these reasons, the Public Justice Center urges a favorable report on SB323.

² See MD Dept. of Juvenile Serv., "Juvenile Services Education Program (JSEP)", <https://djs.maryland.gov/Pages/JSEP/JSEP.aspx>.

³ Maryland Governor's Office of Crime Prevention and Policy. *Juveniles charged as adults*.

<https://app.powerbigov.us/view?r=eyJrIjoiaNzQzYTBlYmMtNzVmOC00OGE2LWFKNzktZDIiYzg5NzEyODU2liwidCI6IjYwYWZlOWUyLlQ5Y2QtNDliMS04ODUxLTlY0ZGYwMjc2YTJlOCJ9>.

⁴ See Maryland Equitable Justice Collaborative. (2025, March). *Breaking the 71%: A path toward racial equity in the criminal legal system (Executive Summary)*. Maryland Office of the Attorney General; Governor's Office of Crime Control & Prevention, "Juvenile Justice Reform and Emerging and Best Practices Commission 2025 Report", available at https://gocpp.maryland.gov/wp-content/uploads/SG9-3502h_2025.pdf.

SH 323 – RTLC Testimony (FAV).pdf

Uploaded by: Iqra Ashraf

Position: FAV

Testimony in Support of Senate Bill 323
Juvenile Court – Jurisdiction (Youth Charging Reform Act)
Position: Favorable

To: Senator William C. Smith, Jr., Chair, and the Members of the Judicial Proceedings Committee

From: Iqra Ashraf and Jack Budlow, Student Attorneys, Racial Justice and the Law Clinic, University of Maryland Francis King Carey School of Law, 500 W Baltimore St. Baltimore, MD 21201 (admitted pursuant to Rule 19-220 of the Maryland Rules Governing Admission to the Bar).

Date: February 2, 2026

The Racial Justice and the Law Clinic at the University of Maryland Francis King Carey School of Law engages matters that examine, address, and aim to redress racial inequities and other harms experienced by historically racially marginalized groups. The Clinic supports Senate Bill 323 (“SB 323”). As many have stressed, Maryland’s auto-charging system overwhelmingly punishes Black children and is disconnected from science and public safety. If passed, SB 323 would protect a significant number of Maryland’s youth from being exposed to an adult criminal system that has historically failed our children, particularly Black children. Lessons from history and the present compel our State to move away from automatically charging children as adults and to treating all children as children.

In 1945, Maryland began charging children as adults.¹ Over time, the range of offenses which result in automatic charging of youth as adults has dramatically expanded and increased the number of children subject to adult incarceration.²

In 1995, a political scientist, John J. Dilulio Jr., proposed his infamous “super predator” theory.³ Relying on his theory, Dilulio predicted a coming wave of “severely morally impoverished juvenile super-predators” of mostly “inner city” boys would be “more violent” and less remorseful than previous generations.⁴ Six years later, the United States Surgeon General debunked this myth.⁵ Dilulio subsequently renounced his theory as well. He admitted that it was wrong and regretted its impact.⁶ But the damage was done as Maryland, like many other states, had already

¹ See Barry C. Feld, *The Juvenile Court Meets the Principle of the offense: Legislative Changes in Juvenile Waiver Statutes*, 78 J. Crim. L. & Criminology 471, 512 (1987) (detailing that in 1945, the state of Maryland passed a law which legislatively excluded armed robbery from the scope of juvenile court).

² See Md. Code Ann., Cts. & Jud. Proc. § 3-8A-03(d) (Today, there are thirty-three offenses for which children are automatically charged in adult criminal court).

³ John J. Dilulio Jr., *The Coming of the Super-Predators*, Wash. Examiner, Nov. 27, 1995, <https://www.washingtonexaminer.com/magazine/1558817/the-coming-of-the-super-predators/>

⁴ *Id.*

⁵ See *State v. Belcher*, 342 Conn. 1, 15 (2022) (“In 2001, the United States office of the Surgeon General labeled the super predator theory a myth”) (citation omitted).

⁶ *Id.*

acted. Maryland passed a law stripping children as young as fourteen of their juvenile status and forcing them into the adult criminal justice system for certain crimes.⁷ As a result, Maryland quickly became a national leader in prosecuting children as adults and subjecting children to adult courts and prisons.

History offers an important lesson, as Maryland has long criminalized and punished Black children differently and more harshly than other children. In 1870, the Maryland General Assembly authorized the creation of the House of Reformation and Instruction for Colored Children (“House of Reformation”), a “training school” in Prince George’s County that soon housed Black boys.⁸ Children at the House of Reformation suffered from neglect, forced labor and other forms of abuse, limited education, and poor sanitation. George Clark, who was formerly incarcerated at the institution, described it over ninety years ago as “a place not fit for a dog.”⁹ Hundreds of children died there, many under circumstances that remain questionable. While many of these deaths were attributed to disease, poor conditions and neglect likely contributed to some of the deaths.¹⁰ A 2025 Washington Post investigation revealed that at least 230 Black boys died in custody at the House of Reformation. They remain buried there, under marked and unmarked gravestones that have recently been rediscovered.¹¹ Known now as the Cheltenham Burial Ground, this travesty has been brought to the public’s attention in the months *since* last year’s legislative session.

Turning to the present, recent developments in neighboring Washington, D.C. also bring extra urgency to SB 323 as they demonstrate how efforts to weaken protections for youth in the criminal system disregard Black children and disproportionately place them at risk. In 2025, the United States Attorney for the District of Columbia publicly advocated for changing the district’s laws to allow prosecutors greater authority to charge younger teenagers as adults. She stated that her “number one priority” was lowering the age of adult criminal responsibility to fourteen.¹² Given that Black children are disproportionately arrested and charged in the District, lowering the age at which children can be charged as adults would overwhelmingly impact the very same children. Advancing her position, she dismissed the brain science that has long proved that children are largely incapable of understanding the long-term consequences of their actions, as she lamented that she did not “want to hear about the pre-frontal lobe.”¹³ This rejection of science is

⁷ Md. Code Ann., Courts and Judicial Proceedings § 3–8A–03; see HUMAN RIGHTS WATCH, TRYING CHILDREN IN ADULT COURTS ¶ 2-3 (1999) (Maryland passed legislation to make it easier for children to be charged as adults in response to the Super Predator myth.) https://www.hrw.org/reports/1999/maryland/Maryland02.htm#P352_41088

⁸ Megan Sayles, *Graves of Imprisoned Black Children Inspire Reform in Maryland*, AFRO (Sept. 26, 2025), <https://afro.com/maryland-black-caucus-visit-cheltenham/>

⁹ Nicole Ramos, *Not fit for a dog’: Maryland reformatory boys died through neglect, disease and exhaustion*, CNS MARYLAND (Dec. 10, 2025), https://cnsmaryland.org/2025/12/10/cheltenham_mainbar/

¹⁰ *Id.*

¹¹ Katie Mettler & Michael Brice-Saddler, *230 Dead Black Boys. A ‘Secret Cemetery.’ Officials Knew, and Didn’t Act.*, WASH. POST (Sept. 22, 2025), <https://www.washingtonpost.com/dc-md-va/2025/09/22/house-of-reformation-graveyard/>

¹² Jeanine Pirro touts results of Trump’s crime crackdown in DC: “It’s working,” FOX NEWS (Oct. 28, 2025) (8:00), <https://www.foxnews.com/video/6384185312112>.

¹³ *Tensions flare at community meeting with U.S. Attorney for the District of Columbia Jeanine Pirro*, YOUTUBE (September 27, 2025) (20:20), <https://www.youtube.com/watch?v=tdXxw38Uv1U>.

especially dangerous for Black children, who are already more likely to be perceived as older, more culpable, and less deserving of rehabilitation than their peers¹⁴

These events of history and the present bring sharper focus to Maryland's auto-charging law and why we must move in a different direction. Maryland needs to see and treat all children as children and hold children accountable in ways that align with adolescent development and brain science, support their growth, and promote public safety.

For the foregoing reasons, and many others, the Clinic respectfully asks the Committee to issue a favorable report.

This written testimony is submitted on behalf of the Racial Justice and the Law Clinic at the University of Maryland Francis King Carey School of Law and not on behalf of the School of Law, the University of Maryland, Baltimore, or the University System of Maryland

¹⁴ CPE Editorial Staff, *The Adultification of Black Children*, Center for Policing Equity (Jan. 19, 2023), <https://policingequity.org/the-adultification-of-black-children/>.

HRFK Testimony in Support of SB 323 (Senate).pdf

Uploaded by: James Dold

Position: FAV



TESTIMONY IN SUPPORT OF SB 323 BEFORE THE MARYLAND SENATE JUDICIAL PROCEEDINGS COMMITTEE

February 4, 2026

Dear Chairman Smith and Members of the Maryland Senate Judicial Proceedings Committee:

Human Rights for Kids respectfully submits this testimony for the official record to express our support for SB 323. We are grateful to Chairman Smith for his leadership in introducing this bill and appreciate the Maryland Legislature's willingness to address these important human rights issues concerning Maryland's children.

Over the years too little attention has been paid to the most vulnerable casualties of mass incarceration in America — children. From the point of entry and arrest to sentencing and incarceration our treatment of children in the justice system is long overdue for re-examination and reform.

Human Rights for Kids is a Washington, D.C.-based non-profit organization dedicated to the promotion and protection of the human rights of children. We work to inform the way the nation understands Adverse Childhood Experiences (ACEs) from a human rights perspective, to better educate the public and policymaker's understanding of the relationship between early childhood trauma and negative life outcomes. We use an integrated, multi-faceted approach which consists of research & public education, coalition building & grassroots mobilization, and policy advocacy & strategic litigation to advance critical human rights on behalf of children in the United States.

Human Rights for Kids supports SB 323 because it will reform the process of automatically sending children to adult court in Maryland. The continuing practice of disregarding child status and automatically sending children to adult criminal court is a clear human rights abuse. Specifically, Article 10 and 14 of the International Covenant on Civil and Political Rights require that "juvenile offenders shall be segregated from adults and be accorded treatment appropriate to their age and legal status . . . the procedure shall be such as will take account of their age and the desirability of promoting their rehabilitation." As such, automatically treating children as adults, regardless of the underlying charge, is a human rights abuse.

High Rates of Adverse Childhood Experiences

In the vast majority of cases, children who come into conflict with the law are contending with early childhood trauma and unmitigated adverse childhood experiences (ACEs), including psychological, physical, or sexual abuse; witnessing domestic violence; living with family members who have substance abuse disorders, suffer from mental illness or are suicidal, or are incarcerated.

In Maryland, nearly 70% of children who were tried and convicted as adults had experienced at least 6 out of 10 Adverse Childhood Experiences prior to their incarceration. The average ACE score for this population was 6.4 out of 10. Nearly 74% had experienced physical abuse and around 40% experienced sexual abuse. The average age that this group of children first experienced abuse was just *six years old*. Notably, nearly **90%** of these children come from homes where one or both parents are absent. And in about 50% of those cases, parental absence is due to *parental incarceration*. These facts allow us to understand the contributing factors that lead children to become system involved in the first place.

Childhood trauma is the primary driver and root cause for how and why so many kids end up in the criminal justice system. Policies that permit children to be automatically charged as adults ignore this truth and divest juvenile court judges – who are trained in child development – from making a decision of what is in the best interest of the child and society.

Because most of the children accused of crimes have been victims themselves, automatic adult charging policies ignore and disregard both the victim and child status of these offenders. That is not to say that in appropriate cases public safety considerations may require the court to waive juvenile court jurisdiction, but that decision should rest with juvenile court judges. These judges are in the best position to weigh a child's trauma history with their potential for rehabilitation if kept within the juvenile system.

When a child comes before the juvenile system, their cases are processed fairly quickly. Children in the juvenile system are held in detention for an average of 71 days. During this time, youth are in the custody of the Department of Juveniles Services (DJS), which conducts a risk assessment and develops a treatment plan tailored to address the child's behavior and reduce the likelihood of recidivism.

However, less than a third of children placed in DJS facilities were originally charged in juvenile court. The other 68% are children who were automatically charged as adults waiting for a judge to determine whether adult or juvenile court is the right venue. It takes an average of 132 days, or over four months, before these cases are transferred from adult court to juvenile court and the child can begin receiving services in the juvenile system.

Even though a child is initially charged as an adult, 85% of the time they will be transferred back down to juvenile court or have their charges dismissed. But before the judge makes this decision, the child, who has most likely experienced severe trauma and abuse, sits in detention with no services, treatment, or accountability. This inefficient process delays true accountability for the children and does nothing to improve public safety.

While some children are placed in DJS facilities with other youth during this waiting period, many are held in adult jails, where they do not have access to the age-appropriate services they need to treat their underlying trauma. Because federal law requires that children in adult facilities be separated from adult offenders, they are held in what amounts to solitary confinement. Imagine being a child who has already faced unimaginable trauma and abuse, and then being placed in a cell, alone, with very few opportunities to interact with other people.

Juvenile Brain & Behavioral Development Science

Studies have shown that children's brains are not fully developed. The pre-frontal cortex, which is responsible for temporal organization of behavior, speech, and reasoning continues to develop into early adulthood. As a result, children rely on a more primitive part of the brain known as the amygdala when making decisions. The amygdala is responsible for immediate reactions including fear and aggressive behavior. This makes children less capable than adults to regulate their emotions, control their impulses, evaluate risk and reward, and engage in long-term planning. This is also what makes children more vulnerable, more susceptible to peer pressure, and being heavily influenced by their surrounding environment.

Children's underdeveloped brains and proclivity for irrational decision-making is why society does not allow children to vote, enter contracts, work in certain industries, get married, join the military, or use alcohol or tobacco products. These policies recognize that children are impulsive, immature, and lack solid decision-making abilities.

Dynamic mapping of human cortical development



Source: "Dynamic mapping of human cortical development during childhood through early adulthood," Nitin Gogtay et al., Proceedings of the National Academy of Sciences, May 25, 2004; California Institute of Technology.

In this picture the blue areas can be thought of as representing 'more mature' sections of brain. The frontal areas are among the last to mature.

It is for these reasons that children should also not be automatically subject to criminal court jurisdiction. In every aspect of our society, we require individuals who work with or make decisions about our children to be specially trained in child development, i.e. teachers, day care workers, pediatricians, nurses, etc. However, Maryland's policy of automatically charging so many children as adults and vesting judges in criminal court with ultimate decision-making authority over them is counter to how we treat children in every other aspect of our society. Like pediatricians and teachers in health care and learning settings, we should bestow decision making authority over our children in the legal system with juvenile court judges who have been trained specifically on child development.

Human Rights Violations

Because of the way children are treated in the criminal justice system, we designated Maryland one of the “Worst Human Rights Offenders” in the nation in our 2020 National State Ratings Report. Maryland was penalized in our assessment, in part, for its automatic charging policy that has resulted in the state being second in the nation, only to Alabama, in the number of youth charged in adult court every year. It should be noted that more than 80% of youth charged as adults in Maryland are Black. Such practices are contrary to human rights law and have made Maryland a national outlier.

While it is important to note that the vital reforms to the juvenile justice system passed since the aforementioned 2020 report resulted in Maryland’s recognition as the “most improved state” in the 2022 edition of our National State Ratings Report, Maryland is still penalized for its automatic charging policy.

In late 2022, Human Rights for Kids requested and received data from the State of Maryland on people who are currently incarcerated for crimes they were convicted of as children. According to our analysis of the data provided by the State, there are 1,132 currently incarcerated people who fit this description. This number represents 6.09% of Maryland’s overall prison population, which is more than double the national average of 3%. Maryland ranks 4th highest in the nation for the percentage of its overall prison population that has been incarcerated since they were children. Only Louisiana, Wisconsin, and South Carolina have higher percentages.

When considering the current law on automatic charging, Maryland’s status as one of the top incarcerators of children in the entire country should not be surprising. The state’s high rates of incarcerating children are a direct result of the longstanding policy of automatically charging high numbers of children as adults.

Redemption for Maryland

Nelson Mandela once said, *“There is no keener revelation of a society’s soul than the way in which it treats its children.”* What does it say about our soul then if we allow so many children, the vast majority of whom are Black, to be automatically charged as adults?

By beginning so many children in adult court and thereby becoming a mass incarcerator of children, Maryland is disregarding international human rights norms, juvenile brain and behavioral development science, and the fact that so many of these children are victims themselves.

With the passage of SB 323, Maryland can find redemption by recognizing that kids are different and should be treated differently in the legal system. **It is for the foregoing reasons that Human Rights for Kids respectfully requests that the Committee issue a favorable report on SB 323 by Chairman Smith.** Thank you for your time and consideration.

Submitted by:
James Dold
Chief Executive Officer & Founder
Human Rights for Kids

Youth Charging Reform SB323 FEB 2026.pdf

Uploaded by: Jan Kleinman

Position: FAV

Dear Members of the Judicial Proceedings Committee,

This testimony is being submitted by Showing Up for Racial Justice Baltimore, a group of individuals working to move white folks as part of a multi-racial movement for equity and racial justice in Baltimore City, Baltimore County, and Howard County. We are also working in collaboration with Out For Justice. I am a resident of District 46, Baltimore City, and am an active community volunteer. I work with young adults who are preparing for careers and high school equivalency. One aspires to support his grandmother. Another wants to become an electrical technician. These are individuals with human potential and talents that can make our community safer and more connected. **I am testifying in support of SB0323, the Youth Charging Reform Act.**



Showing Up for Racial Justice

SB323 would end the practice of charging 14- and 15-year old children as adults, and ensure that only 16- and 17-year-olds accused of the most serious crimes, such as rape and murder, are charged in adult court.

Unfortunately, after more than a century of progress in juvenile justice, in the 1990s Maryland reversed course and began to pass laws purporting to be “tougher” on youth crime, including requiring many charges against minors to be prosecuted in adult court by default.¹ Maryland, once progressive in its view of youth crime, is now a national outlier in its practice of automatically charging young people as if they were adults. Per capita, we send more young people to adult court based on offense type than every other state but Alabama.² Additionally, the current system disproportionately affects Black youth, as nearly 80% of Maryland youth charged in adult court are Black.³

The practice of charging children as adults is inhumane. It is also economically wasteful, as the vast majority of these cases are either transferred to juvenile court or dismissed.⁴ Finally, it does not even do what it is intended to do, since statistics indicate that automatic charging of youth as adults does not decrease youth crime generally or reduce recidivism by the youth so charged.⁵ By significantly decreasing the automatic charging of youth as adults, we can bring Maryland more into line with modern juvenile justice standards, redirect resources to treating rather than simply imprisoning young offenders, and ultimately improve the safety of our communities by preventing re-offending. It is for these reasons that I am encouraging you to vote **in support of SB0323, the Youth Charging Reform Act.**

Thank you for your time, service, and consideration.

¹ Jason R. Tashea, & Al Passarella, *Youth Charged as Adults: The Use and Outcomes of Transfer in Baltimore City*, 14 U. Md. L.J. Race Relig. Gender & Class 273 (2015). <https://digitalcommons.law.umaryland.edu/rrgc/vol14/iss2/4>

² The Sentencing Project, National Trends in Charging Children, Presentation to the JJRC (July 20, 2021). <http://dls.maryland.gov/pubs/prod/NoPblTabMtg/CmsnJuvRefCncl/Sentencing-Project-National-Trends-inCharging-Children.pdf>

³ Juvenile Justice Reform Council Supplemental Report, http://dls.maryland.gov/pubs/prod/NoPblTabMtg/CmsnJuvRefCncl/JJRC-Report-Final_2021SupplementalReport.pdf

⁴ In 2017-19, 48% of juveniles charged as adults in Baltimore City were returned to juvenile court, and 33% were dismissed or otherwise closed without a verdict. In MDEC counties the figures were 41% and 36% respectively. Juvenile Justice Reform Council Supplemental Report p 33.

⁵ Lila Kazemian, *Pathways to Desistance From Crime Among Juveniles and Adults: Applications to Criminal Justice Policy and Practice*, Nov. 2021 (internal citations removed), <https://www.ojp.gov/pdffiles1/nij/301503.pdf>

Sincerely,
Jan Kleinman
250 President ST Unit 508
Baltimore, MD 21202
Showing Up for Racial Justice Baltimore

SAG LOS Bill 323 409 - signed.pdf

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Position: FAV



Juvenile Grant Planning and Review Council Maryland's State Advisory Group

Mayor Lajan Cephas
Chair

LETTER OF INFORMATION FOR SENATE BILL 323 AND HOUSE BILL 409

Background

Maryland's State Advisory Group (SAG) is responsible for carrying out the statutory requirements of the Juvenile Justice and Delinquency Prevention Act (JJDP) as they pertain to state responsibilities under [Executive Order 01.01.2022.06](#). The JJDP provides formula funding to the state to issue grants to organizations that support reform in Maryland's juvenile justice system and focus on initiatives and strategies that support the hallmarks of the Developmental Approach to Juvenile Justice Reform.

To be eligible to receive this formula grant, Maryland must maintain a SAG, prepare a three-year strategic plan for juvenile justice system reform, and comply with the Act's core requirements. Those requirements are:

- Deinstitutionalization of Status Offenders
- Sight and Sound Separation of Juveniles from adults in institutions
- Removal of juveniles from adult jails and lockups
- Addressing Racial and Ethnic Disparities

The requirement to remove juveniles from adult jails and lock-ups includes juveniles charged as adults as of 2018. Currently, the law in Maryland allows juveniles charged as adults to be held in adult facilities if the Department of Juvenile Services determines there is not sufficient capacity in a secure juvenile facility, or if the court finds that detention in a juvenile facility would pose a risk of harm to the youth or others in the facility.¹

On January 6, 2026, the Office of Juvenile Justice and Delinquency Prevention (OJJDP) issued a letter to the State of Maryland stating that, "**Maryland is not in compliance with section 223(a)(11)(B) of the JJDP (the "juveniles charged as adults" or "JCA" requirement) (34 U.S.C. § 11133(a)(11)(B)).**"² As a result, the state is subject to a 20% reduction in federal fiscal year 2025 funding and half of what remains will be required to fund proposals that will get the state back into compliance.

Senate Bill 323 (cross-filed with HB 409) would remove several offenses from the initial exclusive jurisdiction of the adult criminal court, which would significantly decrease the number of youth exposed to the mental and physical dangers of an adult jail. However, this is a step in the right direction, there is not sufficient evidence to conclusively state that this bill would lower the number of youth in adult jails enough to get Maryland into compliance with the JJDP.

¹ [Crim. Pro. § 4-202. Transfer of criminal cases to juvenile court](#)

² [1-6-2026 OJJDP Non-Compliance Determination letter](#)

Impact of Non-Compliance with the Core Protections

Maryland currently has thirty-three (33) offenses in statute that, when charged, automatically fall under the adult criminal court jurisdiction. This means that when a youth is charged with one of these offenses, he or she is automatically charged as an adult, processed, and taken to the county jail or detention center. All twenty-three (23) counties and Baltimore City have at least one adult jail/ detention center.

The number of youth entering the adult facilities and being held for a period of over 6 hours is dramatically high when compared to the threshold standard set by OJJDP. Federal thresholds are calculated every year, based on the compliance data reported by each state for every core protection. Federal fiscal year 2025 was the first year that a threshold was established for the rate of violations per 100,000 youth being held in adult facilities. The data collected and reported by Maryland was such an outlier, that it was excluded from the federal calculation for the national standard. The table below shows the federal threshold for each core requirement for the past 2 reporting periods and Maryland's violation rate.

Core Requirement	Federal Threshold (per 100,000 juveniles)		Maryland's Compliance Monitoring Rate (per 100,000 juveniles)	
	2023	2024	2023	2024
Deinstitutionalization of status offenders	3.08	3.23	0	0.15
Removal of juveniles charged as adults	n/a	14.68	93.26	119.59
Sight and sound separation	0.66	0.16	0	0
Removal of juveniles, alleged delinquent, from adult jails and lockups	8.81	15.13	0.66	2.39

OJJDP has not released a federal threshold for fiscal year 2025 at this time. However, Maryland's violation rate will not be very different from the 2024 number.

An additional concern is that county jails and detention centers were not made to hold children, so many are within sight and sound contact of adult offenders, or are held in solitary confinement to keep them separate from other offenders.

The primary purpose of the JJDP grant program is to improve outcomes for children and youth within the juvenile justice system by increasing and strengthening community-based programs and services, expanding community-based diversion programs, and prioritizing programs focused on positive youth development. This program currently supports the funding of several community partners across the state of Maryland that may lose funding because of the cut in grant funding.

Maryland awards approximately \$662,288 per year to community providers from JJDPA funding on average. However, with the determination of noncompliance and the lack of a legislative solution, the vast majority of those funds will be required to be redirected to compliance efforts. This will result in an estimated \$2 million loss of federal dollars available to these community providers over the next three years.

SB323/HB409 attempts to ensure that this funding will be available for diversion and prevention programs and that the majority of youth would not be housed in an adult jail or lockup prior to the resolution of their legal case. This helps Maryland get back into compliance with the [34 USC 11133\(a\)\(1\)\(B\)](#) requirement of the Act, restoring the full federal grant award.

The information above shows the health and safety consequences for juveniles charged as adults and the fiscal impact of Maryland's noncompliance with the JJDPA, which Senate Bill 323/House Bill 409 intends to address.

Sincerely,



Mayor Lajan Cephay-Bey
Chair, Maryland State Advisory Group

Senate_ JPR Committee; Auto-Charging.pdf

Uploaded by: Jo Shifrin

Position: FAV

Date of Hearing: February 4, 2026

Jo Shifrin

Bethesda, Maryland 20817

TESTIMONY ON SB 323 - POSITION: FAVORABLE
Juvenile Court - Jurisdiction (Youth Charging Reform Act)

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

FROM: Jo Shifrin

My name is Jo Shifrin. I am a resident of District 16. I am submitting this testimony in support of Juvenile Court - Jurisdiction (Youth Charging Reform Act).

I am a retiree and moved to Bethesda in 2014 to be near my grandchildren. I'm a member of Adat Shalom, a Reconstructionist synagogue in Bethesda. My support for this legislation comes from my Jewish values. Among these values are *Tikkun Olam*, an obligation to make the world a more fair and equitable place for people to live. Jewish tradition teaches that every child deserves to live a life with dignity, respect, and safety.

Under the existing law, people under 18 years of age who are charged with any of 33 separate offenses are automatically charged as if they were adults in criminal court. In FY 2025, Maryland charged more than 1,000 youth as if they were adults. Maryland sends more youth to adult court than any other state except Alabama. I believe that all criminal cases involving youth should start in Juvenile Court, and here are my reasons:

- Every year, approximately 85% of these cases are either dismissed or transferred back to Juvenile Court, after the youth spends weeks or months in adult detention, without access to rehabilitative services which are shown to reduce reoffending
- Charging youth as adults subjects them to developmentally inappropriate and harmful conditions and harms public safety, because youth in the adult system are more likely to commit future offenses –and, in particular, more violent offenses – when compared with their peers in the juvenile system
- Sending youth into the adult criminal justice system, only to have their cases dismissed or moved to the juvenile system wastes a lot of money (estimated to be \$20 million).
- Nothing prevents a juvenile judge from transferring a child to the adult system if he or she believes that such a transfer is warranted
- There are substantial racial disparities in the criminal justice system; more than 77% of youth charged in adult court are Black; Black youth are more likely to be sent to adult prison and receive longer sentences than their white counterparts for similar offenses;

and implicit bias research shows that Black kids are more likely to be seen and treated as adults than white kids.

As I said previously, I believe all children and teens should start in the juvenile system. And this bill is a compromise. However, if signed into law, only 12 offenses, rather than 33, will automatically send 16 and 17 year-old kids to adult court. Additionally, this bill ends the automatic charging of 14 and 15 year olds as adults, starting them in juvenile court. Research shows that providing timely, appropriate rehabilitative services to youth is associated with better outcomes, including lower recidivism, compared with extended detention or delayed support.

I believe this bill will reduce crime, increase public safety, treat kids more fairly, and save the state millions of dollars. Please make 2026 the year we move toward a more enlightened approach to the treatment of youth in the criminal justice system. **I respectfully urge this committee to return a favorable report on SB 323.**

SB323 - favorable - John Ford.pdf

Uploaded by: John Ford

Position: FAV

Dear Members of the Judicial Proceedings Committee,

This testimony is being submitted in collaboration with Showing Up for Racial Justice Baltimore and Out For Justice. I am a resident of District 46, a community leader in Canton, and a workforce development professional working in service to the City of Baltimore. I feel passionately that children are different than adults, that imprisonment is damaging both to the child and the community, and that Rec Centers, after-school supports, and youth employment programs are far more effective solutions to youth crime for our leaders to fund than anything the criminal justice system can devise. **I am testifying in support of SB0323, the Youth Charging Reform Act.**

SB323 would end the practice of charging 14- and 15-year-old children as adults, and ensure that only 16- and 17-year-olds accused of the most serious crimes, such as rape and murder, are charged in adult court.

Unfortunately, after more than a century of progress in juvenile justice, in the 1990s Maryland reversed course and began to pass laws purporting to be “tougher” on youth crime, including requiring many charges against minors to be prosecuted in adult court by default.¹ Maryland, once progressive in its view of youth crime, is now a national outlier in its practice of automatically charging young people as if they were adults. Per capita, we send more young people to adult court based on offense type than every other state but Alabama.² Additionally, the current system disproportionately affects Black youth, as nearly 80% of Maryland youth charged in adult court are Black.³

The practice of charging children as adults is inhumane. It is also economically wasteful, as the vast majority of these cases are either transferred to juvenile court or dismissed.⁴ Finally, it does not even do what it is intended to do, since statistics indicate that automatic charging of youth as adults does not decrease youth crime generally or reduce recidivism by the youth so charged.⁵ By significantly decreasing the automatic charging of youth as adults, we can bring Maryland more into line with modern juvenile justice standards, redirect resources to treating rather than simply imprisoning young offenders, and ultimately improve the safety of our communities by preventing re-offending. It is for these reasons that I am encouraging you to vote **in support of SB0323, the Youth Charging Reform Act.**

Thank you for your time, service, and consideration.

Sincerely,

John Preston Ford

529 S East Ave, Baltimore, MD 21224

Showing Up for Racial Justice Baltimore

¹ Jason R. Tashea, & Al Passarella, *Youth Charged as Adults: The Use and Outcomes of Transfer in Baltimore City*, 14 U. Md. L.J. Race Relig. Gender & Class 273 (2015). <https://digitalcommons.law.umaryland.edu/rrgc/vol14/iss2/4>

² The Sentencing Project, National Trends in Charging Children, Presentation to the JJRC (July 20, 2021). <http://dls.maryland.gov/pubs/prod/NoPblTabMtg/CmsnJuvRefCncl/Sentencing-Project-National-Trends-inCharging-Children.pdf>

³ Juvenile Justice Reform Council Supplemental Report, http://dls.maryland.gov/pubs/prod/NoPblTabMtg/CmsnJuvRefCncl/JJRC-Report-Final_2021SupplementalReport.pdf

⁴ In 2017-19, 48% of juveniles charged as adults in Baltimore City were returned to juvenile court, and 33% were dismissed or otherwise closed without a verdict. In MDEC counties the figures were 41% and 36% respectively. Juvenile Justice Reform Council Supplemental Report p 33.

⁵ Lila Kazemian, *Pathways to Desistance From Crime Among Juveniles and Adults: Applications to Criminal Justice Policy and Practice*, Nov. 2021 (internal citations removed), <https://www.ojp.gov/pdffiles1/nij/301503.pdf>

RosenTestimony-SB323-JuvenileChargingReforms_jan28

Uploaded by: Julie Rosen

Position: FAV

January 28, 2026

Written Testimony on SB 323

Juvenile Court – Jurisdiction (Youth Charging Reform Act)

Judicial Proceedings

Position: Favorable

My name is Julie A. Rosen, and I submit this written testimony as an individual resident of Montgomery County, Maryland. I write to affirm my support of the subject proposed legislation, and urge the Committee to pass it to enact protections for children not accused of violent and/or felonious crimes.

I was astounded to learn that MD charges more children as adults per capita than any state other than Alabama. Additionally, I was saddened, even appalled, but not surprised, to learn that 8 of 9 such children are black or brown. I firmly believe that our state's charging protocol is unfair, inefficient, and costly. This belief is supported by the latest independent audit that 85% of these cases are moved back to juvenile system or dropped. But that process results in a child having spent 8-9 months in adult jail; damaging the likelihood of future behavior changes, especially when the child may not have committed criminal behavior.

As I understand the evidence underlying the Bill's offering, the protections outlined in this bill would keep the most violent charges in adult court. But for the lesser charges, MD would save \$30M/yr, which could be used to invest in pro-active measures that reduce harm to child's future (behavior, actions).

To protect children of lesser –or unproved!–charges, this Bill's approach to cost efficiency, and mitigate against harm to child's future, I respectfully urge a favorable report on SB 323. Thank you.

Senate Bill SB323.youthjustice.pdf

Uploaded by: Julie Solomon

Position: FAV

Date of Hearing: February 3, 2026

Julie Robin Solomon

Baltimore, MD 21231

TESTIMONY ON SB#323 - POSITION: FAVORABLE

Full Bill Name: Juvenile Court--Jurisdiction (Youth Charging Reform Act)

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

FROM: Julie Robin Solomon

My name is Julie Robin Solomon. I am a resident of District 46. I am submitting this testimony in support of SB#323--Juvenile Court--Jurisdiction (Youth Charging Reform Act)

I am a psychiatric nurse practitioner who treats adolescents with mental health conditions and adjustment disorders. A member of the American Association of Nurses (ANA) and the American Association of Psychiatric Nurse Practitioners, I have worked in pediatric hospital settings, adolescent residential treatment programs, clinics, and private practice over the last 15 years. In these settings, I have learned that treating teenagers requires hard-earned specialized knowledge and specific skills. But the chief axiom we must always bear in mind in treating adolescents is simple: the teenage brain is biologically immature. The pre-frontal cortices are not fully formed until the mid-twenties; the limbic system--the emotional center--tends to dominate leading to impulsiveness; and the brain's axons are not fully myelinated, resulting in slower operations. Taken together these features of the adolescent brain make it less capable of making morally sophisticated and future-oriented decisions. That is why we don't treat those under the age of eighteen the same as adults in the medical field, the educational field, or in the civic arena. We don't medicate them the same, we don't educate them the same, and we don't afford them the same legal rights, privileges, and responsibilities as adults.

In my own psychiatric work, I have seen psychological and moral injury done to teenagers whose parents have neglected to guide them appropriately, parents who have saddled their teenagers with responsibilities that the parents themselves should have handled, whether that be taking care of younger children, financially supporting the family, or holding the family together emotionally. The state similarly injures adolescents whenever it by default treats them as adults in the court system. This deprives them of protections and educational services that are mostly likely to lead to rehabilitation and the attainment of a happy and productive life. Our current law makes it more likely they will remain mired in the criminal world. Our role as adults and political leaders is to all we can to help them to escape from it.

In sum, I support HB #323 because it is morally and legally wrong to try juveniles as adults; moreover it flies in the face of what we know about developmental neurology. From a moral perspective, automatically treating adolescents as adults is a moral dereliction of our adult responsibility to protect children as children. From a legal perspective, automatic charging in the court setting substitutes a blunt instrument for the expertise of judges and prosecutors most familiar with proceedings against juveniles. From a neurological perspective our current law flouts science. Thank you for your hard work and I hope you will support this important bill.

SB0323 Juvenile Justice.pdf

Uploaded by: Karen Caplan

Position: FAV

Jan. 30, 2026

Testimony on SB0323—Position: Favorable
Juvenile Court-Jurisdiction (Youth Charging Reform Act)

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

FROM: Karen Caplan, Silver Spring, MD 20902

My name is Karen Caplan and I am a resident of Maryland District 18. I greatly appreciate that the committee is considering this bill, and I am writing in support.

Maryland's practice of auto-charge puts us well out of the mainstream in the United States—and not in the way we generally want to think of ourselves. Only one state sends more children to adult court than we do— that state is Alabama. Twenty-six other states have passed laws that are designed to treat children like children. It is long past time for Maryland to do the same.

Ultimately, of course, this is not about comparing ourselves with others. Ending auto-charge is consistent with pretty much all of the available research and data. We know that children's and adolescent's brains are different, that they are still in the process of development. This is why we have the differentiation between adult and juvenile systems to begin with. Crucially, that adults and children are not the same is no less true when children are accused of serious crimes than it is when they are charged with more minor ones. And we also know that when we charge children as adults— so that they have to spend time in the adult system, without the services they would otherwise receive— we either expose them to physical and sexual violence or condemn them to isolation. And the end result is not decreased crime, it is actually increased recidivism.

I'm a mom of two young adults. Like pretty much anyone who has parented adolescents, I can tell you they are not adults. They make poor choices sometimes, and when they do it, what they need is guidance and help. This is true even when the poor choice is a crime. I also know that my kids, who are white and affluent, had they made such a choice (or even had they merely been *accused* of making it), would have been far less likely to have been sent into the adult system, because, in MD, a shocking 81 percent of children sent to adult court are black. This, I think, should bother all of us.

For these reasons, I am respectfully urging the committee to vote in favor of this bill.

NASW Maryland - 2026 SB 323 FAV - Youth Charging R

Uploaded by: Karessa Proctor

Position: FAV



**Testimony before the Senate Judicial Proceedings Committee
February 4, 2026**

**Senate Bill 323 - Juvenile Court – Jurisdiction
Youth Charging Reform Act**

SUPPORT

On behalf of the National Association of Social Workers, Maryland Chapter (NASW-MD), we would like to express our support for Senate Bill 323 - Juvenile Court - Jurisdiction - Youth Charging Reform Act.

In FY25, Maryland charged more than 1,000 youth as if they were adults. The vast majority were charged automatically, based solely on the charge at the time of arrest, and then sent to juvenile court after a judge reviewed their case. Maryland sends more youth, ages 14-17, to adult court – automatically, without input from a judge – than any other state except Alabama.

Starting juvenile cases in juvenile court saves time and money. Less than 13% of youth charged in adult court end up with an adult criminal conviction. The automatic filing process is extremely expensive and time consuming, costing over \$20 million a year. Research shows that providing timely, appropriate rehabilitative services to youth is associated with better outcomes, including lower recidivism, compared with extended detention or delayed support.

This legislation will reduce crime and increase safety. Adult charging results in increased physical violence, sexual violence, and isolation. Research shows that youth charged as adults are at increased risk of physical and sexual assault and isolation from their families, which may contribute to future criminality. Reducing automatic charging of kids as adults protects kids and improves their long-term social-emotional outcomes.

This will also assist with addressing racial disparities. Over 77% of youth charged in adult court in Maryland are Black. Black youth are more likely to be sent to adult prison and receive longer sentences than their white counterparts for similar offenses. Implicit bias research shows that Black kids are more likely to be seen and treated as adults than white kids. Eliminating automatic charging can also reduce the school to prison pipeline for black youth.

NASW joins the Maryland Youth Justice Coalition and many other partners who support the 2026 effort to limit automatic charging.

We urge you to vote YES on SB 323.

Respectfully,

Karessa Proctor, BSW, MSW
Executive Director, NASW-MD

SB323 - Youth Charging Reform Act.docx.pdf

Uploaded by: Katherine Wilkins

Position: FAV

Dear Members of the Judicial Proceedings Committee,

This testimony is being submitted by Showing Up for Racial Justice Baltimore, a group of individuals working to move white folks as part of a multi-racial movement for equity and racial justice in Baltimore City, Baltimore County, and Howard County. We are also working in collaboration with Out For Justice. I am a resident of 12A. **I am testifying in support of SB0323, the Youth Charging Reform Act.**



Showing Up for Racial Justice

SB323 would end the practice of charging 14- and 15-year old children as adults, and ensure that only 16- and 17-year-olds accused of the most serious crimes, such as rape and murder, are charged in adult court.

Unfortunately, after more than a century of progress in juvenile justice, in the 1990s Maryland reversed course and began to pass laws purporting to be “tougher” on youth crime, including requiring many charges against minors to be prosecuted in adult court by default.¹ Maryland, once progressive in its view of youth crime, is now a national outlier in its practice of automatically charging young people as if they were adults. Per capita, we send more young people to adult court based on offense type than every other state but Alabama.² Additionally, the current system disproportionately affects Black youth, as nearly 80% of Maryland youth charged in adult court are Black.³

The practice of charging children as adults is inhumane. It is also economically wasteful, as the vast majority of these cases are either transferred to juvenile court or dismissed.⁴ Finally, it does not even do what it is intended to do, since statistics indicate that automatic charging of youth as adults does not decrease youth crime generally or reduce recidivism by the youth so charged.⁵ By significantly decreasing the automatic charging of youth as adults, we can bring Maryland more into line with modern juvenile justice standards, redirect resources to treating rather than simply imprisoning young offenders, and ultimately improve the safety of our communities by preventing re-offending. It is for these reasons that I am encouraging you to vote **in support of SB0323, the Youth Charging Reform Act.**

Thank you for your time, service, and consideration.

Sincerely,

Katherine Wilkins

5605 Foxcroft Way, Columbia MD 21045

Showing Up for Racial Justice Baltimore

¹ Jason R. Tashea, & Al Passarella, *Youth Charged as Adults: The Use and Outcomes of Transfer in Baltimore City*, 14 U. Md. L.J. Race Relig. Gender & Class 273 (2015). <https://digitalcommons.law.umaryland.edu/rrgc/vol14/iss2/4>

² The Sentencing Project, National Trends in Charging Children, Presentation to the JJRC (July 20, 2021). <http://dls.maryland.gov/pubs/prod/NoPblTabMtg/CmsnJuvRefCncl/Sentencing-Project-National-Trends-inCharging-Children.pdf>

³ Juvenile Justice Reform Council Supplemental Report, http://dls.maryland.gov/pubs/prod/NoPblTabMtg/CmsnJuvRefCncl/JJRC-Report-Final_2021SupplementalReport.pdf

⁴ In 2017-19, 48% of juveniles charged as adults in Baltimore City were returned to juvenile court, and 33% were dismissed or otherwise closed without a verdict. In MDEC counties the figures were 41% and 36% respectively. Juvenile Justice Reform Council Supplemental Report p 33.

⁵ Lila Kazemian, *Pathways to Desistance From Crime Among Juveniles and Adults: Applications to Criminal Justice Policy and Practice*, Nov. 2021 (internal citations removed), <https://www.ojp.gov/pdffiles1/nij/301503.pdf>

Choice FAV SB 0323.pdf

Uploaded by: Kelly Quinn

Position: FAV



Senate Bill 0323 Juvenile Court - Jurisdiction (Youth Charging Reform Act)
Judiciary Committee
February 4, 2026
Position: Favorable

The Choice Program at UMBC respectfully urges the Committee to issue a **favorable report on Chairperson Smith's bill SB 323: Youth Charging Reform Act**, legislation that would end Maryland's harmful practice of automatically charging children as adults.

We are here because Maryland still has a law rooted in fear: fear of Black youth, fear of poverty, and fear of communities that have been over-policed and under-served for generations. Auto-charging children as adults is not race-neutral. It never has been. This policy has always fallen hardest on Black and Brown children—pulled into adult courtrooms before they are old enough to vote, drive, or fully understand their rights. That is not justice. That is structural racism, enforced by the state. When we say end auto-charging, we are saying: end a system that criminalizes Black childhood. As recommended by the Commission on Juvenile Justice Reform and Emerging and Best Practices, it is time to end auto-charging.

The Choice Program at UMBC has served more than 27,000 Maryland youth who are systems-involved since 1988. Today, we work with young people and their families in Baltimore City, Anne Arundel, Baltimore, Harford, Howard, Prince George's, and Montgomery Counties. Choice serves as a proven alternative to the school-to-prison pipeline. Our primary goal is to reduce the number of Black and Brown young people ensnared in the youth legal system. Our model explicitly seeks to dismantle racist structures by using strengths-based approaches grounded in positive youth development. We hold high expectations for youth and families—and we pair those expectations with high levels of support. Our young people remind us every day that they should not be defined by their worst mistake. These principles are essential to addressing racial inequities at both the individual and systemic levels.

For more than a century, the United States has recognized that children are categorically different from adults. Overwhelming evidence confirms that youth and communities are better served when children remain in the youth legal system. Research shows that children prosecuted in adult court face far greater physical, emotional, and psychological risks. They are more likely to be placed in solitary confinement “for protection,” a practice associated with suicidal ideation and severe psychiatric distress. They are also routinely denied access to education and therapeutic services while detained in adult jails.

As the Maryland Equitable Justice Collaborative has documented, the racial disparities are stark. In Maryland, more than 90% of children charged in adult court are youth of color, and 77% are Black. Black children are more likely than white children to be prosecuted as adults and to receive longer sentences for similar offenses, in part because Black children are more likely to be perceived and treated as adults rather than as children.

Maryland's overreliance on adult court is extreme. Our state sends more young people per capita to adult court based on offense type than any state except Alabama. We can be better than Alabama! According to a 2024 report from Human Rights for Kids, Maryland ranks fourth highest in the nation for the number of people convicted as adults for offenses committed as children. This is driven by laws that require some 14- and 15-year-olds—and most 16- and 17-year-olds—to be automatically charged as adults for 33 offenses, placing Maryland out of step with developmental science, public safety research, and international human rights standards.

“Tough on crime” policies from the 1980s and 1990s have failed. These policies were fueled by racialized fear and myths that cast young Black men as “super-predators.” Research consistently shows that children tried and sentenced in adult court are more likely to reoffend, more quickly, and with more serious offenses than similarly situated youth handled in the youth legal system. Auto-charging undermines rehabilitation, weakens community safety, and perpetuates racial inequities.

This system is also costly and inefficient. Each year, hundreds of children are automatically sent to adult court, only for judges to determine in approximately 87% of cases that those cases should be dismissed, transferred back to juvenile court, or resolved with probation. This unnecessary process costs Maryland taxpayers more than \$20 million annually. These resources that could instead be invested in programs like ours that offer rehabilitative services that work.

SB 323 is a better path forward. This bill restores discretion, allowing cases to begin in the youth legal system where judges can determine whether adult prosecution is truly warranted. It moves Maryland away from punishment rooted in moral panic and toward safety grounded in evidence, dignity, and care.

Community repair and well-being depend on a vision of safety that rejects the impulse to punish children harshly. This legislative session presents an opportunity to affirm the importance of rehabilitation and to reduce racial and ethnic disparities, particularly for children and young adults.

For the sake of Maryland's children, families, and communities, we respectfully urge this Committee to issue a **favorable report on SB 323** and finally end the practice of automatically charging children as adults.

For more information contact:

Kelly Quinn, Ph.D., Managing Director

SB323 Testimony Charging reform 2026.pdf

Uploaded by: Ken Phelps Jr

Position: FAV



TESTIMONY - FAVORABLE

SB323 Juvenile Court - Jurisdiction (Youth Charging Reform Act)

To: The Honorable Senator William C. Smith, Chair, Senator Jeff Waldstreicher, Vice Chair, and Members of the Senate Judicial Proceedings Committee

FROM: The Rev. Linda K. Boyd, Maryland Episcopal Public Policy Network (MEPPN)

DATE: February 4, 2026

The Maryland Episcopal Public Policy Network offers favorable testimony in support of SB233. Our congregations serve people throughout Maryland.

The Juvenile Justice system is designed to handle the adjudication and treatment of youth. This is especially important since, as the US Supreme Court has recognized, “children are constitutionally different from adults in ... their culpability” [Montgomery v. Louisiana, 2016].

This bill significantly reduces the offenses for which preemptive adult court charges may be filed. It would: 1) reduce the categories of offenses that automatically may be charged adult court to a smaller number — only the most serious charges (murders, carjackings, rapes) charged against juveniles age 16 or older; and 2) preserve the “reverse waiver” process so some cases may be returned to the juvenile system.

For these reasons, the Maryland Episcopal Public Policy Network urges this committee to issue a favorable report on SB233.

The Maryland Episcopal Public Policy Network (MEPPN) is a ministry of The Episcopal Diocese of Maryland, The Episcopal Diocese of Washington, and The Delaware-Maryland Synod ELCA

YAR SB323 testimony 2026.pdf

Uploaded by: Khayyum Muhammad

Position: FAV



Chair Smith, Vice Chair Waldstreicher, and Members of the Senate Judicial Proceedings Committee

SB 323: the Youth Charging Reform Act

DATE: February 24, 2025

POSITION: FAVORABLE

Youth As Resources (YAR) urges a favorable report on Senate Bill 323, the Youth Charging Reform Act. Youth As Resources (YAR) is a youth-led nonprofit organization dedicated to grantmaking, leadership development, community organizing, and institutional change. We elevate youth leadership and decision-making to address the issues that most directly impact us, creating stronger communities and more responsive institutions.

Our Board of Directors—composed entirely of Baltimore City youth ages 14–24—is the core of YAR. The Board is responsible for all aspects of organizational governance, including overseeing two grant cycles per year, fund development, program priorities, and outcome evaluation. Through the efforts of the Board, we engage more than 400 of our peers annually in leadership development, voice amplification, and community-driven change through our organizing, advocacy, grantmaking, and institutional change initiatives.

Your support for SB 323 is important to us because it is a critical step toward eliminating automatic charging of Maryland youth. Under current Maryland law, 14- and 15-year-olds, and most 16- and 17-year-olds, are required to be automatically prosecuted in adult court. Our motivations and actions are often misunderstood by adults. They do not necessarily understand our lives—some of us are hungry, lack safe housing, experience abuse, or lack access to caring adults who can help us. We need to connect with systems designed for youth. When treated as adults—even for negative decisions—we are placed in a system not designed for us, isolated from supports, which can worsen mental health and lead to poorer outcomes.

Maryland sends more youth to adult court based on offense type than every other state except Alabama. Maryland ranks fourth highest in the nation for the number of youth convicted as adults for crimes committed as children.

Ninety-six percent of youth engaged in YAR are youth of color, 88% African American. The current system disproportionately affects Black youth: nearly 80% of Maryland youth charged in adult court are Black.

Maryland's current laws are not aligned with international human rights standards. Of those charged as adults, 80% were placed in solitary confinement at some point, and over 80% reported abuse from staff or other incarcerated individuals, yet only 28.2% received trauma treatment. Youth need to be treated as youth, with access to education and support services that the juvenile system can offer—services they should not be denied simply because of a criminal accusation. We need a juvenile system that protects our rights, serves our interests, and helps us heal. We are not fully developed; we need help understanding our world and recovering from trauma that may have contributed to our current situation.

This practice currently costs the state over \$20 million annually. Eighty-seven percent of youth charged as adults never ultimately have their case adjudicated in adult court. These funds could be better used for community supports, activities and opportunities that keep us engaged in positive pursuits, more school resources, appropriate and effective mental health supports, jobs (many of us are responsible for our own support and sometimes that of family members), housing, and basic needs like food.

Although SB 323 is a compromise bill, it is an important step toward correcting Maryland's automatic charging system. It will eliminate automatic charging for children aged 14 and 15 and reduce the number of auto-charging offenses that apply to 16- and 17-year-olds. SB 323 proposes that about 75% of cases currently subject to automatic adult treatment begin in juvenile court.

Starting youth cases in the youth justice system—with appropriate supports and attention to victimization—saves money, time, and years of harm from our lives.

For our sake, for our peers, and for future generations, we urge you to protect us and help us plan for our future by supporting SB 323.

Youth Justice - testimony SB 0323.pdf

Uploaded by: Lesley Frost

Position: FAV

SB 0323

Juvenile Court – Jurisdiction (Youth Charging Reform Act)

Position - Favorable

January 30, 2026

To the Honorable Chair and Members of the Judicial Proceedings Committee

My name is Lesley Frost and I am the Chair of National Council of Jewish Women, Maryland State Policy Advocacy Committee (NCJW MD SPA) and I am writing to express strong support for SB 0323 Juvenile Court - Jurisdiction (Youth Charging Reform Act).

The NCJW advocates across Maryland support an end to automatic charging or "auto-charging" one of several ways that people under 18 years old are sent into the adult criminal legal system. Currently, "automatic charging" sends juveniles (ages 14+) to adult court for serious crimes (like murder, rape, armed robbery) or certain gun/traffic offenses. It is estimated of those juveniles automatically ordered into the adult system, 85% of those cases will be dismissed or sent back down to juvenile court.

While in the adult system juveniles are segregated for safety which means they are placed in solitary confinement, without access to developmentally appropriate services available in the state department of juvenile justice. Sending youth to the adult criminal justice system, for any offense, harms their wellbeing and community safety.

We agree with the Commission on Juvenile Justice Reform and Emerging & Best Practices that has approved its first formal recommendation in the report, Maryland's JJDPa Compliance Crisis-Children in Adult Detention, where they focus on improving Maryland's compliance with federal juvenile justice standards and strengthening the fairness and effectiveness of the state's youth justice system. The Commission also recommends an end to the practice of automatically charging youth as adults for certain crimes, saying it doesn't improve public safety and can harm the youth.

Judaism asks each of us to engage in a process of accountability and return, called "teshuvah" and NCJW, as the oldest Jewish grassroots organization in the USA, supports legislation that places juveniles in a system with rehabilitation and supportive services that can help them change and return to the community. On behalf of the 700 NCJW Advocates across the state, the NCJW MD SPA urges this committee to vote favorably on SB 0323.

Sincerely,

Lesley Frost

Chair NCJW MD SPA, ncjw.mdacts@gmail.com

7707 Wisconsin Avenue

Bethesda MD 20814, lesleyfrost0@gmail.com

CJJ Testimony SB323 FAV MGA26.pdf

Uploaded by: Leslie Frey

Position: FAV



DEPARTMENT OF HEALTH AND HUMAN SERVICES
Commission on Juvenile Justice

Marc Elrich
County Executive

James C. Bridgers, Jr. Ph.D., MBA
Director

January 29, 2026

SB323 - Favorable

Senator William C. Smith
Chair, Judicial Proceedings Committee
2 East Miller Senate Office Building
Annapolis, Maryland 21401

Dear Chair Smith:

Thank you for the opportunity to submit written testimony in support of Senate Bill 323 on behalf of the Montgomery County Commission on Juvenile Justice (MC CJJ).

MC CJJ was established to advise the Montgomery County Executive, the County Council and the Juvenile Court on matters concerning juvenile justice. Our work includes gathering and disseminating information from public and private agencies serving youth, monitoring juvenile justice programs and services, visiting facilities, closely following relevant State and local legislation, and making recommendations regarding juvenile needs. MC CJJ is composed of appointed, volunteer citizen members, and agency members representing the Child Welfare Services Program, the Montgomery County State's Attorney's Office, the Office of the Public Defender, the Montgomery County Police Department, Montgomery County Public Schools, and the Maryland Department of Juvenile Services.

Maryland automatically charges more youth (ages 14–17) in adult court than any state except Alabama, without judicial review. While most cases are later transferred to juvenile court, the process is lengthy, leaving children in adult facilities—at risk of harm. Over 77% of these youth are Black, and they face harsher sentences than white peers for similar offenses.

Three commissions appointed by three different Governors have recommended ending automatic charging, including the Commission on Juvenile Justice Reform, Emerging & Best Practices (CJJR) created by the General Assembly in their [2025 Commission report](#).

For these reasons, we request a Favorable report on SB323.

Sincerely,

Melissa Goemann

Melissa Goemann, Co-Chair,

Montgomery County Commission on Juvenile Justice

SB0323_LindaBergofsky_FAV.pdf

Uploaded by: Linda Bergofsky

Position: FAV

Date of Hearing: February 4, 2026 at 1:00 PM
Linda Rae Bergofsky
Poolesville, MD 20837

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: Linda Bergofsky

My name is Linda Bergofsky. I am a resident of District 15. I am submitting this testimony in support of SB0323, Juvenile Court – Jurisdiction (Youth Charging Reform Act).

By way of background, I am a member of Oseh Shalom synagogue in Laurel, MD and a member of its Social Justice committee. I am also a substitute teacher in Montgomery County, where I have had, for the past 6 years, the privilege of working with students ranging in age from 6 to 18. My professional training and experiences as both a social worker and teacher have exposed me to many children and adolescents who come from different backgrounds, and have achieved varying levels of maturity and intellect. When I meet them, it maybe their best day ever or their worst day ever. At the end of the day, however, they are still just kids, no matter how much bravado or worldliness they exhibit or how physically imposing they are.

Everyone agrees that getting serious about public safety and the well-being of young people are both important. I believe that all young people have a unique capacity for growth and achievement that can best occur in supportive and well-resourced communities outside of the legal system. The harsh treatment of young people under the cover of law, unduly punishing them for their juvenile and adolescent mistakes, is an attack on youth itself. In Maryland as elsewhere, this injustice falls disproportionately upon youth of color and particularly punishes Black teenagers.

Maryland sends more children into the adult judicial system than every other state except Alabama. Even though more than 80% of cases involving a person under age 18 that are originally heard in the adult system are ultimately remanded back to juvenile court, there are those who believe that it's necessary to achieve law and order. Enhanced public safety is not a natural outcome of autocharging; that is a myth that has its origins in racism and Jim Crow policies. In no other system are 13 year olds treated like adults, except when it comes to Maryland's overly putative criminal justice system. This system is traumatizing for the kids, their families, and their

communities. Autocharging does not make us safer. That the juvenile justice system has been deliberately under-resourced for years is a red herring and can be corrected by re-balancing where and how we make our investments.

Jewish tradition teaches that children breathe life into the universe. To rob children of their adolescence through incarceration sucks air out of the world, not only for those children and their families, but for all of us. This bill directs children and adolescents accused of crimes into a system that is best prepared to address the full scope of their needs while respecting their constitutional rights. We owe them nothing less.

I respectfully urge this committee to return a favorable report with the amendment I have suggested on SB0323.

SB323 - Youth Charging Reform Act.docx.pdf

Uploaded by: Lindsay Keipper

Position: FAV

Dear Members of the Judicial Proceedings Committee,

This testimony is being submitted by Showing Up for Racial Justice Baltimore, a group of individuals working to move white folks as part of a multi-racial movement for equity and racial justice in Baltimore City, Baltimore County, and Howard County. We are also working in collaboration with Out For Justice. I am a resident of **district 46**, and I am testifying in support of **SB0323, the Youth Charging Reform Act**.



Showing Up for Racial Justice

SB323 would end the practice of charging 14- and 15-year old children as adults, and ensure that only 16- and 17-year-olds accused of the most serious crimes, such as rape and murder, are charged in adult court.

Unfortunately, after more than a century of progress in juvenile justice, in the 1990s Maryland reversed course and began to pass laws purporting to be “tougher” on youth crime, including requiring many charges against minors to be prosecuted in adult court by default.¹ Maryland, once progressive in its view of youth crime, is now a national outlier in its practice of automatically charging young people as if they were adults. Per capita, we send more young people to adult court based on offense type than every other state but Alabama.² Additionally, the current system disproportionately affects Black youth, as nearly 80% of Maryland youth charged in adult court are Black.³

The practice of charging children as adults is inhumane. It is also economically wasteful, as the vast majority of these cases are either transferred to juvenile court or dismissed.⁴ Finally, it does not even do what it is intended to do, since statistics indicate that automatic charging of youth as adults does not decrease youth crime generally or reduce recidivism by the youth so charged.⁵ By significantly decreasing the automatic charging of youth as adults, we can bring Maryland more into line with modern juvenile justice standards, redirect resources to treating rather than simply imprisoning young offenders, and ultimately improve the safety of our communities by preventing re-offending. It is for these reasons that I am encouraging you to vote **in support of SB0323, the Youth Charging Reform Act**.

Thank you for your time, service, and consideration.

Sincerely,

Lindsay Keipper

2425 Fleet St.

Showing Up for Racial Justice Baltimore

¹ Jason R. Tashea, & Al Passarella, *Youth Charged as Adults: The Use and Outcomes of Transfer in Baltimore City*, 14 U. Md. L.J. Race Relig. Gender & Class 273 (2015). <https://digitalcommons.law.umaryland.edu/rrgc/vol14/iss2/4>

² The Sentencing Project, National Trends in Charging Children, Presentation to the JJRC (July 20, 2021). <http://dls.maryland.gov/pubs/prod/NoPblTabMtg/CmsnJuvRefCncl/Sentencing-Project-National-Trends-inCharging-Children.pdf>

³ Juvenile Justice Reform Council Supplemental Report, http://dls.maryland.gov/pubs/prod/NoPblTabMtg/CmsnJuvRefCncl/JJRC-Report-Final_2021SupplementalReport.pdf

⁴ In 2017-19, 48% of juveniles charged as adults in Baltimore City were returned to juvenile court, and 33% were dismissed or otherwise closed without a verdict. In MDEC counties the figures were 41% and 36% respectively. Juvenile Justice Reform Council Supplemental Report p 33.

⁵ Lila Kazemian, *Pathways to Desistance From Crime Among Juveniles and Adults: Applications to Criminal Justice Policy and Practice*, Nov. 2021 (internal citations removed), <https://www.ojp.gov/pdffiles1/nij/301503.pdf>

Favorable SB 323.pdf

Uploaded by: Linnie Girdner

Position: FAV

Favorable SB 323 – Juvenile Court - Jurisdiction (Youth Charging Reform Act)

Dear Honorable Chair Smith, Vice Chair Waldstreicher, and Members of the Committee,

My name is Linda Girdner and I am a resident of Gambrills, MD in Anne Arundel County. I am writing in support of **SB 323 – Juvenile Court - Jurisdiction (Youth Charging Reform Act)**.

As a mental health professional, I am strongly against the incarceration of youth in adult facilities. As far as I am concerned it is a violation of the 8th Amendment against cruel and unusual punishment.

Oftentimes these youth have already experienced life's hard knocks and need to be in environments that can support their healing, education, and positive connection. If they can't get that, then at least get them away from being incarcerated with adults, some who will abuse them. Also they should not be put in solitary confinement. Do you think that juveniles will be prepared for a law-abiding life after incarceration by being around adult criminals? No!

Currently, when a young person is charged with a crime, there are approximately 30 charges that automatically put them in the adult system, bypassing the juvenile justice system. In the adult system, youth are exposed to harsher and more traumatizing experiences. More than 60% of youth charged as adults are ultimately waived back down into the juvenile system, by this time they have already endured months of dehumanization by being placed in the adult system. We advocate that all youth who are charged with a crime begin in the juvenile justice system and in order to be placed in the adult system, must have a hearing in front of a judge where they decide that it is necessary for the youth to be waived up.

For these reasons, I respectfully urge the committee to issue a **favorable report** on **SB 323**.

Thank you for your time and consideration.

Linda Girdner, Ph.D.

941 Fall Ridge Way

Gambrills, MD 21054

410-999-7892

SB0323MALMB Testimony.docx.pdf

Uploaded by: Lisa Kovacs

Position: FAV



**Local power, collective voice
for Maryland's children, youth and families**

February 4, 2025

SUPPORT – SB323 - Juvenile Court - Jurisdiction (Youth Charging Reform Act)

Dear Senators:

On behalf of the Maryland Association of Local Management Boards, I am writing in support of **SB323 - Juvenile Court - Jurisdiction (Youth Charging Reform Act)** to end the practice of automatically charging youth as adults – a process that now occurs without the thoughtful deliberation of a judge. This bill would end automatic charging for all fourteen and fifteen-year-olds and limit the offenses that sixteen and seventeen-year-olds can be charged with. This will help to ensure that the decision as to whether to charge a young person as an adult is given the serious consideration by a juvenile court judge that this significant, life-altering decision requires. The negative impacts of treating youth as adults are substantial and often lifelong, affecting individual youth, their families, and communities.

Local Management Boards in each county and jurisdiction in the State of Maryland conduct community needs assessments and address the needs of children and families in their respective jurisdiction. We regularly work with justice involved youth. An overwhelming majority of youth charged as adults do not receive a criminal conviction. The charging of youth in adult court, and the increasing likelihood the case moves to the juvenile system creates backlogs of cases, expends state dollars unnecessarily, and exacerbates the inefficiencies experienced by all system stakeholders.

We urge you to support SB323 - Juvenile Court - Jurisdiction (Youth Charging Reform Act) to promote efficiency, fairness, and positive public safety outcomes for Maryland communities.

Sincerely,

Pamela M. Brown, PhD
Legislative Chair
Maryland Association of Local Management Boards

MAYSB - 2026 SB 323 FAV - Youth Charging Reform Ac

Uploaded by: Liz Park

Position: FAV



Testimony submitted to Senate Judicial Proceedings Committee Support

February 4, 2026

SB323 Juvenile Court – Jurisdiction (Youth Charging Reform Act)

Maryland's Youth Service Bureaus (YSBs) provide effective youth delinquency diversion treatment and family intervention services aimed at developing competent youth who can become responsible and productive members of society and we are pleased to express our support for Senate Bill 323.

MAYSB believes SB 323 is a vital step toward correcting Maryland's outdated "automatic charging" system because it will eliminate automatic charging for children aged 14 and 15 and reduce the number of auto-charging offenses that apply to 16- and 17-year-olds. Under current Maryland law, 14- and 15-year-olds, and most 16- and 17-year-olds are required to be automatically prosecuted in adult court.

Maryland is a national outlier in its practice of automatically charging young people as if they were adults. Per capita, we send more young people to adult court based on offense type than every other state but Alabama. Moreover, Maryland ranks 4th highest in the nation for the number of people convicted as adults for crimes committed as children. Maryland's current laws are not aligned with international human rights standards. Additionally, the current system disproportionately affects Black youth, as nearly 80% of Maryland youth charged in adult court are Black.

The status quo currently costs the state over \$20 million annually. That is hugely wasteful, as 87% percent of kids charged as adults never ultimately have their case adjudicated in adult court. This is funding that could be redirected toward proven violence prevention and rehabilitation services. Of those charged as adults, 80% were placed in solitary confinement at some point, and over 80% reported abuse from staff or other incarcerated individuals, yet only 28.2% received trauma treatment. Kids need to be treated as kids, with access to the education and support services that the youth system can offer, things they should not be denied simply due to a criminal accusation.

SB323 is a compromise bill. It leaves the most serious offenses such as first-degree murder, assault and rape as being automatically subject to adult court jurisdiction. It proposes to start about 75% of cases currently subject to automatic treatment as an adult in juvenile court.

Starting youth cases in the youth justice system guards against the high rates of recidivism associated with being subject to the adult criminal justice system. This, for obvious reasons, contributes to future public safety. Simply put, this bill ultimately makes Maryland safer.

Since 2000, half of all U.S. states have narrowed or eliminated automatic adult charging. After over a decade of study and recommendations from three separate gubernatorial commissions, it is time for Maryland to act.

MAYSB believes SB323 will continue Maryland's efforts to have a juvenile justice system that is developmentally informed.

A developmentally informed approach to juvenile justice recognizes the need to hold youth accountable for their actions while also offering them the resources and opportunities to be rehabilitated. It recognizes that youth are still maturing and that their brains are not fully developed until after age 24. Allowing youth to begin under the jurisdiction of the juvenile court system will decrease the exposure of youth to the adult system, a system whose mission is punishment rather than rehabilitation.

Maryland should be a leader in advocating that all children are capable of, and worthy of, redemption and deserve an opportunity for a second chance, regardless of their race, socio-economic background, or the crime of which they have been accused.

A developmentally informed system is also fair and works to ensure that all youth receive fair and equal treatment. This bill will assist the State of Maryland in addressing racial and ethnic disparities found in the juvenile justice system.

Thank you for your consideration and we request a favorable report for Senate Bill 323.

Respectfully Submitted:

Liz Park, PhD
MAYSB Secretary
lpark@greenbeltmd.gov

Lori Hardesty Personal Testimony in favor of SB 32

Uploaded by: Lori Hardesty

Position: FAV

February 4, 2026

SB 323 Juvenile Court – Jurisdiction (Youth Charging Reform Act)
Position: FAVORABLE

Chair Smith, Vice Chair Waldstreicher, and Members of the Senate Judicial Proceedings Committee,

I'm submitting this letter as a Baltimore County citizen. I urge a favorable report on SB 323, the Youth Charging Reform Act.

I believe SB 323 is a vital step toward correcting Maryland's outdated "automatic charging" system because it will eliminate automatic charging for children aged 14 and 15 and reduce the number of auto-charging offenses that apply to 16- and 17-year-olds. Under current Maryland law, 14- and 15-year-olds, and most 16- and 17-year-olds are required to be automatically prosecuted in adult court.

Maryland is a national outlier in its practice of automatically charging young people as if they were adults. Per capita, we send more young people to adult court based on offense type than every other state but Alabama. Moreover, Maryland ranks 4th highest in the nation for the number of people convicted as adults for crimes committed as children. In addition to that comparison with other states, Maryland's current laws are thus nonaligned with international human rights standards. Additionally, the current system disproportionately affects Black youth, as nearly 80% of Maryland youth charged in adult court are Black.

Moreover, the status quo currently costs the state over \$20 million annually. That is hugely wasteful, as 87% percent of kids charged as adults never ultimately have their case adjudicated in adult court. This is funding that could be redirected toward proven violence prevention and rehabilitation. Of those charged as adults, 80% were placed in solitary confinement at some point, and over 80% reported abuse from staff or other incarcerated individuals, yet only 28.2% received trauma treatment. Kids need to be treated as kids, with access to the education and support services that the youth system can offer, things they should not be denied simply due to a criminal accusation.

SB323 is a compromise bill. It leaves the most serious offenses such as first-degree murder, assault and rape as being automatically subject to adult court jurisdiction. It proposes to start about 75% of cases currently subject to automatic treatment as an adult in juvenile court.

Starting youth cases in the youth justice system guards against the high rates of recidivism associated with being subject to the adult criminal justice system. This, for obvious reasons, contributes to future public safety. Simply put, this bill ultimately makes Maryland safer.

Since 2000, half of all U.S. states have narrowed or eliminated automatic adult charging. After over a decade of study and recommendations from three separate gubernatorial commissions, it is time for Maryland to act.

I have spent the last 30 years working in youth development, juvenile justice, and community engagement throughout Maryland, with a particular focus in the Greater Baltimore region. I have my B.A. in Psychology from the Johns Hopkins University and my Master's in Public Administration from the University of Baltimore. I seek to challenge systems that do not serve all people in the most equitable way, to question policies that still exist just because "that's the way we've always done it." I'm also the parent to two daughters, one at Towson High School and the other in college at Kean University (NJ). The negative effects of charging young people as adults far outweighs the benefits, especially knowing that the majority of the youth return to the juvenile justice system. The knee-jerk reaction to charge them as adults appears to appease optics of swift and the historical disproportionate number of Black youth affected.

Thank you for your consideration and in my request a favorable report for Senate Bill 323. My contact information is below.

Sincerely,

A handwritten signature in cursive script that reads "Lori L. Hardesty".

Lori Leonard Hardesty, MPA

540 Anneslie Road

Baltimore, MD 21212

(443) 388-1285

lhardesty2522@gmail.com

Testimony.JuvenileSentencing.2.2.26.pdf

Uploaded by: Lydia Watts

Position: FAV

**Written Testimony in Support of
SB 323, Juvenile Court – Jurisdiction (Youth Charging Reform Act)**

**by Lydia C. Watts, Esq., MPH, Executive Director, the Rebuild, Overcome, and Rise
(ROAR) Center at University of Maryland, Baltimore**

**Hearing date: February 4, 2026 before the
Senate Judicial Proceedings Committee**

My name is Lydia Watts. I am the Executive Director of the Rebuild, Overcome, and Rise (ROAR) Center at the University of Maryland, Baltimore. I submit this written testimony **in support of SB 323, the Youth Charging Reform Act**. The views expressed herein are my own, offered in my professional capacity, and do not represent the views of the University of Maryland, Baltimore.

ROAR provides comprehensive, wrap-around services to victims of crime in Baltimore City. Since beginning operations in June 2019, ROAR has served more than 900 individuals—each a survivor of crime, including homicide, non-fatal shootings, sexual assault, intimate partner violence, and other serious harms. I have been a licensed attorney in the District of Columbia, Maryland, and Massachusetts for nearly 30 years, and for the vast majority of that time I have represented survivors of violence in both civil and criminal matters.

There is no question that being the victim of a crime is deeply destabilizing and traumatic. However, automatically charging young people as adults is not an effective or evidence-based response to that trauma. Decades of rigorous research demonstrate that young people who cause serious harm have, in most cases, experienced significant victimization and trauma themselves—trauma that is routinely unaddressed by our education, health care, and community systems. It is that unmet need for intervention and healing that requires our attention and resources, not reflexive reliance on adult prosecution under the guise of “greater accountability.”

Contrary to frequently repeated tropes, most crime victims are not calling for harsher sentences or increased incarceration. Instead, they are seeking meaningful support for themselves—and often, support for the individuals who harmed them—rather than additional punishment¹. This is in part because incarceration rarely addresses the ongoing needs of survivors. It is also because many victims, particularly victims of color, are acutely aware of the devastating effects that overcriminalization and mass incarceration have had on their families and communities, producing deeper harm rather than safety.

¹ Crime Survivors Speak, *The First-Ever National Survey of Victims’ Views on Safety and Justice*, Alliance for Safety and Justice. <https://allianceforsafetyandjustice.org/wp-content/uploads/documents/Crime%20Survivors%20Speak%20Report.pdf>

The high rate of youth involvement in harm in Baltimore City—and in similarly situated cities across the country—is inseparable from the impacts of intergenerational trauma, structural racism, decades of disinvestment driven by redlining and segregation, and chronic underinvestment in children and families. Survivors often turn to programs like ROAR rather than the criminal legal system because they want stability, safety, and healing. They want safe and affordable housing in neighborhoods free from constant violence. They want jobs that pay living wages, reliable transportation, and schools where their children are safe and well-educated. And they want the opportunity to heal from trauma and reclaim a sense of peace and agency in their lives.

From my nearly three decades of experience working with survivors of crime, the overwhelming majority—non-scientifically, I would estimate well over 90 percent—do not favor a traditional criminal justice response to their victimization. Instead, survivors consistently express the following needs²:

- Safe and affordable housing, particularly when victimization occurs in or near the home or in neighborhoods experiencing high rates of violence or overdoses;
- Accessible, long-term, culturally responsive counseling, including group-based services;
- Timely, non-judgmental assistance navigating complex systems such as public benefits, health and mental health care, housing, juvenile justice, and foster care;
- Legal assistance to mitigate the impact of victimization on housing, employment, education, immigration status, financial stability, safety, and personal dignity;
- Autonomy and meaningful choice in how their experience is addressed;
- Greater investment in diverse service options, particularly those rooted in communities and unaffiliated with formal justice system processes³; and
- Access to employment support, transitional housing, and other long-term stabilizing resources⁴.

Absent meaningful investment in these supports and in the communities where survivors live, trauma often persists for years—sometimes for a lifetime—despite survivors’ extraordinary efforts to cope and move forward.

Opposition to reforms such as those proposed in SB 323 often invokes the claim that “victims are not being considered.” I strongly disagree. The rigid and misleading dichotomy between “victims” and “perpetrators” undermines effective policy making. Most victims of crime come

² Warnken, Heather and Lauritsen, Janet, Who Experiences Violent Victimization and Who Accesses Services?, Center for Victim Research, Findings from the National Crime Victimization Survey for Expanding Our Reach, April 2019. https://ncvc.dspacedirect.org/bitstream/item/1270/CVR%20Article_Who%20Experiences%20Violent%20Victimization%20and%20Who%20Accesses%20Services.pdf?sequence=1; and Crime Survivors Speak, The First-Ever National Survey of Victims’ Views on Safety and Justice, Alliance for Safety and Justice. <https://allianceforsafetyandjustice.org/wp-content/uploads/documents/Crime%20Survivors%20Speak%20Report.pdf>. See page 27, Box 3: “Invest in evidence-based services that protect crime survivors and stop the cycle of victimization.”

³ Warnken, Heather, Untold Stories of California Crime Victims, Research and Recommendations on Repeat Victimization and Rebuilding Lives, April 2014 (page 19).

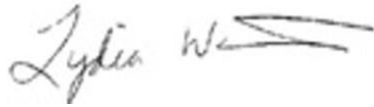
⁴ Same report in footnote 3 (page 25).

from the same neighborhoods and social conditions as the young people who caused them harm, and many have firsthand knowledge of the failures of punitive, “tough on crime” approaches. Victims support reform not because they oppose accountability, but because they want accountability that is proportional, developmentally appropriate, and conducive to public safety.

Automatically charging young people as adults undermines public safety by deepening inequities, increasing disenfranchisement, and perpetuating cycles of harm. SB 323 moves Maryland toward a more just, evidence-based approach—one that recognizes both the needs of survivors and the developmental realities of youth.

For these reasons, I respectfully urge the Senate Judicial Proceedings Committee to issue a favorable report on SB 323.

Sincerely,

A handwritten signature in dark ink, appearing to read "Lydia Watts", followed by a stylized flourish or horizontal line.

Lydia C. Watts, Esq., MPH
Executive Director
The Rebuild, Overcome, and Rise (ROAR) Center at the
University of Maryland, Baltimore

Additional Information about Race and the Criminal Justice System That Would be Exacerbated by the Passage of SB 604

Dating back to 1993, Kimberle Crenshaw wrote: “Women of color [in work cited, the author is referring to survivors of intimate partner violence] are often reluctant to call the police, a hesitancy likely due to a general unwillingness among people of color to subject their private lives to the scrutiny and control of a police force that is frequently hostile. There is also a more generalized community ethic against public intervention, the product of a desire to create a private world free from the diverse assaults on the public lives of racially subordinated people.”⁵ “[F]or some people subjected to abuse, the criminal justice system – indeed, any state system – is not a safe and comfortable place within which to seek justice. People of color, who are already overrepresented in the criminal justice system, may have concerns about approaching the state for assistance, fearing that the state will intervene punitively against their partners or against them.”⁶ And their fears are often warranted. Sometimes calling the police results in homelessness for victims of intimate partner violence,⁷ or in their own arrest. These same fears are present – perhaps even heightened – for survivors of gun and other forms of community violence.

Black men are over-represented among those accused of and convicted of violent crime though there is no evidence to suggest that men of color are more prone to violence than white men,⁸ though the media certainly portrays otherwise.⁹ The perception of men – particularly young men – of color as inherently more violent has inexorably and negatively shaped lives, communities, history, and political landscapes.¹⁰ Not only are young men of color disproportionately

⁵ Kimberle Crenshaw, *Mapping the Margins: Intersectionality, Identity Politics, and Violence Against Women of Color*, 43 STAN. L. REV. 1241, 1257 (1993).

⁶ Leigh Goodmark, “Law and Justice are Not Always the Same”: Creating Community-Based Justice Forums for People Subjected to Intimate Partner Abuse”, Florida State University Law Review Vol. 42:707, 720 (year?).

⁷ There have been many housing authorities across the country who were exposed in the early 2000s for evicting domestic violence victims for violating the policy that no illegal activity could take place on public housing property, and since she called the police for help, the housing authority was alerted that a crime had occurred – an assault against the victim who is now getting evicted as a result. This practice is still occurring today on privately owned properties. See Jenny Kutner, “Domestic Violence Victims can be Evicted for Calling the Police”, July 14, 2016, <https://mic.com/articles/148484/domestic-violence-victims-can-be-evicted-for-calling-police-here-s-why#.oJfyfDbSK>.

⁸ Kim Farbota, *Black Crime Rates: What Happens When Numbers Aren't Neutral*, January 19, 2016, http://www.huffingtonpost.com/kim-farbota/black-crime-rates-your-st_b_8078586.html.

⁹ In *Tough Guise: Violence, Media and the Crisis in Masculinity*, Jackson Katz and Jeremy Earp argue that the media provide an important perspective on social attitudes – and that while the media are not the cause of violent behavior in men and boys, they do portray male violence as a normal expression of masculinity. Earp, Jeremy and Jackson Katz. *Tough Guise: Violence, Media & the Crisis in Masculinity* (study guide). Media Education Foundation, 1999. In 1999, Children Now, a California-based organization that examines the impact of media on children and youth, released a report entitled Boys to Men: Media Messages About Masculinity. The report observes that... non-white male characters are more likely to experience personal problems and are more likely to use physical aggression or violence to solve those problems. Boys to Men: Media Messages About Masculinity. Children Now, 1999. <http://mediasmarts.ca/gender-representation/men-and-masculinity/how-media-define-masculinity>, last visited 8.23.16.

¹⁰ “This far-reaching form of stereotyping and oppression—what Toni Morrison and others call the “white gaze”—has shaped individual lives and collective histories within communities of color.” David J. Knight, *Beyond the Stereotypical Image of Young Men of Color*, The Atlantic, January 5, 2015. <http://www.theatlantic.com/education/archive/2015/01/beyond-the-stereotypical-image-of-young-men-of-color/384194/>

represented among those accused of using violence, but also of being victims of violence.¹¹ Yet, their needs as victims of crime, and the commensurate trauma that often comes with victimization, are largely ignored, thereby exacerbating the devastating impact of the continued assault of structural racism.

Since men of color are *perceived* as more prone to be violent, it is likely that they will adopt behaviors to support that perception or assumption. Michelle Alexander in *The New Jim Crow* poses the question, “Are we willing to demonize a population, declare a war against them, and then stand back and heap shame and contempt upon them for failing to behave like model citizens while under attack?”¹² She goes on to say “[t]here is nothing abnormal or surprising about a severely stigmatized group embracing their stigma... Indeed, the act of embracing one’s stigma ...is a political act – an act of resistance and defiance in a society that seeks to demean a group based on an inalterable trait... [E]mbracing the stigma of criminality is an act of rebellion – an attempt to carve out a positive identity in a society that offers them little more than scorn, contempt, and constant surveillance.”¹³ The “dance” - or “minstrel show” as Alexander calls it¹⁴ - of men of color acting “ghetto”, violent, posturing to gain some sense of respect and control, plays perfectly into stereotypes and implicit racism that men of color are in fact more violent.

It is important to note, that rates of incarceration have skyrocketed for women during this same time period, at even greater and more astonishing rates.¹⁵ “There are 14 times more women in jail in this country today than there were in the 1970s... [And] women typically become incarcerated after experiencing gender-based trauma throughout their lives. About eight in ten [incarcerated women] have experienced domestic partner abuse. A large majority has survived sexual violence.”¹⁶ Again, women of color are disproportionately represented among the incarcerated. Many of these women are in jail or prison because a violent partner forced them into illegal activity, most typically assisting in some portion of a drug exchange, but also in sex work.¹⁷ Other times, women may engage in illegal activity to survive in an environment that does not support poor mothers well, if at all. Over the past 20 years, public benefits have been dramatically cut, affordable housing stock has plummeted, and childcare costs and other costs of living have soared. Livable wages are almost non-existent for those working in certain sectors of

¹¹ Danielle Sered, *Young Men of Color and the Other Side of Harm*, Vera Institute of Justice, December 2014. <http://archive.vera.org/sites/default/files/resources/downloads/young-men-color-disparities-responses-violence.pdf>

¹² Michelle Alexander, *The New Jim Crow: Mass Incarceration in the Age of Colorblindness* (2010), p. 170.

¹³ Id at p. 171.

¹⁴ Alexander writes about how the media portrays men of color as caricatures of “racial stereotypes and images associated with the era of mass incarceration – an era in which black people are criminalized and portrayed as out-of-control, shameless, violent, over-sexed and generally underserving.” Id at pg. 173.

¹⁵ Coker & Macquoid, *Opposing Hyper-Incarceration*, *supra* note 15 at 588 (2015).

¹⁶ Micelle Chen, *Why Are There So Many Women in Jail? The number of women in jails has skyrocketed over the past four decades*, <https://www.thenation.com/article/why-are-there-so-many-women-in-jail/>, August 22, 2016.

¹⁷ “Survivors who were forced into criminal activity by abusive partners could also be eligible for alternative sentencing under the legislation [Domestic Violence Survivors Justice Act, passed in May 2016 in New York state]. Advocates stress that abusers often use violence to coerce survivors into committing crimes like robbery or drug trafficking.” Melissa Jeltsen, *Should Domestic Violence Victims go to Prison for Killing Their Abusers?*, May 26, 2016, http://www.huffingtonpost.com/entry/domestic-violence-prison-legislation_us_573deaa3e4b0ace7b8e94236.

our economy. Working in illegal economies may literally feel like the only choice to financially support oneself and a family.¹⁸

All of this is true also for those selling and buying street-drugs through the State of Maryland. To criminalize those caught in this matrix of racism and poverty will only compound the harm.

¹⁸ “Particularly for women, their interactions with the justice system are often the result of survival efforts,” said Liz Swavola of the Vera Institute of Justice, one of the report’s principal authors. “They are predominantly women of color, and they are overwhelmingly poor.” Rebecca McCray, *There are More Women in U.S. Jails Than Ever Before*, August 17, 2016, <http://www.takepart.com/article/2016/08/16/women-jails?cmpid=tp-twtr>. “Women often become involved with the justice system as a result of efforts to cope with life challenges such as poverty, unemployment, and significant physical or behavioral health struggles.” Vera Institute of Justice, *Overlooked: Women and Jails in an Era of Reform*, August 2016.

SB323 MTsiongasTestimony.pdf

Uploaded by: Magdalena Tsiongas

Position: FAV

TESTIMONY on SB 323
Juvenile Court – Jurisdiction (Youth Charging Reform Act)

Senate Judicial Proceedings Committee
February 4, 2026

FAVORABLE

Submitted by: Magdalena Tsiongas, MPH

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

I submit this testimony to express my **SUPPORT for Senate Bill 323**. I am the founder of the MD Second Look Coalition, which I started on behalf of my partner who has been serving a life without parole sentence since age 19.

I believe SB 323 is a vital step toward correcting Maryland's outdated "automatic charging" system because it will eliminate automatic charging for children aged 14 and 15 and reduce the number of auto-charging offenses that apply to 16- and 17-year-olds.

One of the most concerning aspects of automatically charging youth as adults in Maryland is that it puts children in contact with adults in carceral facilities, exposing them to increased physical and sexual violence.¹ Youth incarcerated in adult facilities are also a shocking 36 times more likely to die by suicide than if housed in a juvenile facility.² Federal law requires children to be held separately from adults when incarcerated (under the Juvenile Justice and Delinquency Prevention Act), but Maryland continues to violate federal law. In fact, Maryland had 1,600 violations of the law in FY24, more than any other state in the country.³

My own loved one was incarcerated at 19 and describes his experience being incarcerated as a teenager and subjected to multiple strip searches, routine practice in adult facilities:

Starting my incarceration at the age of 19, I was subjected to many forms of human violation, isolation, humiliation, and a constant threat of violence, traumas which have left me forever scarred. When I was alone, I broke down out of the frustration of just being degraded, humiliated, and violated. That experience (a particularly invasive strip search) was foul to my brain. As someone who has been sexually abused as a child, that opened up old wounds that I thought were closed. It's amazing how I'm supposed to be sent to prison to curb my violence, and here I am, met at the door with it.

¹ National Prison Rape Elimination Commission, "National Prison Rape Elimination Commission Report," June 2009, <https://www.prearesourcecenter.org/sites/default/files/library/NPREC-Final-Report.PDF>.

² Neelum Arya, "Getting to Zero: A 50-State Study of Strategies to Remove Youth from Adult Jails" (UCLA School of Law, 2018), https://drive.google.com/file/d/1LLSF8uBlrcqDaFW3ZKo_k3xpk_DTmltV/view.

³ Commission on Juvenile Justice Reform and Emerging and Best Practices, "Maryland's JJDPa Compliance Crisis: Children in Adult Detention," 2025, <https://gocpp.maryland.gov/wp-content/uploads/Marylands-JJDPa-Compliance-Crisis-Children-in-Adult-Detention-COMMISSION-APPROVED-.docx.pdf>.

SB323 is a compromise bill. It leaves the most serious offenses such as first-degree murder, assault and rape as being automatically subject to adult court jurisdiction. It proposes to start about 75% of cases currently subject to automatic treatment as an adult in juvenile court. While this bill is a start, all children deserve to be treated as children.

Thank you for your consideration and I request a favorable report for Senate Bill 323.

SB323_MaraGreengrass_FAV.pdf

Uploaded by: Mara Greengrass

Position: FAV

February 4, 2026

Mara Greengrass
Rockville, MD 20852

TESTIMONY ON SB323 - POSITION: FAVORABLE
Juvenile Court - Jurisdiction (Youth Charging Reform Act)

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

FROM: Mara Greengrass

My name is Mara Greengrass. I am a resident of District 18. I am submitting this testimony in support of SB323, Juvenile Court - Jurisdiction (Youth Charging Reform Act).

I'm a lifelong Maryland resident, a member of Congregation Beth El of Montgomery County, and I believe very strongly in the Jewish idea of teshuvah, or repentance. The rabbis teach us that repentance is always possible for any perpetrator of a crime and our job as a society is to make that journey as easy as we can. Harsh punishments and unfair treatment of those convicted in adult court make it *harder* for teshuvah to occur, because there is no incentive to repent or make restitution. This is even more true when a child or teenager is sent to adult court.

Neuroscience clearly shows that children and teens have a less mature limbic system and prefrontal cortex, which combine with environmental and hereditary factors to make them more prone to irrational or improper actions. But it doesn't require a college degree to know that...anyone with kids knows their minds aren't fully formed and has seen that lead them in the wrong direction sometimes. It's not a disaster if it leads them to eating the last cupcake, but a teen whose older sibling is involved in less savory activities may be influenced into the same.

And given that budget woes are on the top of everyone's mind, this bill to prevent the autocharging of juveniles in adult court would seem to be an easy thing to support, because it would save the state money. We know that the vast majority of kids who are sent directly to adult court end up being sent back to juvenile court, wasting everyone's limited time (e.g., judges, attorneys, administrative staff) and the state's very limited funding.

Children and teens should be sent to juvenile court first, no matter their age or the crime they were involved in. Let the juvenile court staff, who are the most qualified, decide which teens should be sent to adult court. **I respectfully urge this committee to return a favorable report on SB323.**

SB323 Written Testimony 2026.02.04 MBTilghman.pdf

Uploaded by: Marlon Tilghman

Position: FAV



VISION - *BRIDGE Maryland sees the state challenged by a history of inequity but engaged in community organizing for a more just tomorrow.*

MISSION - *BRIDGE Maryland uses intentional relationship building, organizing, and intensive leadership development in order to strengthen congregations and faith leaders to demonstrate and advance justice in the world.*

February 4, 2026

**SB 323 Juvenile Court – Jurisdiction (Youth Charging Reform Act)
Position: FAVORABLE**

Chair Smith, Vice Chair Waldstreicher, and Members of the Senate Judicial Proceedings Committee,
On behalf of BRIDGE Maryland, Inc., we urge a favorable report on SB 323, the Youth Charging Reform Act. **As an interfaith organization whose collective belief in the redemption of children is paramount, we see this bill as a good first step toward building a beloved community for our children and the safety of our communities.**

BRIDGE Maryland, Inc. believes SB 323 is also a vital step toward correcting Maryland's outdated "automatic charging" system because it will eliminate automatic charging for children aged 14 and 15 and reduce the number of auto-charging offenses that apply to 16- and 17-year-olds. Under current Maryland law, 14- and 15-year-olds, and most 16- and 17-year-olds, are automatically prosecuted in adult court.

Maryland is a national outlier in its practice of automatically charging young people as if they were adults. Per capita, we send more young people to adult court based on offense than every other state but Alabama, the epicenter of the Civil Rights movement of the 50's and 60's. The current system disproportionately affects Black youth, as nearly 80% of Maryland youth charged in adult court are Black. **Brian Stevens is quoted as saying that Civil Rights legislation was the last frontier for the movement, and Maryland could make history with this law.**

Moreover, the status quo currently costs the state over \$20 million annually. That is hugely wasteful, as 87% percent of kids charged as adults never ultimately have their case adjudicated in adult court.

This funding could be redirected toward proven violence prevention and rehabilitation efforts. Of those charged as adults, 80% were placed in solitary confinement at some point, and over 80% reported abuse from staff or other incarcerated individuals, yet only 28.2% received trauma treatment. **Kids need to be treated as kids, with access to the education and support services that the youth system can offer, things they should not be denied simply due to a criminal accusation.** SB323 is a compromise bill. It leaves the most serious offenses, such as first-degree murder, assault, and rape, as being automatically subject to adult court jurisdiction. **It proposes to start about 75% of cases currently subject to automatic treatment in juvenile court, where a Judge can weigh the child's circumstances and care first, rather than a punitive adult system.**

Starting youth cases in the youth justice system guards against the high rates of recidivism associated with being subject to the adult criminal justice system. This, for obvious reasons, contributes to future public safety. Simply put, this bill ultimately makes Maryland safer. Since 2000, half of all U.S. states have narrowed or eliminated automatic adult charging. After over a decade of study and recommendations from three separate gubernatorial commissions, it is time for Maryland to act.

This legislation is long overdue. It's morally reasonable, physically prudent, and socially responsive to the needs of the child, their family, and the community at large.

Thank you for your consideration and we request a favorable report for Senate Bill 323.

Respectfully submitted,

Rev. Dr. Marlon Tilghman

BRIDGE Maryland, Inc. Executive Board and MYJC Steering Committee

The Gault Center - In Favor - MD SB 323.pdf

Uploaded by: Mary Ann Scali

Position: FAV



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>.

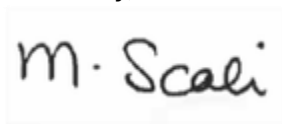
⁷ Ctrs. for Disease Control & Prevention, Effects on Violence of Laws and Policies Facilitating the Transfer of Youth from the Juvenile to the Adult Justice System, 56 MMWR RR-9, 1 (2007).

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).

SB0323_StacyMarkowitz_JUFJ_FAV.pdf

Uploaded by: Matan Zeimer

Position: FAV

February 4, 2026

Stacy Markowitz
Frederick, 21703

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

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

FROM: Stacy Markowitz, on behalf of Jews United for Justice (JUFJ)

My name is Stacy Markowitz. I am a resident of District 3. I am a retired educator and school counselor. I worked as a teacher for 19 years and a school counselor for six years in predominantly high needs diverse schools at the middle school level. Since retiring, I have participated in long term counseling sub positions in only high needs schools at the middle school and high school levels. I love working with adolescents. I love being there to support their social and emotional well-being. I have worked hard to become trauma informed and be a restorative practitioner so that I can best support all my kids, but especially those who struggle the most and carry heavy suitcases every day. I am a trained mediator and circle keeper.

I am submitting this testimony on behalf of Jews United for Justice (JUFJ) in support of SB0323, the Youth Charging Reform Act. JUFJ organizes over 6,000 Jews and allies from across Maryland in support of social, racial, and economic justice campaigns at the state and local levels. JUFJ, along with our partners in the Maryland Youth Justice Coalition, have been advocating for years for a complete end to the harmful practice of automatically charging youth as adults. While SB0323 does not end this practice entirely, it takes a much needed step in moving Maryland in the right direction.

Two beliefs I have, among many, that brought me to work with children from my first year as an elementary teacher to today as a retired educator and school counselor are the need for action and the need to make the world a better place than the one into which I was born. The statements below capture those beliefs for me.

“If a person sits in their home and says to themselves,
‘What have the affairs of society to do with me?... Why
Should I trouble myself with the people’s voices of
protest? Let my soul dwell in peace!’ - If one does this,
they overthrow the world.”
(Midrash Tanhuma, Mishpatim 2:1)

From the concluding paragraph of the Aleinu prayer comes this interpretation: Let the time not be distant, O God, when all shall turn to You in love, when the brokenness in our world is repaired by the work of our hands and our hearts, inspired by Your words of Torah.

I am a counselor and restorative practitioner who is always learning. In my faith, I believe deeply in Tikkun Olam. In our time, this phrase has come to mean making the world a better place through action and activism. For me, Tikkun Olam moves me to work on making the world a better place for our children. For it is our children who represent our futures. If we help them make healthy changes in their lives, they can minimize or stop the passing of generational trauma, which will support them to make different choices in their lives that are not dysfunctional. Those healthy choices, in turn, will lead to our youth to becoming successful, productive members of our society who have children who will also be successful, productive members of our society, and so on. As a teacher and school counselor, I have seen too many times the children who come to school with heavy suitcases of trauma due to physical, sexual, and/or verbal abuse. These experiences often result in trauma responses of flight, fight, freeze, or fawning. These trauma responses often lead to maladaptive behaviors, some of which lead to children's involvement in the juvenile justice system. In my experience, it is often the trauma sensitive children who become involved in the juvenile justice system, and with the way the law stands now, the adult system. Underneath all that trauma and trauma responses are children who never had their basic needs met, and they lack the skills to function in healthy adaptive ways. Many of these kids are our black and brown kids, who are disproportionately represented in the school to prison pipeline and the juvenile and adult justice systems. When youth are automatically moved to adult courts and facilities based on their crimes, we can lose the ability to reach them with alternative means, such as family therapy, group therapy, individual therapy, and aggression replacement training. We also often take away the opportunity for them to repair the harm directly with the one(s) who were harmed. This is an important learning experience that can help change their lives by giving our youth the opportunity to make the world a better place based on what they have learned about themselves and their impact on others. This is not to say that can't happen in adult prisons, but it is far more rare. We must reach our children while they are still children and provide the resources for them they never had.

Automatically charging adolescents as adults takes away these opportunities and resources to heal and to change. Instead, it reinforces for our youth that they are expendable and not worth saving. They already have poor self-worth and see little future for themselves, which is part of why they are committing crimes. Let's not compound those issues with automatically charging them as adults.

On behalf of JUFJ, I urge you, in the strongest terms, to pass SB0323 and give our youth a chance to take advantage of the resources to turn their lives around and make our world a better place, as Tikkun Olam tells us we must.

SB323 - Youth Charging Reform Act_Badeker.pdf

Uploaded by: Melissa Badeker

Position: FAV

Dear Members of the Judicial Proceedings Committee,

This testimony is being submitted by Showing Up for Racial Justice Baltimore, a group of individuals working to move white folks as part of a multi-racial movement for equity and racial justice in Baltimore City, Baltimore County, and Howard County. We are also working in collaboration with Out For Justice. I am a resident of 43A. **I am testifying in support of SB0323, the Youth Charging Reform Act.**



Showing Up for Racial Justice

SB323 would end the practice of charging 14- and 15-year old children as adults, and ensure that only 16- and 17-year-olds accused of the most serious crimes, such as rape and murder, are charged in adult court.

Unfortunately, after more than a century of progress in juvenile justice, in the 1990s Maryland reversed course and began to pass laws purporting to be “tougher” on youth crime, including requiring many charges against minors to be prosecuted in adult court by default.¹ Maryland, once progressive in its view of youth crime, is now a national outlier in its practice of automatically charging young people as if they were adults. Per capita, we send more young people to adult court based on offense type than every other state but Alabama.² Additionally, the current system disproportionately affects Black youth, as nearly 80% of Maryland youth charged in adult court are Black.³

The practice of charging children as adults is inhumane. It is also economically wasteful, as the vast majority of these cases are either transferred to juvenile court or dismissed.⁴ Finally, it does not even do what it is intended to do, since statistics indicate that automatic charging of youth as adults does not decrease youth crime generally or reduce recidivism by the youth so charged.⁵ By significantly decreasing the automatic charging of youth as adults, we can bring Maryland more into line with modern juvenile justice standards, redirect resources to treating rather than simply imprisoning young offenders, and ultimately improve the safety of our communities by preventing re-offending. It is for these reasons that I am encouraging you to vote **in support of SB0323, the Youth Charging Reform Act.**

Thank you for your time, service, and consideration.

Sincerely,
Melissa Badeker
2800 N. Calvert St, Apt T1, Baltimore MD 21218
Showing Up for Racial Justice Baltimore

¹ Jason R. Tashea, & Al Passarella, *Youth Charged as Adults: The Use and Outcomes of Transfer in Baltimore City*, 14 U. Md. L.J. Race Relig. Gender & Class 273 (2015). <https://digitalcommons.law.umaryland.edu/rrgc/vol14/iss2/4>

² The Sentencing Project, National Trends in Charging Children, Presentation to the JJRC (July 20, 2021). <http://dls.maryland.gov/pubs/prod/NoPblTabMtg/CmsnJuvRefCncl/Sentencing-Project-National-Trends-inCharging-Children.pdf>

³ Juvenile Justice Reform Council Supplemental Report, http://dls.maryland.gov/pubs/prod/NoPblTabMtg/CmsnJuvRefCncl/JJRC-Report-Final_2021SupplementalReport.pdf

⁴ In 2017-19, 48% of juveniles charged as adults in Baltimore City were returned to juvenile court, and 33% were dismissed or otherwise closed without a verdict. In MDEC counties the figures were 41% and 36% respectively. Juvenile Justice Reform Council Supplemental Report p 33.

⁵ Lila Kazemian, *Pathways to Desistance From Crime Among Juveniles and Adults: Applications to Criminal Justice Policy and Practice*, Nov. 2021 (internal citations removed), <https://www.ojp.gov/pdffiles1/nij/301503.pdf>

SB0323_MelissaGoemann_FAV.pdf

Uploaded by: Melissa Goemann

Position: FAV

February 4, 2026

Melissa Coretz Goemann
Silver Spring, MD 20901

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).

SB323 testimony 2026.02.04.pdf

Uploaded by: Melissa Rothstein

Position: FAV

Melissa Rothstein
Baltimore, MD 21218 (District 43A)
February 4, 2026

**WRITTEN TESTIMONY IN SUPPORT OF SB 323, YOUTH CHARGING REFORM
ACT**

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

I am a resident of District 43A in Baltimore City. I am submitting this testimony in support of SB 323, Youth Charging Reform Act. While I submit this testimony as an individual, it is informed by my experience as a criminal and juvenile justice advocate for more than 20 years, including 10 years as a member of the Maryland Office of the Public Defender's policy team.

SB 323 is a modest measure that reduces the extent to which children accused of crimes are inappropriately treated like adults. As detailed in [the recent report of the Commission on Juvenile Justice Reform and Emerging and Best Practice's Processes and Systems Coordination Workgroups](#), and previously addressed by virtually all experts and task forces examining the issue, automatically charging children as adults has had no positive impact on public safety, while creating extraordinary harm to young people, their communities, and the criminal system overall.

The practice of automatically charging children as adults has placed Maryland among the nation's worst states in its response to youth crime. Maryland charges more children as adults than any other state except Alabama; has a detention rate for children that is more than six times the national average; and has such a high number of violations of the Juvenile Justice and Delinquency Prevention Act (JJDP Act) that the state is excluded from national averages due to its outlier status. This has devastating results for the children who are accused, their families, and the communities where they live. It is particularly harmful for the Black and Brown individuals and communities that are disproportionately swept into the legal system and more likely to be arrested, charged, and sentenced more harshly than their white counterparts.

While not fully ending the automatic charging of children as adults, this compromise measure targets the most egregious use of the adult system. The majority of cases involving children automatically charged as adults are ultimately transferred to the juvenile system, after experiencing the harms and dangers of being in the adult system for months. While a child may still be waived up to adult court based on the individual circumstances of their case, SB 323 will ensure that children who belong in the juvenile system start and end there without exposed to the indelible mark of the adult criminal legal system and the horrifically traumatic experience of adult jails.

Children, communities, and true public safety are best served when children accused of crimes start in the juvenile system, where age-appropriate services, treatment, and education are available. When children are not automatically charged as adults we empower a judge, not the

State's Attorney, to decide where a case should be heard. And until that decision is made, we must ensure that a child will not be exposed to the terrors of the adult system and will instead be infused with treatment and support.

I respectfully urge this committee to return a favorable report on SB 323.

SB0323.docx.pdf

Uploaded by: Melody Hession

Position: FAV



Delaware-Maryland Synod
Evangelical Lutheran Church in America

Testimony Prepared for the
Judicial Proceedings Committee
on
Senate Bill 323
February 2, 2026
Position: Favorable

Mr. Chairman and members of the Committee, thank you for the opportunity to testify. I am Reverend Melody Hession, assistant to the bishop for public policy in the Delaware-Maryland Synod of the Evangelical Lutheran Church in America, a faith community with congregations in every part of the state.

From the ELCA's social teaching on Criminal Justice, 2013: "The weakened distinction between juvenile and adult corrections has done great harm. Juveniles who are prosecuted or sentenced as adults are ill-prepared for the fundamentally adversarial environment of the adult judicial process. Very little allowance is made for youths' immaturity, lack of experience, or questionable ability even to understand their rights.

"Youth sentenced to adult prison, compared to their peers in the juvenile system, suffer higher rates of physical abuse, sexual abuse and suicide.¹ They are rarely provided age-appropriate educational or rehabilitative assistance.

"Most experts agree that laws encouraging the transfer of juvenile offenders to the adult system do not deter serious juvenile crime.² In fact, there is compelling evidence that transferred juveniles are more likely to offend in the future than their peers in the juvenile system.³ Even youth who receive a sentence of probation from adult criminal court reoffend more often than their peers in the juvenile system.

¹ C.J. Mumola, "Special Report: Suicide and Homicide in State Prisons and Local Jails," Bureau of Justice Statistics, U.S. Department of Justice, August 2005, 2-5. Retrieved from www.bjs.gov/content/pub/pdf/shsplj.pdf. See also National Prison Rape Elimination Commission, Report (June 2009), available at <https://www.ncjrs.gov/pdffiles1/226680.pdf>

² K.P. Griffin, S.P. Addie, B.S. Adams and K.B. Firestone, "Trying Juveniles as Adults: An Analysis of State Transfer Laws and Reporting. Juvenile Offenders and Victims: National Report Series Bulletin. (Washington D.C.: U.S. Department of Justice, Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention, 2011).

³ R.E. Redding, "Juvenile Transfer Laws: An Effective Deterrent to Delinquency?" OJJDP Bulletin (Washington, D.C.: U.S. Department of Justice, Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention, 2010).



Delaware-Maryland Synod
Evangelical Lutheran Church in America

This church supports an end to current practices of trying, sentencing and incarcerating youth in the adult criminal justice system.”

The Community of St. Dysmas is a congregation in our synod that gathers within the walls of Maryland State Prisons. The following are the words of one of our congregants, who was arrested and placed into an adult facility at the age of twenty:

“I am now 28 years old. I have no children and a loving support system of friends and family both inside and outside these walls. Even still, I often worry about my last formative psychological years being in a place such as this.”

Though she was not placed as a juvenile, her words should give us pause to consider the harm inflicted on any children spending their formative years in an adult prison.

We believe that Jesus is a God with particular concern for the most vulnerable persons in a society, and he specifically directed his care and attention towards children in his ministry. We do likewise, and urge a favorable report for SB323.

Reverend Melody Hession-Sigmon

SB0323 Juvenile Court JurisdictionBAdocx.pdf

Uploaded by: Miner Brown

Position: FAV

SB 0323

Miner L. Moe) Brown

FAVORABLE

Title: Juvenile Court-Jurisdiction (Youth Charging Reform Act)

Chair: William C. Smith, Judicial Proceedings Committee

Sponsored by Senators Smith, Hettleman, Love, Muse, Sydnor, and West

This testimony is written in [strong support](#) of Senate Bill 0323, Juvenile Court Jurisdiction (Youth Charging Reform Act).

I am a 37-year resident of MD and District 11B. I have worked with teenaged youth and observed them in various schools in the city and elsewhere for years as noted below. I am a parent, grandparent, great-grandparent, Eagle Scout & Silver Beaver Awardee, a long-time naturalist guide and the 1st Life Time Achievement Awardee from Irvine Nature Center which included nature programs with children in several schools in the city, a Red Hat volunteer for Habitat for Humanity in such Baltimore locations as Sandtown and East Baltimore (9+ years), an original CASA Ally, and an active member of the Social Justice Committee at our local congregation.

I personally thank JPR Chair Senator Will Smith, for reintroducing this bill this year that will reduce automatic referrals of juveniles to the adult court system. Maryland incarcerates more youth in adult prisons per capita than any other state than Alabama. It is time for reform that recognizes national best practice and finally aligns Maryland with federal law.

Current laws require that we automatically charge them as if they were adults, with long-term devastating results to the child, their families, and communities. It will also cost tax-payers less money as fewer youth will be held in adult detention for long periods of time isolated for their protection, receiving few services, no education, or treatment awaiting their hearing in the adult system.

It is well documented that this current practice “disproportionately impacts children of color, diverts resources away from critical services for children and families, places children in dangerous environments”- adult jails- “that more often result in subsequent violent or general criminal behavior.”

We have been waiting far too long for justice to be served in Maryland. It is now time to complete the process by approving SB0323.

SB323_MiriamEisenstein_FAV -.pdf

Uploaded by: Miriam Eisenstein

Position: FAV

Hearing: February 4, 2026
Miriam R. Eisenstein
Chevy Chase, MD

TESTIMONY ON SB323 - FAVORABLE
Juvenile Court- Jurisdiction-(Youth Charging Reform Act)

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

FROM: Miriam R. Eisenstein

My name is Miriam R. Eisenstein. I am a resident of District 16 in Montgomery County. I am a retired attorney who has had some experience litigating cases concerning the rights of juveniles. In addition, I am a member of Adat Shalom Reconstructionist Congregation. Jewish tradition has been an important source of my values. Consistent with those values, I am submitting this testimony in favor of SB323: Juvenile Court- Jurisdiction - (Youth Charging Reform Act). The bill prevents children accused of certain crimes from being processed and tried as adults.

The rabbis of Talmudic times recognized that laws regarding children needed to progress to incorporate new understandings of what is properly corrective rather than retributive. Thus, they made radical changes in Biblical injunctions regarding the treatment of the so-called "rebellious child" (Deuteronomy 21, Talmud, Sanhedrin 71A), ruling out certain punishments entirely and limiting others. Most of the states in the United States have progressed farther than Maryland in their understanding of the needs of juveniles. It is now rare for children to be sent directly to adult criminal courts to answer for crimes they may have committed. Instead, they are sent initially to juvenile or "family" court. Maryland's law still retains vestiges of an older and less enlightened approach to juveniles.

If sages in the first millennium (A.D.) were capable of embracing progress in their treatment of children, surely the State of Maryland is able to do so as well. The harms done to children, and ultimately to society as a whole, by thrusting children into the adult criminal system, are well documented and well known. Children are subject to trauma, even to physical harm when awaiting trial in adult facilities. If they are sent to solitary confinement (by whatever euphemistic name), the damage may be lasting. Contact with the adult criminal system has been shown to aggravate antisocial tendencies and recidivism. We in Maryland have begun, but have not finished changing the juvenile justice system to conform with both what we know and what we value.

HB409 will advance the cause of updating our juvenile justice laws by removing a set of crimes from the original jurisdiction of the adult criminal courts. This bill is consistent with the values of embracing compassion and wisdom as well as justice for children. **Therefore, I respectfully urge this committee to return a favorable report on SB323.**

SB323_QVM_Testimony_FAV.docx.pdf

Uploaded by: Molly Finch

Position: FAV



February 2, 2026

Dear Chairman Smith, Jr., Vice Chairman Waldstreicher, and Members of the Committee,

Quaker Voice of Maryland is submitting this testimony - SB0323 - *Juvenile Court - Jurisdiction*: FAVORABLE

Quakers believe that all people can change and have historically been active in criminal justice system reform work to ensure that people who enter the system are provided with the appropriate rehabilitative services so they can return to our communities as successful members. This bill stands out to our members as important legislation because it would protect our youth who are entering the justice system. **Reducing the cases of automatic charging for children leads to better long term outcomes for children that enter the criminal justice system.**

There are many reasons this legislation can lead to better outcomes for individuals and communities, but I will highlight two in this piece of testimony: (1) Youth who are charged in adult court may be less likely to have access to rehabilitative services that are appropriate for their needs, which can lead to reoffending in the future, and (2) Youth who are charged as adults are at an increased risk of sexual assault, physical harm, and being placed in solitary confinement as a protection mechanism. To be clear, this bill does not mean youth cases can never reach adult court, but it does change the way youth charged with serious felonies enter the justice system. As written, SB323 eliminates automatic charging for children aged 14, and 15, and reduces the list of charges for 16 and 17 year olds, with the exception of youth who have previously been convicted as an adult of a felony. **Quaker Voice of Maryland supports reducing the cases of automatic charging for all children 17 and younger.**

To learn more about the issue and how passing this legislation will lead to positive change for youth I recommend you review the Maryland Youth Justice Coalition fact sheet:

https://www.mdjuvenilejustice.org/_files/ugd/42b2a9_585bb2b4767f404d88fce328bc3a5bce.pdf

We encourage a FAVORABLE report for this essential legislation.

Sincerely,

Molly Finch

Working Group Member, on behalf of Quaker Voice of Maryland
Organization email: quakervoice.md@gmail.com

GBC Testimony on Senate Bill 323 - Juvenile Court

Uploaded by: Monique Dixon

Position: FAV

**Testimony Concerning Senate Bill 323
Juvenile Court – Jurisdiction (Youth Charging Reform Act)
Position: Favorable**

To: Senator William C. Smith, Jr., Chair
Senator Jeff Waldstreicher, Vice Chair
Members of the Judicial Proceedings Committee

From: Monique L. Dixon, Executive Director and Michael Pinard, Faculty Director, Gibson-Banks Center for Race and the Law

Date: February 2, 2026

On behalf of the Gibson-Banks Center for Race and the Law (“Gibson-Banks Center” or “Center”) at the University of Maryland Francis King Carey School of Law,¹ we appreciate the opportunity to submit testimony concerning Senate Bill 323 (SB 323) which would limit the number of offenses for which a child could be automatically charged in adult criminal court. SB 323 is a step in the right direction toward ending Maryland’s inefficient, racially disproportionate, and harmful practice of *automatically* charging children as adults. The bill would allow the cases of more young people to begin in the juvenile court system where a judge may conduct a hearing to determine, *on a case-by-case basis*, if a young person’s case should be moved to the adult criminal legal system. Accordingly, we urge you to issue a favorable report for SB 323.

The Gibson-Banks Center works collaboratively to transform institutions and systems of racial inequality, marginalization, and oppression. Through education and engagement, advocacy, and research, the Center examines and addresses racial inequality, including the intersection of race with sex or disability, and advances racial justice in a variety of issue areas, including the youth and criminal legal systems. The Center served as a member of the Maryland Equitable Justice Collaborative (MEJC). Led by Maryland Attorney General Anthony Brown and Maryland Public Defender Natasha Dartigue, the MEJC researched, developed, and recommended reforms that would reduce racial disparities in Maryland’s incarcerated population. In March 2025, the MEJC released a report with 18 recommendations, including to limit the automatic charging of children in adult criminal court.² SB 323 would codify this recommendation.

¹ This written testimony is submitted on behalf of the Gibson-Banks Center and not on behalf of the University of Maryland Francis King Carey School of Law, the University of Maryland, Baltimore, or the University System of Maryland.

² See, MEJC, *Breaking the 71%: A Path Toward Racial Equity in the Criminal Justice System*, 70 (2025), https://oag.maryland.gov/News/Documents/pdfs/MEJC_Report.pdf. In this report, the Gibson-Banks Center dissented to MEJC’s recommendation to limit the automatic prosecution of youth as adults arguing that the failed practice should be eliminated entirely. *Id.* at 79-80. The Center continues to believe the practice must end. Recently, a working group of the Maryland Commission on Juvenile Justice Reform and Emerging and Best Practices (Commission) echoed this view. See generally, Processes and System Coordination Workgroup of the Commission, *Maryland’s JDDPA Compliance Crisis: Children in Adult Detention* (2025), <https://gocpp.maryland.gov/wp-content/uploads/Marylands-JDDPA-Compliance-Crisis-Children-in-Adult-Detention-COMMISSION-APPROVED-.docx.pdf>, [Hereinafter Commission Workgroup Report].

SB 323 would move more children who find themselves in trouble with the law to the youth legal system, which is designed to address their needs as well as the alleged offense, and is therefore more efficient and effective than automatic charging in the adult criminal legal system.

For centuries, Maryland policy makers have been of two minds about how to treat children and youth who are accused of committing a crime. On the one hand, since 1830, Maryland has maintained separate institutions and a juvenile court system for these children, acknowledging that they are different from adults and are more amenable to rehabilitative services.³ On the other hand, since the 1970s, Maryland law has allowed children to be charged and treated as adults in two ways.⁴ First, charges against a child could be filed in juvenile court, where a judge could waive jurisdiction and send the child to the adult criminal court after determining that the child “is an unfit subject for juvenile rehabilitative services;” this is known as a waiver.⁵ Second, Maryland law provides for the automatic charging of children and youth in adult criminal court for certain offenses⁶ with the opportunity to ask the adult criminal court judge to transfer the case to juvenile court if the judge determines it would be “in the interest of the child or society,” to do so; this is known as a transfer.⁷

In the mid-1990s, Maryland policymakers expanded the number of offenses for which a child could be automatically charged as an adult⁸ at a time when nationwide, violent crimes committed by young people had reached its peak; yet fearmongering and forewarnings by the media and criminologists of “super-predator” youth, particularly Black youth,⁹ who would continue to commit violent crimes persisted.¹⁰ While “the fear of an impending generation of superpredators proved to be unfounded ... and the scholar credited with originating that term has acknowledged that his characterizations and predictions were wrong,”¹¹ Maryland’s entrenched tough-on-youth crime approach has resulted in a reflexive and harmful system of automatically charging children in adult criminal court.

³ See, Maryland Chapter 64, Acts of 1830 (establishing “A House of Refuge for Juvenile Delinquents”), <https://msa.maryland.gov/megafile/msa/speccol/sc2900/sc2908/000001/000212/pdf/am212--61.pdf>. See also, Maryland Department of Juvenile Services, History of Juvenile Justice in Maryland, <https://djs.maryland.gov/Pages/about-us/History.aspx> (last visited Feb. 20, 2025).

⁴ See, Patrick Griffin, *et al*, *Trying Juveniles as Adults: An Analysis of State Transfer Laws and Reporting*, 8, U.S. Department of Justice, Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention, (Sept. 2011)(displaying map of states, including Maryland, where before and during the 1970s state laws either allowed juvenile courts to waive jurisdiction over children, sending “hard cases” to adult criminal court or required the automatic charging of children in adult criminal court), <https://www.ojp.gov/pdffiles1/ojjdp/232434.pdf>.

⁵ See generally, MD. CODE ANN. CTS. AND JUD. PROC. § 3-8A-06 (2020).

⁶ MD. CODE ANN. CTS. AND JUD. PROC. § 3-8A-03 (2024).

⁷ MD CODE ANN CRIM PROC § 4-202(b)(3)(2024)

⁸ 1994 Maryland Laws Ch. 641 (removing over a dozen offenses from juvenile court jurisdiction).

⁹ See generally, John J. DiIulio, Jr., *My Black Crime Problem, and Ours Why are so many blacks in prison? Is the criminal justice system racist? The answer is disquieting*, City Journal (1996), <https://fbaum.unc.edu/teaching/articles/DiIulioCityJournal1996.pdf>.

¹⁰ Marcy Mistrett and Mariana Espinoza, *Youth in Adult Courts, Jails, and Prisons*, 1, The Sentencing Project (Dec. 2021), <https://www.sentencingproject.org/reports/youth-in-adult-courts-jails-and-prisons/>.

¹¹ Brief of Jeffrey Fagan, *et al.*, Amici Curiae in Support of Petitioners, 8 (Jan. 17, 2012), *Miller v. Alabama*, 567 U.S. 551 (2012), <https://eji.org/wp-content/uploads/2019/11/miller-amicus-jeffrey-fagan.pdf>.

Maryland has held the shameful distinction of automatically sending youth to adult criminal courts at higher rates than any other state except Alabama.¹² In Maryland, children and youth as young as 14 may be automatically charged in adult criminal court if they are accused of committing one of 33 offenses.¹³ Notably, this entire system is inefficient and ineffective, as only a small percentage of children and youth receive a conviction in adult criminal court (16%).¹⁴ The cases of most children are either transferred to the juvenile court (45%) or dismissed (35%).¹⁵

Yet, hundreds of children and youth linger in youth detention centers or adult jails awaiting their transfer hearings. For example, the most recent data from the Maryland Department of Juvenile Services (DJS) shows up to 68% of its pre-disposition detention population is youth charged as adults and their average length of stay is 147 days.¹⁶ By comparison, children and youth whose cases originate in the juvenile court system are detained pre-disposition for an average of 27 days.¹⁷ By limiting the number of offenses that results in the automatic charging of youth as adults, SB 323 would reduce DJS's average daily population by 120 children and youth and allow the agency to close one of its youth detention facilities and use a portion of the savings for post-disposition rehabilitation services for youth.¹⁸

Importantly, SB 323's limitation on the number of offenses for which a child may be automatically charged in adult criminal court would not prohibit a juvenile court judge from considering a request for a waiver hearing to determine if a child's case should be sent to adult criminal court. Rather, SB 323 would only prohibit *initially* charging children and youth in adult criminal court for some offenses.

SB 323 is a necessary first step to addressing the disproportionate charging, prosecution, and criminalization of Maryland's Black children and youth and the physical and psychological harms that follow entry into the adult criminal legal system.

Black children and youth bear the burden of Maryland's system of automatically charging children in the adult criminal court. In fiscal year 2025, Black children comprised 77% of youth charged as adults statewide,¹⁹ well above their percentage in the state's youth population (30%),²⁰ while white children comprised 20% of youth charged as adults,²¹ well below their percentage in the state's youth population (39%).²² Black children who are automatically charged in adult criminal court are also overrepresented

¹² The Sentencing Project, *National Trends in Charging Children as Adults*, 6 (July 20, 2021), <http://dls.maryland.gov/pubs/prod/NoPblTabMtg/CmsnJuvRefCncl/Sentencing-Project-National-Trends-in-charging-children.pdf>.

¹³ MD. CODE ANN. CTS. AND JUD. PROC. § 3-8A-03 (2023).

¹⁴ Vera Institute of Justice, Preliminary Findings: Youth Charged as Adults in Maryland, 13 (Dec. 2020), <https://dls.maryland.gov/pubs/prod/NoPblTabMtg/CmsnJuvRefCncl/Preliminary-Findings-Youth-Charged-as-Adults.pdf>.

¹⁵ *Id.* at 12.

¹⁶ Department of Legal Services, Maryland General Assembly 2025 Session, *Fiscal and Policy Note House Bill 1433*, 4, https://mgaleg.maryland.gov/2025RS/fnotes/bil_0003/hb1433.pdf.

¹⁷ *Id.*

¹⁸ *Id.*

¹⁹ Maryland Governor's Office of Crime Prevention and Delinquency, Juvenile Charged as Adults Dashboard (June 30, 2025), <https://gocpp.maryland.gov/data-dashboards/juveniles-charged-as-adults-dashboard/>. [Hereinafter "MD Dashboard"].

²⁰ Maryland Department of Juvenile Services, *Data Resource Guide Fiscal Year 2025*, Appendix D (Dec. 2025), https://djs.maryland.gov/Documents/DRG/Data_Resource_Guide_FY2025.pdf, [Hereinafter "Data Resource Guide"].

²¹ MD Dashboard, *supra* note 19.

²² Data Resource Guide, *supra* note 20 at Appendix D.

among children detained pre-disposition as they await their transfer hearings (82%), while their white peers are underrepresented (6%).²³

National research shows that Black youth are overrepresented in the youth and adult criminal legal systems, in part, because they are often seen as being older and less innocent than their white peers.²⁴ Consequently, Black youth are often unfairly feared and criminalized by the general public and decisionmakers. This adultification and criminalization of Black youth is rooted in history²⁵ and continues to lead to unjust outcomes for Black youth.²⁶ By limiting the number of offenses for which a child could be automatically charged in adult criminal court, SB 323 may have a positive impact on Black youth who are disproportionately charged as adults, by giving them “more access to coordinated resources, individualized treatment, and a continuum of care not available in the adult system.”²⁷

Also, automatic charging exacts upon children and youth a heavy physical and psychological toll. Children and youth who are automatically charged as adults may be held in youth detention centers operated by DJS or adult jails operated by Maryland counties or the Maryland Department of Public Safety and Correctional Services (DPSCS).²⁸ Research has consistently shown that children held in adult facilities are at increased risk of physical or sexual assault or solitary confinement.²⁹

²³ Data Resource Guide, *supra* note 20 at 115.

²⁴ See generally, Kristin Henning, *The Rage of Innocence: How America Criminalizes Black Youth*, Vintage Books, (2021), <https://www.law.georgetown.edu/experiential-learning/clinics/our-clinics/juvenile-justice-clinic/racial-justice/the-rage-of-innocence>; See also, Phillip Goff, et al, *The Essence of Innocence: Consequences of Dehumanizing Black Children*, Journal of Personality and Social Psychology, Vol. 106, No. 4, 526 –545 (2014), <https://www.apa.org/pubs/journals/releases/psp-a0035663.pdf>.

²⁵ For example, George Stinney, a 14-year-old Black boy, was the youngest person executed in the U.S. in 1944; a South Carolina judge vacated Stinney’s conviction 70 years later. See, Equal Justice Initiative, *On this day Jun 16, 1944 Fourteen-Year-Old George Stinney Executed in South Carolina*, <https://calendar.eji.org/racial-injustice/jun/16>. Also, in 1989, media and elected officials dehumanized five Black and Latino teenagers in NYC – the Central Park Five – by calling them a “wolfpack.” They are now called the Exonerated Five. See, History.com Editors, *The Central Park Five*, Aug. 23, 2024, <https://www.history.com/topics/1980s/central-park-five>.

²⁶ Black children are criminalized in Maryland’s schools for example. During the 2023-24 school year, Black students comprised 33% of Maryland’s overall student population but represented 57% of students suspended and expelled from school and 56% of students arrested in school. Research has consistently shown that Black students do not misbehave more than their peers. See, Russell J. Skiba, PhD and Natasha T. Williams, *Are Black Kids Worse? Myths and Facts About Racial Differences in Behavior A Summary of the Literature*, 6 (March 2014), https://indrc.indiana.edu/tools-resources/pdf-disciplineseries/african_american_differential_behavior_031214.pdf.

²⁷ Maryland Department of Legislative Services, Maryland General Assembly, *Racial Equity Impact Note 2025 Session SB 323*, 9 (Feb. 24, 2024), <https://mgaleg.maryland.gov/Pubs/BudgetFiscal/2025RS-HB1433-REIN.pdf>.

²⁸ Data Resource Guide, *supra* note 20 at 114. See also, MD CODE ANN, CRIM PRO, § 4-202(h)(2023)(stating that pending a transfer hearing, an adult criminal court could order a child automatically charged as an adult to be held in a secure youth detention center unless the young person is released on bail, youth detention centers do not have the capacity to house the child, or the court finds detention in youth detention centers would pose a harm to the child or others).

²⁹ See, Human Rights for Kids, *Disposable Children The Prevalence of Child Abuse and Trauma Among Children Prosecuted and Incarcerated as Adults in Maryland*, 17 (2024), <https://humanrightsforkids.org/publication/disposable-children-the-prevalence-of-child-abuse-and-trauma-among-children-prosecuted-as-adults-in-maryland-2/>; See also, Marcy Mistrett and Mariana Espinoza, *Youth in Adult Courts, Jails, and Prisons*, 2-3, The Sentencing Project, (Dec. 2021), <https://www.sentencingproject.org/reports/youth-in-adult-courts-jails-and-prisons/>; Just Kids Partnership, *Just Kids: Baltimore’s Youth in the Adult Criminal Justice System*, 11-13 (Oct. 2010), <https://justkidsmaryland.org/wp-content/uploads/2014/06/Just-Kids-Report.pdf>.

Additionally, “Maryland is significantly out of compliance with federal standards governing the pretrial detention of children charged as adults[,]”³⁰ including the requirement to keep children completely separated from adults in pretrial detention, known as sight and sound separation.³¹ Consequently, children and youth have reported being bullied and threatened with sexual violence by adult in Maryland’s adult jails.³² SB 323 could help address harms children face in adult jails by placing more children in the juvenile court system and youth facilities where age-appropriate services are available to them.

Adolescent brain development science shows that children are different from adults in ways that are relevant to culpability and rehabilitation.

SB 323’s limits on the automatic charging of children in adult criminal court is consistent with adolescent brain development science, which recognizes that children are different from adults as they are more impulsive and unable to contemplate the impacts of their actions and behaviors. Sections of the brains of children and youth that control impulses, planning, and risk avoidance continue to develop through their mid-20s, and once they are fully developed, children are likely to grow out of delinquent and criminal behavior.³³ Adolescent brain development has been relied upon in U.S. Supreme Court decisions declaring that sentencing children to the death penalty and life without the possibility of parole were unconstitutional because children are different from adults.³⁴

Children are children and need to be seen and treated as such. Accordingly, ending the automatic charging of youth as adults in Maryland is long overdue. Because we want as many children as possible to have access to age-appropriate services and accountability systems when they find themselves in trouble with the law, we urge the Judicial Proceedings Committee to issue a favorable report on SB 323.

³⁰ Commission Workgroup Report, *supra* note 2 at 3.

³¹ *Id.* at 2 (explaining the requirements of recipients of grants under the Juvenile Justice and Delinquency Prevention Act Reauthorization 2018, https://ojjdp.ojp.gov/sites/g/files/xyckuh176/files/media/document/jjdpas-amended_0.pdf).

³² *Id.* at 4.

³³ Brief for the American Psychological Association, *et al.*, as Amici Curiae in Support of Petitioners, 6-25, *Miller v. Alabama*, 567 U.S. 460 (2012), <https://eji.org/wp-content/uploads/2019/11/miller-amicus-american-psychological-association.pdf>.

³⁴ *See generally*, *Roper v. Simmons*, 543 U.S. 551, 569-70 (2005), *Graham v. Florida*, 560 U.S. 48, 68-69 (2010), and *Miller v. Alabama*, 567 U.S. 460, 471-72 (2012).

YouthChargingReformAct_SB323_FiniganCarr2026.pdf

Uploaded by: Nadine Finigan-Carr

Position: FAV

TESTIMONY ON SB 323 (Cross-filed with HB 409)

Juvenile Court – Jurisdiction

Youth Charging Reform Act

February 4, 2026

The University of Maryland, Baltimore Center for Violence Prevention (CVP) strongly supports SB 323, which would limit the number of charges that automatically place youth in the adult prison system. Despite having a separate juvenile justice system, youth are routinely charged and prosecuted in the adult criminal justice system. While crime has steadily decreased, these laws continue to subject youth to charges which are detrimental to their long-term well-being.

The Center for Violence Prevention is a community informed initiative of the University of Maryland, Baltimore in collaboration with the R Adams Cowley Shock Trauma Center at the University of Maryland Medical Center – the first of its kind. Our aim is to build resilient communities for all through the prevention and intervention of all forms of violence and trauma. We do this in an interdisciplinary, collaborative fashion where we conduct community-based participatory research, provide creative and impactful education, and inform and advocate for policies that strengthen our communities to prevent violence and trauma. Our support for this bill is aligned with the latter.

Research shows key developmental differences between youth and adults that impact youth's decision making, impulse control, and susceptibility to influence from problematic peers and adults who are looking to exploit them. While these differences do not excuse youth from the responsibility of their actions, the US Supreme Court has repeatedly recognized that youth are less blameworthy and more capable of change and rehabilitation. Punishing youth the same way we do adults does not advance public safety. In fact, decades of research demonstrates that most crimes committed by youth are adolescent-limited and related to risk-taking behaviors consistent with their developmental stage. As youth mature, they are substantially less likely to re-offend. Locking them up for years extends their incarceration far beyond the time needed for them to be rehabilitated.

Many youth in the juvenile justice system have experienced or witnessed violence and trauma. These and other adverse childhood experiences are disproportionately experienced by Black and Latino children compared to white children. Specifically, Black children experience ACEs at a rate of 61% compared to 40% for white children. Youth placed in the adult criminal justice system face an increased risk of trauma from sexual abuse, physical assault, and suicide. Currently, 80% of the youth charged as adults in Maryland are Black children disproportionately subjecting them to additional trauma. Incarcerating children as adults also denies them access to many essential programs and services, including basic and special education, as well as treatment and counseling services which impedes their chances for rehabilitation and healthy development. Limiting the number of charges which get youth placed in the adult criminal justice system will allow them to be more likely to receive the services needed to better meet their needs. Everyone benefits when kids accused of breaking the law begin in the juvenile justice system, and a judge decides if they should be tried as an adult.

For these reasons, the UMB Center for Violence Prevention supports SB 323 and respectfully encourages a favorable report.

SB323 Youth Charging Reform Act - Neka.pdf

Uploaded by: Neka Duckett-Randolph

Position: FAV



Testimony in Support of Senate Bill 323 Youth Charging Reform Act

Committee Name: Judicial Proceedings

Hearing Date: 02/04/2026

Submitted by: Neka Duckett-Randolph, Membership, Advocacy, & Strategic Partnership Coordinator, Out For Justice

Good afternoon, Chair Smith, Vice Chair Waldstreicher, and Members of the Committee,

My name is Neka Duckett-Randolph, and I am a proud resident of the powerhouse that is District 46. I am writing on behalf of Out For Justice, a member-led criminal justice reform organization with the mission to engage, educate, and empower individuals impacted by the legal system to build collective power for dismantling systemic oppression and harmful policies. We strive to humanize marginalized communities, prevent criminalization, reduce recidivism and promote second chances and successful reintegration through advocacy, education and supportive programming. I am writing today to urge this committee to issue a favorable report for SB323.

The truth is plain as day: **We are throwing kids away here in Maryland.** SB323 is a crucial first step in the right direction to change that. The idea that a child, no matter their mistake, should be forced into an adult system before anyone takes a real look at who they are and what they've been through is a harmful system in practice, not justice.

Currently, most autocharge cases are transferred down to the youth court system after waiting four to five months. Yet, youths are detained while they wait for a judge's waiver decision. **During this time -- nearly a semester of high school -- they receive no education. Research shows that putting kids in adult court makes them more likely to commit a new and worse crime compared to keeping them in the youth court system. Additionally, youth who spend time in adult prisons are more likely to be physically and sexually assaulted and held in solitary confinement.** Starting all cases in the youth court and requiring prosecutors to waive the most serious cases up into adult court, would result in fewer kids wasting time and taxpayer resources in pretrial facilities. **This bill would free \$20 million annually** and could be used to expand community-based services that get best results for increasing public safety. Maryland youth charged as adults are sent to adult jails, putting the state out of compliance with federal law (the Juvenile Justice and Delinquency Prevention Act).

We know the science. The research is overwhelming. **Kids' brains are not fully developed, and their decision-making is impulsive, emotional, and influenced by their environments in ways that adults' aren't.** And yet, we still choose a justice system that ignores that reality.

A report from Human Rights for Kids found that **90% of kids in the justice system have experienced serious trauma—homelessness, violence, abuse, losing a parent to prison.**



Instead of addressing that, we put them in an adult system that further traumatizes them and increases the chances they will never recover. **Maryland can do better. Maryland must do better.**

And it's not just any kids that this happens to. We know exactly which kids this system swallows up. **Black kids. Brown kids. Foster kids. Poor kids. Kids without someone to fight for them.** I don't have to wonder why—it's the same reason the world has failed so many generations before them.

Passing this bill is a necessary first step for Maryland to start treating kids as kids and undo the harm of this law. **No child should automatically be sent to adult court, no matter the charge.** Let's trust our judges and professionals to make individualized decisions. Let's put kids in systems designed to help them, not break them. We cannot in good conscience continue to automate a deliberate process. It's inefficient, a violation of these children and our duty to protect them, and a gross misstep in our pursuit of public safety.

We don't have to be a state that sacrifices children to laws that were written before we knew what we know now. We don't have to be a state that waits for another generation to suffer before we act.

We can do better. We must do better.

And if we don't, I hope every single one of us is ready to answer when history asks why.

Thank you.

SB323 Youth Charging Reform Act.pdf

Uploaded by: Neka Duckett-Randolph

Position: FAV



Testimony in Support of Senate Bill 323 Youth Charging Reform Act

Committee Name: Judicial Proceedings

Hearing Date: 02/26/2026

Submitted by: Neka Duckett-Randolph, Membership, Advocacy, & Strategic Partnership Coordinator, Out For Justice

Good afternoon, Chair Smith, Vice Chair Waldstreicher, and Members of the Committee,

My name is Neka Duckett-Randolph, and I am a proud resident of the powerhouse that is District 46. I am writing on behalf of Out For Justice, a member-led criminal justice reform organization with the mission to engage, educate, and empower individuals impacted by the legal system to build collective power for dismantling systemic oppression and harmful policies. We strive to humanize marginalized communities, prevent criminalization, reduce recidivism and promote second chances and successful reintegration through advocacy, education and supportive programming. I am writing today to urge this committee to issue a favorable report for SB323.

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Currently, most autocharge cases are transferred down to the youth court system after waiting four to five months. Yet, youths are detained while they wait for a judge's waiver decision. **During this time -- nearly a semester of high school -- they receive no education.** Starting all cases in the youth court and requiring prosecutors to waive the most serious cases up into adult court, would result in fewer kids wasting time and taxpayer resources in pretrial facilities. **This bill would free \$20 million annually** and could be used to expand community-based services that get best results for increasing public safety. Maryland youth charged as adults are sent to adult jails, putting the state out of compliance with federal law (the Juvenile Justice and Delinquency Prevention Act). **Research shows that putting kids in adult court makes them more likely to commit a new and worse crime compared to keeping them in the youth court system. Additionally, youth who spend time in adult prisons are more likely to be physically and sexually assaulted and held in solitary confinement.**

We know the science. The research is overwhelming. **Kids' brains are not fully developed, and their decision-making is impulsive, emotional, and influenced by their environments in ways that adults' aren't.** And yet, we still choose a justice system that ignores that reality.

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We don't have to be a state that sacrifices children to laws that were written before we knew what we know now. We don't have to be a state that waits for another generation to suffer before we act.

We can do better. We must do better.

And if we don't, I hope every single one of us is ready to answer when history asks why.

Thank you.

Nick Moroney - TESTIMONY IN SUPPORT OF SB 323 - Ju

Uploaded by: Nick Moroney

Position: FAV

TESTIMONY IN SUPPORT OF SB 323

JUVENILE COURT – JURISDICTION (Youth Charging Reform Act)

Judicial Proceedings Committee

February 4, 2026

Nick Moroney, Former Director, Juvenile Justice Monitoring Unit
(nickmoroney.baltimore@gmail.com; 301-906-1923)

I am a retired Maryland State employee who worked to constructively change conditions in the juvenile justice system from 2007 until 2025, and I fully support Senate Bill 323. A legislative fix is essential to put a stop to the chronic glut of young people charged as adults and held in juvenile services' detention centers and in other jails for long periods. Children and young people, poor and without political clout, are easy to forget about when targeted and denied their right to a proper hearing in court before being locked up for months or even a year or more.

Some people blame the youth themselves who fail to thrive after being cycled through this process. A few states' attorneys blame the Department of Juvenile Services, while some even argue that the adult correctional system would better serve young people. I hope you see that argument as both ridiculous and tragic. While it is true DJS offers flawed services, corrections offers no substantial services for young people.

While some prosecutors may believe it too politically risky to not recommend secure detention for young people as soon as they level charges against them, it would be more just not to do so. The Maryland justice system currently incentivizes young people who are locked up on an automatic charge to accept a plea bargain to end what can be an indefinite period in a youth or adult jail.

You can change all this. You can make the system work better for everyone. You can refuse to accept the status quo that allows people to be condemned to an adult or juvenile jail without any meaningful chance to exercise their due process rights. After this bill passes into law, young people accused of the most serious of crimes will still be automatically prosecuted in adult criminal court. So too will other young people because judges will hear prosecutors' arguments and accede to those arguments. But there will be no more mass locking up of young people and throwing away the key before they have a meaningful opportunity to be heard in court.

I wholeheartedly support Senate Bill 323 and urge this justice-informed committee to give this important bill a favorable report. I am sure the members of the General Assembly will overwhelmingly support this modest but vital proposal.

TSP Naugle MD SB 323 FAV.docx.pdf

Uploaded by: Olivia Naugle

Position: FAV



**THE
SENTENCING
PROJECT**

Testimony of Olivia Naugle

*Youth Justice Campaign Strategist
The Sentencing Project*

SB 323 – Favorable

Before the Maryland Senate Judicial
Proceedings Committee

February 4, 2026

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

Established in 1986, The Sentencing Project advocates for effective and humane responses to crime that minimize imprisonment and criminalization of youth and adults by promoting racial, ethnic, economic, and gender justice. The Sentencing Project is also a member organization of the Maryland Youth Justice Coalition (MYJC).

We urge the committee to issue a **favorable** report on SB 323. This legislation seeks to limit the number of youth who can, under Maryland law, be automatically charged as if they were adults for certain offenses. While we support ending the practice of automatically charging people under 18 as if they were adults entirely, and beginning all cases involving youth (17 and younger) in juvenile court, we recognize this compromise legislation is an important step forward.

We support this legislation to limit the practice of automatically charging youth as if they were adults for three reasons:

1. Charging youth as if they were adults harms public safety.
2. The racial disparities of youth automatically charged as if they were adults are staggering.
3. Maryland is a national outlier; its automatic transfer law is unusually harsh and unjust.

Charging Youth as If They Were Adults Harms Public Safety

Sending youth to the adult criminal justice system, for any offense, harms public safety. Youth in the adult system are more likely to commit future offenses and particularly more likely to commit the most violent offenses when compared with peers in the juvenile system.¹

The Center for Disease Control (CDC)'s Task Force on Community Preventive Services reviewed decades of literature and concluded that sending a youth to the adult system generally increases rates of violence among youth.² In addition, Maryland's process of automatically transferring children and adolescents accused of a lengthy but still specific list of offenses in the name of deterrence or public safety also contradicts findings from the National Research Council, which supports "a policy of retaining youth in the juvenile justice system" both to keep punishments proportional with the age of offenders and to prevent additional offending.³

While opponents often suggest that charging youth as if they were adults means that the state is taking crime seriously, the truth is that charging teenagers in adult courts actually creates more crime and harms public safety.

¹ Centers for Disease Control and Prevention. (2007). [*Effects on violence of laws and policies facilitating the transfer of youth from the juvenile to the adult justice system: A report on recommendations of the task force on community preventive services*](#); Redding, R. (2010). [*Juvenile transfer laws: an effective deterrent to delinquency?*](#) Office of Juvenile Justice and Delinquency Prevention.

² The Community Preventive Services Task Force (2003, April). [*Violence Prevention: Policies Facilitating the Transfer of Juveniles to Adult Justice Systems*](#). <https://www.thecommunityguide.org/findings/violence-prevention-policies-facilitating-transfer-juveniles-a-dult-justice-systems>

³ National Research Council (2013). [*Reforming Juvenile Justice: A Developmental Approach*](#). Washington, DC: The National Academies Press, p. 134.

Despite its flaws, the juvenile justice system is designed to be youth-serving. Adult courts are generally tasked with determining guilt or innocence and then assigning a punishment to fit the crime. Juvenile courts have the added responsibility of understanding the young person accused. All courts are concerned with recidivism; juvenile courts are built to prevent it. Post-conviction programs and professional staff in the adult system are not designed or trained to work with young people. This is especially important because youth convicted as if they were adults are likely to receive probation, and should be served by juvenile probation officers. In Maryland, most youth in the adult system are already served by DJS. Last year, the average daily population at DJS detention facilities was 262.9 youth, and 57% of them were awaiting their criminal court hearing.⁴

Moreover, charging teenagers as if they were adults has collateral consequences. Youth tried in the adult criminal justice system generally leave with an adult criminal record and, possibly, news coverage that the Internet does not forget. Such a formal - and informal - record is a significant obstacle to a youth's successful reentry into the community. The Council of State Governments has found 415 collateral consequences for a felony conviction in Maryland, the vast majority (367) of them limiting employment in some form.⁵ A teenager should not be saddled with such lifelong consequences based on a poor, though impulsive, decision.

A National Outlier - Maryland's Automatic Transfer Law is Unusually Harsh

In the 1960s, Maryland was one of just three states (Mississippi and Pennsylvania were the other two) to automatically charge youth (14 and older) as if they were adults on murder charges.⁶ By 1986, Maryland was one of just 14 states that automatically charged youth as if they were adults based on the offense, typically murder. Maryland, on the other hand, added armed robbery as a so-called adult charge in 1973; as of 1986, only six other states did the same.⁷

Throughout the 1980s and 1990s, this legislature repeatedly added offenses to that list. As of today, Maryland automatically transfers youth charged with 33 separate offenses into adult criminal courts. Maryland is currently a national outlier in its automatic charging policy. Per capita, the available data show that only Alabama automatically sends more of its young people into adult courts based on the charge, and Alabama's most recent numbers are so old (2016) that Maryland may actually rank last, not second-to-last, in this shameful statistic.

Meanwhile, six states (California, Hawaii, Kansas, Missouri, Oregon, and Texas) start *all* cases involving youth in juvenile court. As does Maryland, all six have judicial waivers that allow individual cases to move to adult criminal court.⁸

Racial Disparities

⁴ Tolentino, B. (2025). [Data Resource Guide FY2025](#), Maryland Department of Juvenile Services, p. 101.

⁵ The National Inventory of Collateral Consequences of Conviction was created by the Council of State Governments and is available at <https://niccc.nationalreentryresourcecenter.org/consequences>.

⁶ Feld, B. (1987). The Juvenile Court Meets the Principle of the Offense: Legislative Changes to Juvenile Waiver Statutes, *Journal of Criminal Law and Criminology* 78(3): 471-533 at 512-513.

⁷ Feld (1987) at 512-513.

⁸ Puzzanchera, C., Sickmund, M., & Hurst H. (2022). [Youth and the juvenile justice system: 2022 national report. National Center for Juvenile Justice.](#)

Automatically charging youth as adults is a racial justice issue; there are staggering racial disparities in youth charged as if they are adults in Maryland. The available data compiled by the Governor's Office of Crime Prevention and Policy⁹ show that youth of color are vastly more likely to be charged as if they were adults. In fact, over 80% of youth charged in adult court in Maryland are Black. Moreover, among those youth automatically charged as if they were adults, white youth are vastly more likely to be reverse waived into the juvenile courts. In the MDEC Counties, white youth whose cases were not dismissed were transferred to juvenile court 94 percent of the time. In those same counties, only 26 percent of non-dismissed cases involving youth of color were transferred to juvenile court.

Youth Charged as If They Were Adults Are Not Typically Sentenced as Adults.

Maryland law, sensibly, allows for reverse waivers as one safety valve for the state's aggressive and unusual list of charges that must be filed in adult courts. Criminal court judges are then tasked with determining whether their courtrooms or those of family court judges, are the appropriate venue to proceed.

Youths transferred into adult court are often not sentenced there. In fact, roughly 85 percent of youth automatically sent to the adult justice system either have their case dismissed or sent back to the juvenile system.¹⁰ Clearly, too many young people begin their cases in adult courts under current law. The status quo sends hundreds of teenagers into adult courts to wait for a process that will dismiss the charge entirely or waive the youth back into the juvenile court more than 85 percent of the time. This is an astonishingly inefficient and costly system likely to coerce guilty pleas from teenagers.

Conclusion

We know that charging youth as adults harms youth wellbeing and community safety. Decisions to send youth to adult court should be made with careful consideration. Automatic charging is a particularly inefficient way to decide about transfers because it only considers the initial charge. A juvenile court judge's discretion should be used based on the circumstances of the case, rather than simply basing the decision solely on the immediate offense. Juvenile court judges are trained to consider factors such as childhood trauma and adolescent brain development when making decisions regarding youth. Automatic charging sidesteps the juvenile courts' involvement in the transfer process.

The Sentencing Project urges the committee to issue a favorable report on SB 323. This evidence-based reform is long overdue.

Thank you for your time and attention. If you have any questions or need any additional information I am happy to assist and can be reached at the email address below.

Olivia Naugle

⁹ [Juveniles Charged as Adults](#), created by the Governor's Office of Crime Prevention and Policy.

¹⁰ [Maryland's JIDPA compliance crisis: Children in adult detention](#), created by the Processes and System Coordination Workgroup of the Commission on Juvenile Justice Reform and Emerging and Best Practices.

Youth Justice Campaign Strategist
The Sentencing Project
onaugle@sentencingproject.org

SB323 SSJC fav (2).pdf

Uploaded by: Paul Holmes

Position: FAV



Testimony on SB 323 - Favorable
SB323 - Juvenile Court - Jurisdiction (Youth Charging Reform Act)
Senate Judicial Proceedings Committee

February 4, 2026

Chair Smith, Vice Chair Waldstreicher, and Members of the Judicial Proceedings Committee,

The Silver Spring Justice Coalition offers **favorable** testimony in support of **SB323, Juvenile Court - Jurisdiction (Youth Charging Reform Act)**. The Silver Spring Justice Coalition is an organization of community members, faith groups, and civil and human rights organizations from throughout Montgomery County that works to reduce the presence of police in our communities; eliminate violence and harm by police; establish transparency and accountability; and redirect public funds toward community needs.

This legislation represents a critical, evidence-based step toward a fairer, more effective, and cost-saving youth justice system in Maryland.

Everyone benefits when youth accused of breaking the law begin their cases in the juvenile justice system, where a judge - rather than a mandatory statute - determines whether that case should be tried in adult court. Yet Maryland continues to automatically charge huge numbers of children as adults. In Fiscal Year 2025 alone, more than 1,000 young people were charged as adults, the vast majority automatically, based solely on the charge at arrest. After judicial review, many of those cases were returned to juvenile court, demonstrating that automatic charging is both inefficient and unnecessary. The automatic filing process is extremely expensive and time consuming, costing over \$20 million a year.

Currently, Maryland automatically sends more children ages 14 - 17 to adult court than any other state except Alabama and that practice reveals enormous racial disparities. Over 77% of youth charged in adult court in Maryland are Black and Black youth are more likely to be sent to adult prison and receive longer sentences than their white counterparts for similar offenses.

Moreover, the practice of automatic charging is counter productive. Research shows that providing timely, appropriate rehabilitative services to youth is associated with better outcomes, including lower recidivism, compared with extended detention or delayed support. It's also not safe. Research shows that youth charged as adults are at increased risk of physical and sexual assault and isolation from their families, which may contribute to future criminality.

Since 2013, three separate commissions appointed by three different Governors - including the Commission on Juvenile Justice Reform, Emerging & Best Practices created by the General Assembly - have all recommended ending automatic charging. The Youth Charging Reform Act

reflects those recommendations and offers a reasonable compromise by limiting, though not eliminating, automatically charging children as adults.

This bill narrows automatic charging for 16- and 17-year-olds to just 12 serious offenses, including murder and carjacking, down from the current 33. It also entirely ends automatically charging 14- and 15-year-olds as adults, ensuring that all of their cases begin in juvenile court. The bill does not prevent youth from being tried as adults. Prosecutors may still seek to transfer cases, and judges retain full authority to decide, on a case-by-case basis, whether adult court is appropriate. Additionally, Juvenile Judges and Magistrates will continue to examine cases of youth charged with serious offenses and decide, on a case-by-case basis, who is detained or released before trial.

It is past time to limit the automatic charging of children as adults in Maryland. The **Silver Spring Justice Coalition** strongly urges the Senate Judicial Proceedings Committee to issue a **favorable report** on **SB 323**.

Submitted by Paul Holmes (D-19, Silver Spring)
For the Silver Spring Justice Coalition

SB 323 - Youth Charging Reform Act.docx (1).pdf

Uploaded by: Philip Caroom

Position: FAV

MARYLAND ALLIANCE FOR JUSTICE REFORM
Working to end unnecessary incarceration and build strong, safe communities



TO: Chair Will Smith and Senate Judicial Proceedings Committee
FROM: Phil Caroom, MAJR Executive Committee
DATE: February 4, 2026

Maryland Alliance for Justice Reform (MAJR - www.ma4jr.org) supports SB 323 to wisely narrow Maryland's statute which currently permits excessive charging of juveniles in adult court. Although not an official statement for the Maryland courts, I offer these remarks as a recently retired Juvenile administrative judge and based on more than 30 years cumulative experience in the system also as a prosecutor, defense attorney, and Juvenile Court master - n/k/a magistrate.

Legislators should recognize five key facts in relation to adult vs. juvenile jurisdiction:

- 1) Maryland's Juvenile Justice system offers much more extensive and individualized rehabilitative services to every juvenile committed to custody than adult state prisons offer.
- 2) Juveniles, given appropriate treatment services and time, have a much greater opportunity for rehabilitation than adults age 25 and over. Scientific studies, repeatedly accepted by the U.S. Supreme Court, make clear that "emerging adults" (those under age 25) have brains which still are developing and commonly may be expected to gain better judgment and behavior as they reach maturity. For example, see the discussion in "*The Intersection between Young Adult Sentencing and Mass Incarceration*," Wisconsin Law Review (2018). Through my juvenile court years, I have seen repeated success stories when serious juvenile offenders were fully rehabilitated.
- 3) It is well-known that commingling juveniles with a population of "higher risk" adult offenders increases the risk of future criminal behavior by the juveniles. For example, see "Effects [of] transfer of youth from the juvenile to the adult justice system." <https://www.cdc.gov/mmwr/pdf/rr/rr5609.pdf>. The same negative effect would result from later incarceration.
- 4) Prosecutors are not required to receive any training as to juveniles or their prospects for rehabilitation. Thus, their decisions automatically to charge juveniles may be comparatively uninformed choices. The current system that permits so many children to be automatically charged as adults has resulted in huge racial disparities, according to one recent report, such that nearly 84% of those charged as adults are African-Americans. See, e.g., Univ.of Balt.Law School Forum, "Charging Children As Adults: The Case For Repealing Maryland's Automatic Waiver Statute," Feb.2024.
- 5) Finally, the practice of charging juveniles as adults mostly today is used as a convenient plea-bargaining tool by prosecutors. It's reported, for example, that 87% of such adult charges filed against juveniles between 2017 and 2019 ended up dismissed. See Baltimore Sun, 1/20/25. However, the dismissal of the adult charges doesn't mean there was no impact on the juveniles involved: Maryland's Department of Juvenile Services estimates that only about 25% of those who have been charged and detained as adults ever succeed in completing their high school education. This lack of education, in turn, results in a much higher, subsequent recidivism rate. Id.

SB 323 is an excellent first step towards ending Maryland's overcharging of juveniles¹ which exceeds that of any other U.S. state, except for Alabama. For all these reasons, MAJR strongly supports SB 323.

PLEASE NOTE: Phil Caroom files this testimony for MAJR and not for the Md. Judiciary or any other unit of state government.

¹ If any amendment to SB 323 were considered, one improvement might add the requirement that the juveniles still charged as adults must be alleged to be the *principal or perpetrator of the offenses charged*. Currently, juveniles may be charged as adults even if they were only accessories with minimal involvement, for example, never even possessing a handgun used by adults in an offense. See, e.g., Bellamy v. State, 403 Md. 308, at 334 (2008).

MAJR, further, would support a complete repeal of automatic charging of juveniles in adult court as other provisions in Maryland law still would permit prompt transfers to adult court for the much smaller percentage of juveniles who appropriately should be there. See Md.Code, Courts & Jud.Proc.Art., sec. 3-8A-06, et seq. These decisions, thus, would be better made by trained juvenile judges with full knowledge of the juvenile rehabilitation vs. the adult correction systems.

SB323

Uploaded by: Poppy Mehlman

Position: FAV

TARA H. JACKSON
STATE'S ATTORNEY



State's Attorney for Prince George's County

14735 Main Street, Suite M3403
Upper Marlboro, Maryland 20772
301-952-3500

February 4, 2026

The Honorable William C. Smith, Jr.
2 East Miller Senate Office Building
Annapolis, Maryland 21401

Good Afternoon, Chair Smith, Vice-Chair Waldstreicher, and the members of the Senate Judicial Proceedings Committee:

I am Tara Jackson, State's Attorney for Prince George's County, and I am submitting this testimony in opposition of Senate Bill 323, also known as **Juvenile Court – Jurisdiction (Youth Charging Reform Act)**.

Senate Bill 323 would impose significant new responsibilities on an already overwhelmed juvenile justice system without providing the resources necessary to meet those demands. Placement for treatment in juvenile facilities is limited, staffing shortages are widespread, and victim and witness support services remain critically under-resourced. Due to longstanding institutional challenges, the Department of Juvenile Services has struggled to meet the complex needs of those in its care, many of whom have extensive prior system involvement, raising serious concerns about further expanding its jurisdiction and responsibilities.

Additionally, the Courts already have the discretion and expertise to make individualized waiver decisions based on the facts of each case. Senate Bill 323 risks undermining that careful decision-making and could lead to unintended consequences that compromise accountability, public safety, and meaningful rehabilitation. This legislation would also create a significant unfunded mandate on local governments and add to already unmanageable caseloads, raising real due process concerns. Before imposing a mandate, the General Assembly should ensure that the juvenile justice system has the capacity and resources to implement it effectively.

Thank you,

A handwritten signature in cursive script, appearing to read "Tara H. Jackson".

Tara H. Jackson
State's Attorney

SB323

Uploaded by: Poppy Mehlman

Position: FAV



Maryland Chiefs of Police Association Maryland Sheriffs' Association



MEMORANDUM

TO: The Honorable William C. Smith Jr., Chair and
Members of the Judicial Proceedings Committee

FROM: Darren Popkin, Executive Director, MCPA-MSA Joint Legislative Committee
Andrea Mansfield, Representative, MCPA-MSA Joint Legislative Committee
Samira Jackson, Representative, MCPA-MSA Joint Legislative Committee

DATE: February 4, 2026

RE: **SB 323 - Juvenile Court - Jurisdiction (Youth Charging Reform Act)**

POSITION: **OPPOSE**

The Maryland Chiefs of Police Association (MCPA) and the Maryland Sheriffs' Association (MSA) **OPPOSE SB 323**. This bill would significantly alter Maryland's existing juvenile justice framework by expanding juvenile court jurisdiction and eliminating current statutory provisions that allow certain serious and violent offenses to be charged initially in adult criminal courts.

While police chiefs and sheriffs support a juvenile justice system that prioritizes rehabilitation whenever appropriate, current law already provides a balanced and effective process. The existing framework preserves judicial discretion and allows for careful, case-by-case evaluation of when a juvenile case should remain in juvenile court or be heard in adult court. This process ensures that decisions are informed by the severity of the offense, the youth's prior history, and the need to protect public safety.

MCPA and MSA are concerned that the changes proposed in SB 323 would limit the ability of the justice system to respond appropriately to the most violent juvenile offenders and could negatively impact public safety. The current statutory structure includes important safeguards that allow cases involving serious violence, weapons, or repeated dangerous behavior to be heard in adult court when warranted, while still permitting transfer back to juvenile court when appropriate. Maintaining this process helps ensure accountability, protects communities, and preserves public confidence in the justice system.

MCPA and MSA have also heard numerous times that placements are not sufficient at DJS facilities to house juveniles who may need those types of services. If true, the requirements in SB 323 have the potential to further exacerbate these circumstances. A lack of adequate facility space could potentially have negative, unintended consequences on the youth and affect the provision of services by DJS.

Understanding the importance of this issue, MCPA and MSA stand ready to work with the Committee and stakeholders to strike the correct balance between assisting juveniles and protecting communities and public safety.

532 Baltimore Boulevard, Suite 308
Westminster, Maryland 21157
667-314-3216 / 667-314-3236

Metz Senate Judicial Proceedings testimony Feb 202

Uploaded by: Rachel Metz

Position: FAV

February 4, 2026

Rachel Metz
Silver Spring, MD 20902

TESTIMONY ON #SB323 - POSITION: FAVORABLE
Juvenile Court - Jurisdiction (Youth Charging Reform Act)

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

FROM: Rachel Metz

My name is Rachel Metz. I am a resident of District 18. I am submitting this testimony in support of SB323, Juvenile Court - Jurisdiction (Youth Charging Reform Act).

My support is based on both values and data. In terms of values, I believe that youth should be given support in correcting problematic behavior and charting a course towards fulfilling adult lives. The adult prison system is not set up to do this.

On the contrary, research shows that youth charged as adults are at increased risk of physical and sexual assault and isolation from their families, which may contribute to future criminality. And [Maryland-specific data](#) show that youth transferred out of adult court and treated by DJS have much lower recidivism rates than those in DPSCS. This bill would not eliminate consequences for youth - youth charged with serious crimes would not just be released back into the community and judges would be able to decide if adult court is appropriate in particular situations. But it does establish a norm of treating children as children rather than as adults.

This is why three commissions appointed by three different Governors have recommended ending automatic charging, including in the report released last year by the Commission on Juvenile Justice Reform, Emerging & Best Practices (CJJR) created by the General Assembly.

I respectfully urge this committee to return a favorable report on SB323.

Eckel - FAV - SB323 - Youth Charging Reform Act.pdf

Uploaded by: Rianna Eckel

Position: FAV

Chair Smith, Vice Chair Waldstreicher, and Members of the Judicial Proceedings Committee,



Showing Up for Racial Justice

My name is Rianna Eckel, I am a resident of District 43A, and a member of Showing Up for Racial Justice Baltimore (SURJ). SURJ Baltimore is a group of individuals working to move white folks as part of a multi-racial movement for equity and racial justice in Baltimore City, Baltimore County, and Howard County. We are also working in collaboration with Out For Justice. **I am writing in support of SB0323, the Youth Charging Reform Act.**

When I was 15 years old, I was arrested for shoplifting. Due to a number of factors, it didn't become an event that defined the rest of my life. I was just a kid, and it was a stupid mistake. It is painful for me to think about all of the young people in Maryland who have their youthful mistakes become life-defining events due to our youth charging laws, and the trauma inflicted on young people in the adult system. SB323 is crucial because it would end the practice of charging 14- and 15-year old children as adults, and ensure that only 16- and 17-year-olds accused of the most serious crimes, such as rape and murder, are charged in adult court.

Unfortunately, after more than a century of progress in youth justice, in the 1990s Maryland reversed course and began to pass laws purporting to be "tougher" on youth crime, including requiring many charges against minors to be prosecuted in adult court by default.¹ Maryland, once progressive in its view of youth crime, is now a national outlier in its practice of automatically charging young people as if they were adults. Per capita, we send more young people to adult court based on offense type than every other state but Alabama.² Additionally, the current system disproportionately affects Black youth, as nearly 80% of Maryland youth charged in adult court are Black.³

The practice of charging children as adults is inhumane. It is also economically wasteful, as the vast majority of these cases are either transferred to juvenile court or dismissed.⁴ Finally, it does not even do what it is intended to do, since statistics indicate that automatic charging of youth as adults does not decrease youth crime generally or reduce recidivism by the youth so charged.⁵ By significantly decreasing the automatic charging of youth as adults, we can bring Maryland more into line with modern youth justice standards, redirect resources to treating rather than simply imprisoning young offenders, and ultimately improve the safety of our communities by preventing re-offending. It is for these reasons that I am encouraging you to **issue a favorable report on SB0323, the Youth Charging Reform Act.**

Thank you for your time, service, and consideration.

Sincerely,
Rianna Eckel
2300 Hunter St, Baltimore MD 21218
Showing Up for Racial Justice Baltimore

¹ Jason R. Tashea, & Al Passarella, *Youth Charged as Adults: The Use and Outcomes of Transfer in Baltimore City*, 14 U. Md. L.J. Race Relig. Gender & Class 273 (2015). <https://digitalcommons.law.umaryland.edu/rrgc/vol14/iss2/4>

² The Sentencing Project, National Trends in Charging Children, Presentation to the JJRC (July 20, 2021). <http://dls.maryland.gov/pubs/prod/NoPblTabMtg/CmsnJuvRefCncl/Sentencing-Project-National-Trends-inCharging-Children.pdf>

³ Juvenile Justice Reform Council Supplemental Report, http://dls.maryland.gov/pubs/prod/NoPblTabMtg/CmsnJuvRefCncl/JJRC-Report-Final_2021SupplementalReport.pdf

⁴ In 2017-19, 48% of juveniles charged as adults in Baltimore City were returned to juvenile court, and 33% were dismissed or otherwise closed without a verdict. In MDEC counties the figures were 41% and 36% respectively. Juvenile Justice Reform Council Supplemental Report p 33.

⁵ Lila Kazemian, *Pathways to Desistance From Crime Among Juveniles and Adults: Applications to Criminal Justice Policy and Practice*, Nov. 2021 (internal citations removed), <https://www.ojp.gov/pdffiles1/nij/301503.pdf>

Testimony in support of SB0323 - Youth Charging Re

Uploaded by: Richard KAP Kaplowitz

Position: FAV

SB0323_RichardKaplowitz_FAV
02/04/2026
Richard Keith Kaplowitz
Frederick, MD 21703-7134

TESTIMONY ON SB#0323 - POSITION: FAVORABLE
Juvenile Court - Jurisdiction (Youth Charging Reform Act)

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

FROM: Richard Keith Kaplowitz

My name is Richard Kaplowitz. I am a resident of District 3, Frederick County. I am submitting this testimony in support of SB#0323, **Juvenile Court - Jurisdiction (Youth Charging Reform Act)**

The Equal Justice Initiative has documented significant problems with charging youth as adults.¹

[6 states], Maryland, [6 other states] have no minimum age for the adult prosecution of children. Very young children are vulnerable to unfair pressure when accused of crimes. The absence of a minimum age also exposes very young children to being held in adult correctional facilities, where they are at increased risk of sexual, physical, and psychological abuse.

Hundreds of state and federal laws – from child-labor laws and compulsory education to age-based restrictions on driving, marriage, and even tattoos – recognize that young children need greater protections and more supervision than older teens. Children under 14 are especially immature and impulsive. They have not yet developed mature judgment or the ability to accurately assess risks and consequences. More so than older teens, they are vulnerable to peer pressure and are quick to comply with the wishes of authority figures, making them highly susceptible to false confessions.

The American Bar Association has stated ²

- At its formation, the juvenile justice system was designed to protect youth. The goal was treatment and rehabilitation as opposed to punishment.
- Unfortunately, the United States has a long history of over-criminalizing and policing youth, especially Black and Brown youth.
- Youth should not be tried in adult court because it does not promote rehabilitation, does not deter youth crime, and imposes immense harm on children.

This bill will alter the jurisdiction of the juvenile court by repealing provisions specifying that the juvenile court does not have jurisdiction over a child alleged to have committed any crime punishable by life imprisonment. We should favor rehabilitation over punishment for juveniles.

I respectfully urge this committee to return a favorable report on SB0323.

¹ <https://eji.org/news/13-states-lack-minimum-age-for-trying-kids-as-adults/>

² <https://www.americanbar.org/groups/litigation/resources/newsletters/childrens-rights/should-juveniles-be-charged-adults-criminal-justice-system/>

FINAL 2026 MD SB 323 Testimony - Logan Seacrest.pd

Uploaded by: Robert Melvin

Position: FAV



1411 K Street N.W.
Suite 900
Washington, D.C. 20005
202.525.5717

Free Markets. Real Solutions.
www.rstreet.org

Testimony from:

Logan Seacrest, Resident Fellow, Criminal Justice and Civil Liberties, R Street Institute

Testimony in Support of Senate Bill 323, “the Youth Charging Reform Act”

February 4, 2026

Senate Judicial Proceedings Committee

Chairman Smith and members of the committee,

My name is Logan Seacrest, and I am a fellow of Criminal Justice and Civil Liberties at the R Street Institute, a nonprofit, nonpartisan public policy research organization. Our mission is to engage in policy research and outreach to promote free markets and limited, effective government. This is why SB323, the Youth Charging Reform Act is of special interest to us.

Maryland remains an outlier in how it treats young people in the legal system. In 2025, Maryland automatically charged more than 1,000 youth as if they were adults, without judge or prosecutor input, more than any other state except for Alabama.¹ Most of these cases are eventually transferred back to juvenile court or dismissed, never resulting in an adult criminal conviction.²

The Youth Charging Reform Act promotes limited, effective government by changing this inefficient and expensive process. By reducing the number of cases that start in the wrong court, this bill prevents the waste of judicial resources on transfer hearings for youth, saving the state an estimated \$17 million per year.³

¹ Elizabeth Calvin and Emily Virgin. "Maryland Should Do Better by Children Accused of Crimes," March 12, 2025. <https://www.hrw.org/news/2025/03/12/maryland-should-do-better-children-accused-crimes>.

² Juvenile Justice Reform Council, "Final Report," Maryland Department of Legislative Services, January 2021. <http://dls.maryland.gov/pubs/prod/NoPblTabMtg/CmsnJuvRefCncl/JJRC-Final-Report.pdf>.

³ Maryland Department of Legislative Services, "Fiscal and Policy Note: Senate Bill 422, Juvenile Court - Jurisdiction," Maryland General Assembly, 2025. https://mgaleg.maryland.gov/2025RS/fnotes/bil_0002/sb0422.pdf

Importantly, this measure does not end or prohibit the prosecution of youth as adults. However, it does make those decisions more deliberate, giving prosecutors and judges more discretion over serious cases, not less.

This legislation still requires cases involving 16 and 17-year olds charged with any of 12 serious offenses—including murder and carjacking—to begin in adult court. Prosecutors also retain the ability to petition for a transfer of other serious cases to adult court. Similarly, judges will continue to have the discretion to decide who is detained or released. The bill simply ensures that for the majority of youth, cases begin where they should start: in a system designed to hold youth accountable while delivering age-appropriate rehabilitation services.

Maryland's current system of automatically charging youth as adults sets youth on a lifelong path of justice system involvement.⁴ Children charged as adults have higher rates of recidivism and are more likely to commit violent crimes later in life, compared to comparable individuals in the juvenile system.⁵ Furthermore, exposing young people to adult jails increases the risk of physical violence, sexual assault, and isolation, factors that often contribute to future criminality.⁶

Youth charged with serious offenses need to be held accountable. However, accountability should not come at the expense of effective public safety or fiscal responsibility. By passing the Youth Charging Reform Act, Maryland will improve long-term outcomes for Maryland's youth, reduce an extravagant misuse of government resources, and bring the state in alignment with national best practices and the latest scientific evidence on juvenile justice.

I respectfully ask that the committee issue a favorable report for SB 323.

Logan Seacrest
Resident Fellow
Criminal Justice and Civil Liberties
R Street Institute
lseacrest@rstreet.org

⁴ Nicole Scialabba, "Should Juveniles Be Charged as Adults in the Criminal Justice System?", American Bar Association, Oct. 3, 2016. <https://www.americanbar.org/groups/litigation/committees/childrens-rights/articles/2016/should-juveniles-be-charged-as-adults>.

⁵ Robert Hahn et al. "Effects on Violence of Laws and Policies Facilitating the Transfer of Juveniles from the Juvenile Justice System to the Adult Justice System: A Report on Recommendations of the Task Force on Community Preventive Services." Center for Disease Control MMWR Recommendations and Reports, 56: RR-9, November 30, 2007, pp. 1-11, <https://www.cdc.gov/mmwr/pdf/rr/rr5609.pdf>;

⁶ National Prison Rape Elimination Commission, "Report of the National Prison Rape Elimination Commission National PREA Resource Center, June, 2009, <https://www.prearesourcecenter.org/resource/national-prison-rape-elimination-commission-report>.

Testimony SB0323 pdf.pdf

Uploaded by: Shelley Winkler

Position: FAV

Date of Hearing: February 4, 2026
Shelley J. Winkler
Washington Grove, MD 20880

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: Shelley J. Winkler

My name is Shelley Winkler. I am a resident of the Town of Washington Grove, Maryland. I am submitting this testimony in support of SB#0323, Juvenile Court - Jurisdiction (Youth Charging Reform Act).

I have lived in this area for nearly three decades. During that time I have volunteered extensively for my community, and also for the public elementary, middle and high schools my children attended. Most of the public schools my children attended were Title I schools, and I had a cherished opportunity to get to know youth from various backgrounds with varying levels of home/community support. Every single one of these children had so much positive energy to offer our community. There were times, though, that the lack of family support, or worse difficulties faced by the parents of some of these students, particularly by the time these youth were in high school, began to affect the ability of these students to put their full positive energy into school or extracurricular activities. It was painfully apparent that some of these children did the best they could despite the issues they were dealing with at home, but also that they were dealing with so much that school could not always be their priority.

A niece of mine has spent some years working with imprisoned, or previously imprisoned, youth in Massachusetts. She has shared their first person accounts of some of their stories on film. I would be happy to provide a link and password to anyone interested. Listening to these youth firsthand, one only can begin to understand the various traumas experienced in their short years — from having parents unable to guide them, to living in neighborhoods where committing crimes is part of the youth culture almost by necessity, to needing to fend for themselves just to get to school or home or to obtain food, and on. Every single one of these youth were endearing, despite all of their hardships, and it was clear that what they needed was not punishment but support.

Support of this Bill and ending the practice of automatically charging children as adults in Maryland courts is a critical step to providing justice for all.

I respectfully urge this committee to return a favorable report on SB#0323.

JJREBP Written Testimony SB0323.pdf

Uploaded by: Sukyi McMahon

Position: FAV

TESTIMONY IN SUPPORT OF SENATE BILL 323
February 4, 2026
COMMISSION ON JUVENILE JUSTICE REFORM
AND EMERGING AND BEST PRACTICES

The Commission on Juvenile Justice Reform and Emerging and Best Practices was established by statute to evaluate Maryland's juvenile justice system, identify emerging and best practices, and make recommendations to improve outcomes for youth while promoting public safety and system accountability.

In carrying out this charge, the Commission convened a multi-agency Processes and System Coordination Workgroup to examine Maryland's growing noncompliance with the Juvenile Justice and Delinquency Prevention Act (JJDP), with a particular focus on the detention of children in adult facilities. That work included extensive review of data, statutory analysis, and consultation with the Department of Juvenile Services, the Judiciary, the Governor's Office of Crime Prevention and Policy, county detention officials, and other stakeholders. The resulting report, entitled [*Maryland's JJDP Compliance Crisis: Children in Adult Detention*](#),¹ was approved by the Workgroup and subsequently adopted by the full Commission as an official Commission position.

The Commission's analysis found that Maryland's automatic charging statute is a primary structural driver of the State's ongoing JJDP noncompliance and the prolonged detention of children in adult facilities. Under current law, children are automatically charged as adults based solely on age and charge, without an individualized judicial determination. As a result, youth are routinely placed in adult jails immediately following arrest.

In recent reports documented by the Commission, **upwards of 85 percent of youth automatically charged as adults ultimately have their cases dismissed or transferred back to juvenile court**, often after spending weeks or months in adult detention. Despite these outcomes, children charged as adults experience extended timelines, waiting an average of 125 days for a transfer hearing and often more than a year, and in some cases up to two years, for final disposition. Cases initiated in juvenile court move on much faster timelines, with detained youth required by statute to receive adjudication within 30 days and spending an average of 27 days in a pre-disposition facility. Because the daily cost of detention is \$1,174, the extended stays associated with adult charges result in an average cost of nearly \$147,000 per child.

During that time, they are deprived of developmentally appropriate services, educational continuity, and rehabilitative programming. The Commission found that these placements expose youth to unsafe and inappropriate conditions and contribute directly to Maryland's violations of federal requirements governing the removal of youth from adult facilities and sight-and-sound separation.

The Commission's report concludes that Maryland's current statutory framework is misaligned with federal law and modern juvenile justice best practices. The automatic charging statute casts an unnecessarily wide net, funneling hundreds of children into adult detention even though most do not remain in adult court. This structure delays access to juvenile services, lengthens case timelines, and compounds federal violations.

¹ Commission on Juvenile Justice Reform and Emerging and Best Practices, Prepared by the Processes and System Coordination Workgroup (2025). *Maryland's JJDP Compliance Crisis: Children in Adult Detention*. <https://gocpp.maryland.gov/wp-content/uploads/Marylands-JJDP-Compliance-Crisis-Children-in-Adult-Detention-COMMISSION-APPROVED-.docx.pdf>

The Commission further found that these practices do not advance public safety. Children held in adult facilities are more likely to experience trauma, educational disruption, and disconnection from family and community supports. These outcomes undermine accountability and rehabilitation, particularly when cases are later dismissed or returned to juvenile court.

From a systems perspective, the Commission determined that incremental administrative fixes are insufficient. As long as automatic charging remains in place, Maryland will continue to face compliance challenges, operational inefficiencies, and avoidable harm to youth. The issue is structural, not procedural.

Maryland faces a significant risk of federal funding loss due to ongoing noncompliance with the Juvenile Justice and Delinquency Prevention Act following its 2018 reauthorization. Even under an optimistic scenario in which the State moves toward alignment with federal requirements, the Commission recently found that this represents an **estimated loss of roughly \$2 million in total federal funding over the next three years that would otherwise support community-based youth programs.**²

Based on its findings, the Commission formally recommended **ending the practice of automatic charging while retaining judicial discretion to waive appropriate cases to adult criminal court.** The Commission emphasized that this approach reflects national best practice, aligns with federal law, and restores individualized judicial decision-making to the most consequential jurisdictional determinations.

The Commission's recommendation does not eliminate adult court as an option for serious cases. Rather, it restores juvenile court as the default starting point and ensures that decisions to prosecute a child as an adult are deliberate, evidence-based, and made by a judge.

The Commission's work makes clear that Maryland's automatic charging statute is a central driver of prolonged youth detention in adult facilities, federal noncompliance, and outcomes that the system itself later reverses. Replacing automatic charging with a framework that begins cases in juvenile court, while preserving judicial discretion, directly addresses the structural failures identified in the Commission's report.

For these reasons, the Commission on Juvenile Justice Reform and Emerging and Best Practices supports legislation to reform Maryland's automatic charging statute as a necessary step toward a more compliant, effective, and developmentally appropriate juvenile justice system.

The Commission on Juvenile Justice Reform and Emerging and Best Practices urges the Senate Judicial Proceedings Committee to report favorably on SB 323.

² Governor's Office of Crime Prevention and Policy (2025). *Maryland's Compliance with the Juvenile Justice and Delinquency Prevention Act (JJDP)*.
<https://gocpp.maryland.gov/wp-content/uploads/MACo-Compliance-Presentation-8-2025-1.pdf>

SB0323_Susan Tafler_FAV.pdf

Uploaded by: Susan Tafler

Position: FAV

Date of Hearing: February 4, 2026
Susan W. Tafler
Odenton, Maryland 21113

TESTIMONY ON SB 323 - POSITION: FAVORABLE
Juvenile Court - Jurisdiction (Youth Charging Reform Act)

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

My name is Susan Tafler and I am a resident of Odenton, District 21. I am submitting this testimony urging the Judicial Proceedings Committee to issue a favorable report on Senate Bill 323. This important legislation seeks to address significant components of our state's unacceptable system of automatically charging kids as adults, and it is a good first step in eventually ending auto-charging altogether. Passing HB0409 would allow more kids who are accused of crimes to receive support and rehabilitation, reducing violent crime and recidivism while treating them more fairly and humanely. It would also reduce the amount of time that these children wait for their cases to be heard and would prevent them from being incarcerated in adult jails. SB323 will simply change where juvenile cases start and would still allow cases to be waived up to adult court after judicial review

The Jewish values that I have grown up with have long recognized the differing capacities of children and adults. *Yetzer harah*, the "evil inclination," is seen as a drive toward pleasure that can be tempered by *yetzer hatov*, the "good inclination" or moral sense that leads to benefits toward oneself and society. The ability to "tame" the basic instincts, *yetzer harah*, with higher level reasoning, *yetzer hatov*, grows stronger as we mature, warranting different treatment of children and adults.

I taught high school biology for a good number of years, and I think I know what teenagers are like. In my classroom I certainly had my share of kids who were immature, impulsive, and disruptive and a few who have gotten themselves into trouble in the larger community. I could understand that adolescent brains are not adult brains! I did feel confident that given support and steady guidance those young troublemakers could eventually mature and settle down to turn into pretty good adults. I find it appalling that Maryland sends children as young as 14 to adult detention facilities. Auto-charging especially harms Black youth, who are disproportionately targeted by police and our justice system. In fact, 81% of kids charged in adult court in Maryland are Black. Not only is this practice damaging to the children facing prosecution, it does not further the safety of the communities they live in. **I respectfully urge this committee to return a favorable report on SB323, the Youth Charging Reform Act.**

SB323 - Youth Charging Reform Act.pdf

Uploaded by: Tamara Todd

Position: FAV

Dear Members of the Judicial Proceedings Committee,

This testimony is being submitted by Showing Up for Racial Justice Baltimore, a group of individuals working to move white folks as part of a multi-racial movement for equity and racial justice in Baltimore City, Baltimore County, and Howard County. We are also working in collaboration with Out For Justice. I am a resident of **District 10**. **I am testifying in support of SB0323, the Youth Charging Reform Act.**



Showing Up for Racial Justice

SB323 would end the practice of charging 14- and 15-year old children as adults and ensure that only 16- and 17-year-olds accused of the most serious crimes, such as rape and murder, are charged in adult court.

Unfortunately, after more than a century of progress in juvenile justice, in the 1990s Maryland reversed course and began to pass laws purporting to be “tougher” on youth crime, including requiring many charges against minors to be prosecuted in adult court by default.¹ Maryland, once progressive in its view of youth crime, is now a national outlier in its practice of automatically charging young people as if they were adults. Per capita, we send more young people to adult court based on offense type than every other state but Alabama.² Additionally, the current system disproportionately affects Black youth, as nearly 80% of Maryland youth charged in adult court are Black.³

The practice of charging children as adults is inhumane. It is also economically wasteful, as the vast majority of these cases are either transferred to juvenile court or dismissed.⁴ Finally, it does not even do what it is intended to do, since statistics indicate that automatic charging of youth as adults does not decrease youth crime generally or reduce recidivism by the youth so charged.⁵ By significantly decreasing the automatic charging of youth as adults, we can bring Maryland more into line with modern juvenile justice standards, redirect resources to treating rather than simply imprisoning young offenders, and ultimately improve the safety of our communities by preventing re-offending. It is for these reasons that I am encouraging you to vote **in support of SB0323, the Youth Charging Reform Act.**

Thank you for your time, service, and consideration.

Sincerely,

Tamara Todd

221 Northway Rd, Reisterstown MD 21136

Showing Up for Racial Justice Baltimore

¹ Jason R. Tashea, & Al Passarella, *Youth Charged as Adults: The Use and Outcomes of Transfer in Baltimore City*, 14 U. Md. L.J. Race Relig. Gender & Class 273 (2015). <https://digitalcommons.law.umaryland.edu/rqgc/vol14/iss2/4>

² The Sentencing Project, National Trends in Charging Children, Presentation to the JJRC (July 20, 2021). <http://dls.maryland.gov/pubs/prod/NoPblTabMtg/CmsnJuvRefCncl/Sentencing-Project-National-Trends-inCharging-Children.pdf>

³ Juvenile Justice Reform Council Supplemental Report, http://dls.maryland.gov/pubs/prod/NoPblTabMtg/CmsnJuvRefCncl/JJRC-Report-Final_2021SupplementalReport.pdf

⁴ In 2017-19, 48% of juveniles charged as adults in Baltimore City were returned to juvenile court, and 33% were dismissed or otherwise closed without a verdict. In MDEC counties the figures were 41% and 36% respectively. Juvenile Justice Reform Council Supplemental Report p 33.

⁵ Lila Kazemian, *Pathways to Desistance From Crime Among Juveniles and Adults: Applications to Criminal Justice Policy and Practice*, Nov. 2021 (internal citations removed), <https://www.ojp.gov/pdffiles1/nij/301503.pdf>

SB323 Youth Charging Reform Act - Terry.pdf

Uploaded by: Terry Speaks

Position: FAV



Testimony in Support of Senate Bill 323 Youth Charging Reform Act

Committee Name: Judicial Proceedings

Hearing Date: 02/04/2026

Submitted by: Treveric Speaks, Leadership Development Organizer, Out For Justice

Thank you Chair, Vice Chair, and members of the committee. My name is Treveric Speaks, and I am here today to offer testimony in strong support of SB 323. I strongly oppose the practice of automatically charging youth as adults in the state of Maryland.

I come before you not just as an advocate, but as someone who lived through this experience firsthand. At the age of 16, I was tried as an adult. I was still a child—emotionally, mentally, and developmentally—yet I was forced into an adult legal system that was never designed to protect or rehabilitate youth.

In Maryland, the majority of youth who are initially charged as adults are eventually sent back to juvenile court. This reality alone shows that the system recognizes that many of these young people should never have been charged as adults in the first place. However, by the time that correction is made, the damage has already been done.

Being placed in adult court and adult facilities causes serious and lasting trauma. Adult prisons are not built for children. They expose youth to fear, violence, and psychological harm that stays with them long after their case ends. No one truly understands the weight of that trauma unless they have lived it. I did—and it follows you into adulthood, impacting education, employment, mental health, and the ability to rebuild your life. Children deserve rehabilitation, guidance, and support—not adult punishment. Automatically charging youth as adults does not improve public safety. It only increases harm, deepens trauma, and makes successful reentry more difficult.

Children are our responsibility. As lawmakers and as a society, we have a duty to protect them, even when they make mistakes. I respectfully urge this body to end the practice of automatically charging youth as adults and to keep young people in youth-centered systems that focus on accountability, rehabilitation, and growth.

If we truly believe in justice, second chances, and the future of our children, then we must stop treating children like adults in our legal system.

Thank you for the opportunity to testify.

SB323 - Youth Charging Reform Act.pdf

Uploaded by: Theresa M. Hoffman

Position: FAV

Dear Members of the Judicial Proceedings Committee,

This testimony is being submitted by Showing Up for Racial Justice Baltimore, a group of individuals working to move people as part of a multi-racial movement for equity and racial justice in Baltimore City, Baltimore County, and Howard County. We are also working in collaboration with Out for Justice. I am a resident of District 43b. I **am testifying in support of SB0323, the Youth Charging Reform Act.**



Showing Up for Racial Justice

SB323 would end the practice of charging 14- and 15-year-old children as adults and ensure that only 16- and 17-year-olds accused of the most serious crimes, such as rape and murder, are charged in adult court.

Unfortunately, after more than a century of progress in juvenile justice, in the 1990s Maryland reversed course and began to pass laws purporting to be “tougher” on youth crime, including requiring many charges against minors to be prosecuted in adult court by default.¹ Maryland, once progressive in its view of youth crime, is now a national outlier in its practice of automatically charging young people as if they were adults. Per capita, we send more young people to adult court based on offense type than every other state but Alabama.² Additionally, the current system disproportionately affects Black youth, as nearly 80% of Maryland youth charged in adult court are Black.³

The practice of charging children as adults is inhumane. It is also economically wasteful, as the vast majority of these cases are either transferred to juvenile court or dismissed.⁴ Finally, it does not even do what it is intended to do, since statistics indicate that automatic charging of youth as adults does not decrease youth crime generally or reduce recidivism by the youth so charged.⁵ By significantly decreasing the automatic charging of youth as adults, we can bring Maryland more into line with modern juvenile justice standards, redirect resources to treating rather than simply imprisoning young offenders, and ultimately improve the safety of our communities by preventing re-offending. It is for these reasons that I am encouraging you to vote **in support of SB0323, the Youth Charging Reform Act.**

Thank you for your time, service, and consideration.

Sincerely,
Theresa M. Hoffman
803 Seaward Rd., Towson, MD 21286
Showing Up for Racial Justice Baltimore

¹ Jason R. Tashea, & Al Passarella, *Youth Charged as Adults: The Use and Outcomes of Transfer in Baltimore City*, 14 U. Md. L.J. Race Relig. Gender & Class 273 (2015). <https://digitalcommons.law.umaryland.edu/rrgc/vol14/iss2/4>

² The Sentencing Project, National Trends in Charging Children, Presentation to the JJRC (July 20, 2021). <http://dls.maryland.gov/pubs/prod/NoPbITabMtg/CmsnJuvRefCncl/Sentencing-Project-National-Trends-in-Charging-Children.pdf>

³ Juvenile Justice Reform Council Supplemental Report, http://dls.maryland.gov/pubs/prod/NoPbITabMtg/CmsnJuvRefCncl/JJRC-Report-Final_2021SupplementalReport.pdf

⁴ In 2017-19, 48% of juveniles charged as adults in Baltimore City were returned to juvenile court, and 33% were dismissed or otherwise closed without a verdict. In MDEC counties the figures were 41% and 36% respectively. Juvenile Justice Reform Council Supplemental Report p 33.

⁵ Lila Kazemian, *Pathways to Desistance From Crime Among Juveniles and Adults: Applications to Criminal Justice Policy and Practice*, Nov. 2021 (internal citations removed), <https://www.ojp.gov/pdffiles1/nij/301503.pdf>

SB323 (Juv Ct-Jurisdiction) 2026 Ditz_ FAV.pdf

Uploaded by: Toby Ditz

Position: FAV

Feb 4, 2026

Toby Ditz

Baltimore, MD 21217

TESTIMONY ON SB323: Favorable
Juvenile Court - Jurisdiction (Youth Charging Reform Act)

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

FROM: Toby Ditz

I am Toby Ditz, a resident of District 40 in Baltimore City. I am submitting testimony in **support of SB323.**

I am also a retired historian of the United States. One of my specialties is the history of family life. Historical scholarship shows that this country has never been willing to grant poor and Black children the same protections as we do middle class white children. Until the late nineteenth century, all children of the poor were treated as little laborers, not as vulnerable youngsters requiring special care. But our failure to respect or even to recognize Black childhood is also the legacy of enslavement, with its brutal labor regimes and utter disregard for the integrity of Black families— a legacy which was then reinforced by the era of Jim Crow segregation. As implicit bias studies have shown again and again, racist stereotypes of Black children persist strongly to this day. We see them as more dangerous and impulsive than white children, and as older than they are.

The modern criminal justice system has been one of the main inheritors and perpetrators of our differential treatment of white and Black children. The criminalization of Black childhood is at its starkest when we treat children as *if they were adults* in criminal courts. There, they do not have access to rehabilitative and educative services that should be available to the young, and they have greater exposure to violence and solitary confinement (a violation of human rights law).

The practice of automatically charging children in adult courts is also pointlessly cruel because the majority of pre-conviction detention cases will ultimately end up in juvenile court or will be dismissed.

Maryland, we can do better. We must act decisively to disrupt the dismaying history of disparate treatment of Black children in our criminal justice system. Let's start by making sure children are treated as children when they first encounter our courts. **I respectfully urge this committee to return a favorable report on SB323.**

Support_SB 323 - Juvenile Court - Jurisdiction (Yo

Uploaded by: Tonaeya Moore

Position: FAV



SB 323 - Juvenile Court - Jurisdiction (Youth Charging Reform Act)

Senate Judicial Proceedings Committee

February 4, 2026

SUPPORT

Chair Smith, Vice-Chair, and members of the committee, thank you for the opportunity to submit testimony in support of Senate Bill 323. This bill will adjust state law to remove automatic transfers for certain offenses. Qualifying cases would originate in the juvenile court instead of defaulting to adult court, while still leaving the opportunity for the prosecution to petition to elevate the case to adult courts.

The CASH Campaign of Maryland promotes economic advancement for low-to-moderate income individuals and families in Baltimore and across Maryland. CASH accomplishes its mission through operating a portfolio of direct service programs, building organizational and field capacity, and leading policy and advocacy initiatives to strengthen family economic stability. CASH and its partners across the state achieve this by providing free tax preparation services through the IRS program 'VITA', offering free financial education and coaching, and engaging in policy research and advocacy. **Almost 4,000 of CASH's tax preparation clients earn less than \$10,000 annually. More than half earn less than \$20,000.**

Current law requires the defense counsel to petition the court to move the case back to juvenile courts after being automatically transferred. This disproportionately affects young people in low-income families who become justice involved. The Maryland Public Defender's Office has reported chronic staffing shortages and increasing caseloads, this limits the attorneys' capacity to file optional motions, like those needed to pursue individualized motions to move jurisdiction from adult court to juvenile.¹ Furthermore, 83.3% of the young people who were charged as an adult were Black, DJS states "racial and ethnic disparities in youth justice reveals that youth of color are twice as likely to be detained and committed to custody as white youth in Maryland".² Therefore, reliance on the defense's capacity functions as a barrier for poor youth and disproportionately harms Black juveniles, transforming procedural discretion into a mechanism that reinforces racial and economic inequality.

Finally, research regarding adolescent development in juveniles who are justice-involved shows that rehabilitation is far more feasible because youth differ from adults in cognition and responsiveness to interventions.³ Additionally, education is affected when a student faces charges when they are removed from school or subjected to further discipline. If confined, upon reentry, they face barriers of reenrollment, loss of academic credit, and placement in alternative, inferior schools. This not only negatively affects their education, but future success in education and earning potential. SB 323 takes a meaningful step in removing structural barriers that undermine rehabilitation, educational attainment, and fair treatment for justice involved youth.

Thus, we encourage you to return a favorable report for SB 323.

¹ Maryland public defender's office seeks more help. Maryland Matters.

<https://marylandmatters.org/2025/12/01/maryland-public-defenders-office-seeks-more-help/>

² Department of Juvenile Services. Research brief – Putting youth crime in Maryland in Context.

https://djs.maryland.gov/Documents/MD-DJS-Juvenile-Crime-Data-Brief_20230912.pdf

³ Trauma histories among justice-involved youth: Findings from the National Child Traumatic Stress Network. European Journal of Psychotraumatology, 4(1). <https://doi.org/10.3402/ejpt.v4i0.20274>

SB 323 LBCMD 2026 Priority Support Letter.pdf

Uploaded by: Ufuoma Agarin

Position: FAV

February 4, 2026

Chairman William C. Smith, Jr.
Judicial Proceedings Committee
2 East Miller Senate Office Building
Annapolis, Maryland 21401

Dear Chairman Smith, Jr. and Members of the Committee,

The Legislative Black Caucus of Maryland offers strong favorable support for Senate Bill 323 (SB 323) – Juvenile Court – Jurisdiction (Youth Charging Reform Act. This bill introduces essential reforms to Maryland's juvenile justice system, ensuring that the rule preventing the juvenile court from dealing with cases involving children accused of crimes punishable by life imprisonment is removed. **Senate Bill 323 is a 2026 Legislative priority for the Black Caucus.**

Black youth in Maryland are disproportionately charged and sentenced as adults, which represents how the system is failing, as children are not fully developed to be placed in adult prison. According to data from the Maryland Psychological Association, the adolescent brain is not functioning the same as an adult brain which is why children and adolescents in the judicial system are not built to accommodate their needs and should be prevented from experiencing adult imprisonment. These disparities contribute to higher rates of incarceration as disproportionately around 80 % of juvenile cases are auto charged being those of African American youth despite representing 30 % of the state population. The goal of the judicial system is to decrease crime, but processing children as adults will not make that difference.

SB 323 ensures that charging children as adults may also affect their development into becoming healthy adults. According to the Gault Center, prosecuting children as adults may interrupt their development, harm their identity development, and allow them to lose opportunities to thrive as adults. It has also been stated that prosecuting young individuals as adults can create challenges once they are released, as they may struggle to make an honest living both economically and socially.

Additionally, youth who have experienced adult court have faced high rates of trauma. The Gault Center also states that nearly 70% have experienced six or more adverse childhood experiences prior to their

incarceration. Around 73% reported experiencing physical abuse, 40 % experience sexual abuse, and around 75 % experienced emotional abuse as a child. More cases within the juvenile system reduce the likelihood of. To promote transparency and accountability, Senate Bill 323 ensures that juvenile cases are handled with a focus on helping the youth. This approach not only benefits the affected youth but also strengthens communities by addressing that the youth should be charged in juvenile court and not adult court, as they are still developing.

By addressing the disproportionate impact of the adult criminal justice system on Black youth, Senate Bill 323 advances principles of justice and equity while allowing Maryland to redirect resources toward rehabilitation and community support. The bill's provisions reflect the Caucus's commitment to addressing systemic disparities and advocating for reforms that uphold human rights within the criminal justice system.

For these reasons, the Legislative Black Caucus of Maryland strongly supports Senate Bill 323.

Legislative Black Caucus of Maryland

SB 323 - SWASC - YCRA - FAV.pdf

Uploaded by: UM SWASC

Position: FAV

TESTIMONY IN SUPPORT OF SENATE BILL 323

Juvenile Court - Jurisdiction (Youth Charging Reform Act)

Senate Judicial Proceedings Committee

February 4, 2026

Social Work Advocates for Social Change supports SB 323, which adjusts state law to remove automatic transfers of juveniles to adult courts for certain offenses, ultimately reducing exposure to the adult system for Maryland children. Our coalition's position is informed by direct practice, research, and policy expertise, as well as the professional standards articulated in the National Association of Social Workers (NASW) Code of Ethics.

Maryland charges and incarcerates more children in our adult carceral system per capita than any other state except for Alabama: a shameful distinction made possible because of Maryland's laws.¹ Current Maryland law permits the automatic charging of children as young as fourteen as adults for certain offenses, without individualized judicial review. Automatic charging of juveniles is an antiquated idea left over from the "tough on crime" mindset of the 80s and 90s – and an era of racist "super predator" narratives. These types of interventions are not only ineffective in promoting public safety, but also ineffective in reducing violent behavior and recidivism by offenders.^{2,3} Moreover, this approach conflicts with well-established research on adolescent development and runs counter to the NASW ethical mandate to ensure that interventions are proportionate, fair, and responsive to developmental differences.

Expanding the juvenile court's jurisdiction is more efficient than continuing to charge children as adults. Under Maryland's current system, children charged as adults have their cases transferred to the juvenile court or dismissed at a rate of more than 80%.⁴ As the adult court processes the case, children spend, on average, three and a half months detained in adult facilities awaiting a transfer hearing. The transfer hearing determines whether the case will remain in adult court or be transferred to juvenile court. Passing SB 323 would decrease the number of children detained and the length of time they spend in detention waiting for the adult court to process their cases for transfer to the juvenile court. SB 323 ensures cases that ultimately end up in the juvenile court will begin there, thus streamlining an existing process.

Exposing children to the adult system undermines public safety. Processing and punishing children as adults harms young people and undermines public safety and community wellbeing. The educational disruptions that youth experience, even if they are not ultimately convicted and incarcerated long-term in the adult system, compromise their life outcomes and public safety. Extensive research has demonstrated that youth incarceration both leads to decreased likelihood of high school graduation and shows strong correlations between low educational attainment and crime.⁵ Reducing barriers to school completion can significantly improve public safety, including reducing rates of the most serious crimes.⁶ Charging children as adults only to have their case transferred to the juvenile court or dismissed altogether weakens their academic prospects and increases recidivism rates among low-risk children to begin with, dealing a significant blow to public safety and the prospects for these children.⁷

Maryland's current practice is harsh and out of step with most of the country, while disproportionately impacting Black children. In 1945, Maryland became the second state to begin charging children as adults for murder.⁸ Eighty years later, more than 85% of children automatically charged as adults in Maryland are Black, while Black residents account for only one third (31.6%) of the population.⁹ Maryland is leading the way, but in the wrong direction. In a 2024 report covering the high prevalence of trauma among children prosecuted and incarcerated as adults in Maryland, Human Rights for Kids recommended that Maryland amend waiver and transfer statutes, starting all cases involving children in the juvenile court.¹⁰ SB 323 does not go so far as to implement that recommendation, but it moves our justice system in the right direction.

SB 323 reflects contemporary research, professional ethics, and nationally recognized best practices in youth justice policy. By centering developmentally informed decision-making, the bill advances public safety, promotes equity, and upholds the ethical standards of the social work profession. Treating children in accordance with their developmental state is not inconsistent with accountability and essential to a humane and effective justice system.

Social Work Advocates for Social Change urges a favorable report on SB 323.

Social Work Advocates for Social Change is a coalition of MSW students at the University of Maryland School of Social Work that seeks to promote equity and justice through public policy and to engage the communities impacted by public policy in the policymaking process.

¹ Disposable children: The prevalence of child abuse and trauma among children prosecuted as adults in Maryland - human rights for kids: Working to end children's rights abuses. (2024) <https://humanrightsforkids.org/wp-content/uploads/Disposable-Children-The-Prevalence-of-Child-Abuse-and-Trauma-Among-Children-Prosecuted-As-Adults-in-Maryland.pdf>

² ACLU. American Civil Liberties Union. (2017) <https://www.aclu.org/news/smart-justice/diversion-programs-are-cheaper-and-more-effective-incarceration-prosecutors>

³ A guide to juvenile justice. Brennan Center for Justice. (2018) <https://www.brennancenter.org/our-work/analysis-opinion/guide-juvenile-justice>

⁴ Maryland Commission on Juvenile Justice Reform and Emerging and Best Practices. (2025). *Maryland's JJDPa compliance crisis: Children in adult detention*. <https://gocpp.maryland.gov/wp-content/uploads/Marylands-JJDPa-Compliance-Crisis-Children-in-Adult-Detention-COMMISSION-APPROVED-.docx.pdf>

⁵ The Sentencing Project. (2022); Moretti, E. (October 2005). *Does education reduce participation in criminal activities?* Research presented at the 2005 Symposium on the Social Costs of Inadequate Education. Teachers College, Columbia University, New York, NY.

⁶ Carnevale, A.P. et al. (2021). *The monetary value of economic and racial justice in postsecondary education: Quantifying the potential for public good*. Postsecondary Value Commission. <https://files.eric.ed.gov/fulltext/ED612641.pdf>

⁷ Feeney, M., & Lesley, A. (2024, May 10). *Raise the age: Ensuring all kids have access to the juvenile justice system*. Human Rights for Kids. <https://humanrightsforkids.org/publication/raise-the-age-ensuring-all-kids-have-access-to-the-juvenile-justice-system/>

⁸ Feld, B. C. (1987). The juvenile court meets the principle of the offense: Legislative changes in juvenile waiver statutes. *The Journal of Criminal Law and Criminology* (1973-), 78(3), 471–533.

⁹ U.S. Census Bureau (2025). *Quickfacts: Maryland*. <https://www.census.gov/quickfacts/fact/table/MD/RHI225223>

¹⁰ Disposable children: The prevalence of child abuse and trauma among children prosecuted as adults in Maryland - human rights for kids: Working to end children's rights abuses. (2024) <https://humanrightsforkids.org/wp-content/uploads/Disposable-Children-The-Prevalence-of-Child-Abuse-and-Trauma-Among-Children-Prosecuted-As-Adults-in-Maryland.pdf>

SB 0323 Testimony in Favor by Former Prosecutors &

Uploaded by: Vincent Schiraldi

Position: FAV

January 30, 2026

Senator Will Smith, Chair
Senate Judicial Proceedings Committee
2 East Miller Senate Office Building
Annapolis, Maryland 21401

Delegate J. Sandy Bartlett, Chair
House Judiciary Committee

Dear Chairs Smith and Bartlett and Members of the Senate Judicial Proceedings Committee and House Judiciary Committee:

We, the undersigned former prosecutors and secretaries of Maryland's Departments of Juvenile Services and Public Safety and Correctional Services, write to support the passage of SB 0323/ HB 409.

Our support for this long overdue legislation comes primarily because it will help improve public safety. Research by the Centers for Disease Control has found that trying juveniles as adults renders them 34% *more likely* to reoffend than young people with similar prior records and offenses who are retained in the juvenile justice system. Recent research by Human Rights for Kids helps explain why – only 28% of young people incarcerated as adults in Maryland receive treatment. Meanwhile, 80% of those children report being abused by staff and spending time in solitary confinement. Conditions young people experience in adult jails and prisons are so toxic that recent research published by the Journal of the American Medical Association has found that youth who are incarcerated in adult correctional facilities are at a 33% higher risk for an early death between the ages of 18 and 39.

Maryland's practice of automatically, as opposed to at the discretion of a judge, trying juveniles as adults is also costly and unnecessary. The legislative analysis of identical legislation sponsored last year in Maryland found that the bill would save \$20 million in its first year. That is because it takes so much longer for a young person's case to be resolved in the adult criminal justice system - young people charged as adults spent 147 days in custody, compared to 27 days for those tried in juvenile court where the process moves more quickly.

Further, because this automatic process nets in so many young people who would be better rehabilitated in the youth justice system, last year fully 87% of Maryland cases where a youth was initially charged in adult court did not result in an adult criminal conviction. It makes much more sense for prosecutors to individually apply for a juvenile to be tried as adults when they think that is warranted, and for the court to render a decision, rather than having young people automatically placed into adult courts and adult jails waiting for months for that decision to be made. This is also the position of the American Bar Association, which recommends that the

decision to prosecute a youth in the adult system be made individually and by a judge. Importantly, the proposed legislation would still allow these young people to be tried as adults at the court's discretion upon the motion of a prosecutor.

Finally, there are troubling racial disparities in Maryland's practice of trying young people as adults. Fully 90% of youth tried as adults in Maryland are youth of color; 81% are Black. Black youth also receive longer sentences than their white counterparts for similar offenses.

For these reasons, Attorney General Anthony Brown, Maryland's Commission on Juvenile Justice Reform and Emerging and Best Practices, the Maryland Equitable Justice Collaborative, Maryland's Legislative Black Caucus, the last two Maryland Chief Judges, and five former Administrators of the federal Office of Juvenile Justice and Delinquency Prevention have supported reforming Maryland's practice of automatically trying so many juveniles as adults.

Maryland's "autowaiver" practice is bad for public safety, costly, ineffective, and racially troubling. For all these reasons, we support SB 0323/ HB 409 as a reasonable approach to a long overdue reform.

Sincerely,

Erek L. Barron, former United States Attorney, District of Maryland, former Member, Maryland House of Delegates, former Assistant States Attorney, Prince George's County

Shay Bilchik (Montgomery County, MD resident) former OJJDP Administrator and Associate Deputy Attorney General, U.S. Department of Justice; former Assistant State Attorney, Miami, Florida; Director Emeritus and Former Research Professor, Center for Youth Justice, Georgetown University

Donald DeVore, former DJS Secretary and former Director, Connecticut Juvenile Services

Brian Frosh, former Maryland Attorney General and former Maryland State Senator/Chair, Senate Judicial Proceedings Committee

Gary Maynard, former DPSCS Secretary and former Director of Corrections in Iowa, Oklahoma, and South Carolina

Vincent Schiraldi, former DJS Secretary; former Commissioner of Probation and Correction in New York City; former Director of Youth Rehabilitation Services, Washington, D.C.

Cc: Senate President Bill Ferguson
Speaker Joseline A. Peña-Melnyk
Governor Wes Moore

2026_02_04 Senate Bill 323 Juvenile Court (AG).pdf

Uploaded by: Anthony Brown

Position: FWA

CAROLYN A. QUATTROCKI
Chief Deputy Attorney General

LEONARD J. HOWIE III
Deputy Attorney General

CARRIE J. WILLIAMS
Deputy Attorney General

SHARON S. MERRIWEATHER
Deputy Attorney General

ZENITA WICKHAM HURLEY
Deputy Attorney General



**STATE OF MARYLAND
OFFICE OF THE ATTORNEY GENERAL**

ANTHONY G. BROWN
Attorney General

PETER V. BERNIS
General Counsel

CHRISTIAN E. BARRERA
Chief of Staff

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.¹ 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%

¹ 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.²

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.³ 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.⁴

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.⁵ 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.⁶ 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.⁷ 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:

² 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.

³ 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.

⁴ 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/2023/02/25/lamentable-policy-of-automatically-trying-some-juveniles-as-adults-must-change-former-judge-says/).

⁵ 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>

⁶ '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/>

⁷ 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

CFCC Testimony in Support SB323.pdf

Uploaded by: Aubrey Edwards-Luce

Position: FWA

**The University of Baltimore School of Law's Sayra and Neil Meyerhoff Center for
Families, Children and the Courts (CFCC)**

In Support with Amendments of SB 323

Juvenile Court - Jurisdiction

TO: Chair West, Vice-Chair Waldstreicher and Esteemed Members of the Senate Judicial
Proceedings Committee:
FROM: CFCC Executive Director Aubrey Edwards-Luce, MSW, Esq.

February 2, 2026

The Sayra and Neil Meyerhoff Center for Families, Children and the Courts (CFCC) at the University of Baltimore School of Law envisions communities where children and families thrive without unnecessary involvement in the legal system. CFCC engages communities to work towards transforming systems that create barriers to family well-being.

CFCC supports SB 323 with amendments, as the bill seeks to reform Maryland's unjust system of automatically charging youth as adults by eliminating the automatic charging of youth aged 14 and 15 and reducing the chargeable offenses for 16 and 17-year-olds. **CFCC proposes amendments to end the automatic charging of all youth for all offenses.** This would enable a judge to waive a youth's case into the adult system on a case-by-case basis and also ensure that the initial judicial review would be completed in the juvenile system. **If amended as proposed, SB 323 will protect a youth's constitutional right to family integrity, align our legal system's practice with the science of adolescent development, protect youth from harmful conditions, and facilitate youth's access to developmentally appropriate services.**

I. SB 323 will protect a youth's right to family integrity.

The Constitution provides that families have a fundamental right to family integrity, which includes preserving the family entity, without unwarranted state interference.¹ The parent-child bond is extremely imperative for the healthy upbringing of a child and severing that bond can result in a traumatic experience for both the child and the parent.² Specifically, research reveals that children with an incarcerated parent are more likely to experience mental health issues,

¹ Shanta Trivedi, *My Family Belongs to Me: A Child's Constitutional Right to Family Integrity*, 56 Harvard Civil Rights - Civil Liberties Law Review (2021).

² Indiana University, *Analysis Finds More Research Needed On Impact Of Maternal Incarceration On Children*, (May 15, 2023), <https://policyinstitute.iu.edu/news-media/stories/maternal-incarceration-brief.html#:~:text=A%20child's%20school%20experience%20also,quit%20school%20than%20other%20children>.

which include depression and anxiety.³ This phenomenon will negatively exacerbate when an incarcerated parent is a youth who is automatically charged as an adult, as they are separated from their families for a much longer time awaiting their hearing than they would have had they initially been placed in the juvenile system.⁴

Further, a youthful parent held in an adult system may need to comply with court orders, which include completing education or finding employment, all while coping with the emotional effects of losing the parent-child bond during that time of confinement.⁵ The impacts of automatically charging a youth as an adult not only pose a risk to the incarcerated parent and their interest in maintaining family integrity but also detrimentally contribute to their child's trauma, creating a ripple effect which negatively impacts the mental and emotional development of future generations.⁶ SB 323, with the proposed amendment, will mitigate the negative impact that separation of parent and child will have on family integrity and prioritizes the parent-child bond through rehabilitation of the youth parent, all of which the adult system is incapable of providing.⁷

If amended SB 323 will significantly reduce the unnecessary harm of charging youth as an adult, ensuring an age-appropriate judicial review and access to essential developmental services while safeguarding their exposure to harmful conditions and upholding their right to family integrity.

II. If amended, SB 323 will align our legal system's practice with the science of adolescent development.

Sending youth to the adult criminal system is a serious action. It communicates, contrary to modern-day research, that a young person is undeserving or beyond the hope of the rehabilitation found in the juvenile legal system. It tells teenagers that they are hardened criminals. It says to young people that they need the harsher punishment that is found in the adult criminal system. In most case, automatically charging youth as if they are adults is in direct contradiction to their well-being, our communities' safety, and children's right to family integrity.

In general, adolescent brains are different from adult brains in their ability to control their impulses and to consider the future consequences of their actions. The type of charge that a young person receives cannot tell us whether that young person has the type of maturity that

³ *Id.*

⁴ Acoca, Leslie, *Are Those Cookies For Me Or My Baby? Understanding Detained And Incarcerated Teen Mothers And Their Children*, <https://isc.idaho.gov/cp/docs/Understanding%20Detained%20and%20Incarcerated%20Teen%20Mothers%20and%20Their%20Children.pdf>, (Last visited Jan. 31, 2025)

⁵ *Id.*

⁶ *Id.*

⁷ Mooney, Emily, *Maryland: A Case Study Against Automatically Charging Youth As Adults*, (Oct. 2019), <https://www.rstreet.org/wp-content/uploads/2019/10/Final-Short-No.-76.pdf>.

could conceptually be appropriate for the adult criminal system. The charge should not be determinative of whether our legal system should treat children as if they are adults.

The rates of adverse childhood experiences and abuse experienced by children who were tried as adults weighs in favor always allowing a judge to make this critical decision. Research from Human Rights of Kids reports that over 70% of survey respondents who were children that were waived into the adult criminal system had experienced physical abuse before their incarceration.⁸ A youth's charge cannot tell you if she is actually a child sex-trafficking victim who killed her trafficker. Nor can the charge tell you if the alleged youthful offender is an older brother who acted to protect their little sister from gang violence. Such a very serious decision should be determined by a judge who can take into account the totality of the child's circumstances and the details of the alleged offense. If all cases involving young people started out in the juvenile court system, then these types of details could be taken into consideration before children are placed in the adult system and put at risk of experiencing the types of harm described below.

III. SB 323 will protect youth from unnecessary harm to their psychological and physical wellbeing.

Charging youth as if they were adults places them at risk of harm because the adult system was not designed to accommodate youths' needs for safety and developmentally appropriate services.⁹ Research reveals that youth placed in adult facilities are reported to be more fearful and are likely to form relationships with anti-social individuals while incarcerated, posing harm to their psycho-social development.¹⁰ Further, a child's proximity to violence in the adult justice system exacerbates the likelihood of their harm and disintegration of their well-being.¹¹ Often, youth who are charged as if they were adults are placed in solitary confinement in adult facilities as they await their hearing.¹² These children are in solitary confinement for approximately 23-24 hours a day, which is similar to torture.¹³

⁸ Human Rights for Kids. Disposable Children: The Prevalence of Child Abuse and Trauma Among Children Prosecuted As Adults in Maryland, (Nov. 20, 2024), <https://humanrightsforkids.org/publication/disposable-children-the-prevalence-of-child-abuse-and-trauma-among-children-prosecuted-as-adults-in-maryland-2/> (Last visited Jan. 31, 2025).

⁹ Moodee, JT, et al., *Maryland Public Defender's Office Calls For An End To The Automatic Charging Of Minors As Adults*, (Jan.16, 2025), <https://www.cbsnews.com/baltimore/news/maryland-juvenile-justice-general-assembly-legislation-legal-system/>.

¹⁰ Silver, Ian A., et al., *Incarceration of Youths in an Adult Correctional Facility and Risk of Premature Death*, <https://pmc.ncbi.nlm.nih.gov/articles/PMC10323704/>, (Last visited Jan. 31, 2025).

¹¹ Human Impact Partners, *Juvenile InJustice: Charging Youth as Adults is Ineffective, Biased, and Harmful*, (Feb. 2017), <https://humanimpact.org/hipprojects/juvenile-injustice-charging-youth-as-adults-is-ineffective-biased-and-harmful/#:~:text=When%20we%20lock%20up%20young,that%20can%20worsen%20family%20poverty.>

¹² Johnson, Kevin, *Consequences of Trying Children as Adults Often Ignored*, (Jan. 9, 2024), <https://nationalpress.org/topic/juveniles-criminal-justice-prosecution-courts-journalism/>.

¹³ *Id.*

Additionally, automatically charging a youth as an adult can confine them for an unreasonable and unwarranted amount of time.¹⁴ This torture is highly detrimental and unnecessary and will have a terrible impact on the child's development. Youth will be accountable for their behavior even if they initially wait for their hearing in the juvenile court system. Juvenile court hearings can initiate the process of transferring the youth to the adult system on a "as needed" basis.¹⁵ SB 323 with the proposed amendment will ensure an unnecessary exposure of children to the harsh conditions of the adult justice system, which was built as a purely punitive measure for criminals, not for youth awaiting a hearing.

IV. SB 323 will facilitate youth's access to developmentally appropriate services.

The automatic charging of a youth as an adult can result in the denying youth access to crucial services, as the adult system does not provide these services. These services include the opportunity to seek treatment, education, and counseling, all of which are essential for healthy growth and development.¹⁶ Further, research supports that education can reduce the likelihood of a youth re-offending, emphasizing the importance of ensuring that all youth have proper access to minimize the possibility of recidivism.¹⁷ SB 323, with the proposed amendments, will ensure that children will have immediate access to developmentally appropriate services they do not receive when placed in the adult facilities.

For these reasons, the CFCC strongly supports SB 323 with amendments and urges a favorable report with amendments.

¹⁴ Mooney, Emily, *Maryland: A Case Study Against Automatically Charging Youth As Adults*, (Oct. 2019), <https://www.rstreet.org/wp-content/uploads/2019/10/Final-Short-No.-76.pdf>.

¹⁵ Byers, Christine, *Failure To Change Or A Failed System? The Complexity Of Charging Children As Adults*, (Aug. 31, 2020), <https://jlc.org/news/failure-change-or-failed-system-complexity-charging-children-adults>.

¹⁶ Silver, Ian A., et al., *Incarceration of Youths in an Adult Correctional Facility and Risk of Premature Death*, <https://pmc.ncbi.nlm.nih.gov/articles/PMC10323704/>, (Last visited Jan. 31, 2025).

¹⁷ Juvenile Law Center, *Youth Tried as Adults*, <https://jlc.org/issues/youth-tried-adults#:~:text=Prosecuting%20Youth%20as%20Adults%20Puts,with%20the%20%20opportunity%20to%20apply>, (Last visited Jan. 31, 2025)

202602002 SB0323 Direct File Unfavorable.pdf

Uploaded by: Jamie Dykes

Position: UNF



JAMIE L. DYKES
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.

OFFICE OF THE STATE'S ATTORNEY FOR WICOMICO COUNTY

309 EAST MAIN STREET, P.O. BOX 1006, SALISBURY, MARYLAND 21803 TEL: 410-548-4880 FAX: 410-860-2425

www.wicomicostatesattorney.com

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.

OFFICE OF THE STATE'S ATTORNEY FOR WICOMICO COUNTY

309 EAST MAIN STREET, P.O. BOX 1006, SALISBURY, MARYLAND 21803 TEL: 410-548-4880 FAX: 410-860-2425

www.wicomicostatessattorney.com



OFFICE OF THE STATE'S ATTORNEY FOR WICOMICO COUNTY

309 EAST MAIN STREET, P.O. BOX 1006, SALISBURY, MARYLAND 21803 TEL: 410-548-4880 FAX: 410-860-2425
www.wicomicostatesattorney.com

SB 323 - unfavorable - juvenile court - jurisdicti

Uploaded by: Kirsten Brown

Position: UNF

Ivan Bates
President



Kirsten N. Brown
Coordinator

Maryland State's Attorneys' Association
3300 North Ridge Road, Suite 185
Ellicott City, Maryland 21043
kbrown@mdsaa.org ~ 301-748-1312

DATE: February 2, 2026

BILL NUMBER: SB 323

POSITION: Unfavorable

While the ideology behind Senate Bill 323 is one many people seem to understand, there are deep faults that lie within that could potentially cause catastrophic consequences for everyone it aims to protect. By eliminating automatic charging of youth aged 14 and 15 and also reducing the list of charges for youth 16 and 17 years of age, it will flood an already burdened and broken juvenile justice system, leaving those who were intended to benefit from the change, with uncertain futures.

Under the current Juvenile system, the three pillars that guide the system are as follows:

- 1) to provide accountability to youth so that they can truly understand that their actions have consequences;
- 2) rehabilitation so that youth can benefit from service programming that could potentially change the trajectory of their lives, and;
- 3) to account for public safety.

The Department of Juvenile Services (DJS) is tasked with providing rehabilitative services to youth to ensure that youth receive programming that can curb negative behaviors to ensure that public safety is addressed. Without appropriate services, the youth who are being serviced cannot receive the treatment they need to succeed in the future. Currently, there are massive wait lists for programs through DJS and a severe lack of services to reach all the youth currently in the system. The Courts themselves are backlogged with cases, and the Office of the Public Defender (OPD) cannot provide counsel for all of the youth currently in the juvenile system.

Acting Secretary Betsy Tolentino has stated publicly that there is a lot of work that needs to be done and that she needs time. She has also stated that DJS does have a staffing issue and that they are working on this as well. A great example of this is referenced in the most recent Ombudsman's report. DJS has received funding for more programming; however, they are not

there yet with regard to the additional programming. Those in favor of this new bill stand behind the idea that all that is needed is services and programming and that all will be well. This utopian view lacks the actual backing of what reality is actually showing. There seems to be this mad dash to the finish line in trying to pass this bill without really understanding what the long-term consequences may be.

The Courts currently lack the time to schedule the cases before it now, cases are being postponed an inordinate number of times, as outlined in the juvenile booklet by the Baltimore City State's Attorney's Office that will be provided, because the Office of the Public Defender (OPD) is having issues in finding attorneys to represent all of the youth. Now with an influx of even more cases, if this bill were to pass, the youth are the ones who will suffer from the backlog, the public will see a lack of accountability from youth because their cases aren't being resolved in a timely manner, and what we all will come to see is an even more broken system.

Give DJS the time they need to get the services and programming in place before making such a drastic change in the law. Next, see how those services/programming fare for the youth: is it working, is it not working, what needs to be added/changed. Having an idea without safeguards or boundaries in place, because of personal beliefs, is a dangerous thing and will lead to unfortunate consequences for all. We ask you to review the actual case examples that have been submitted from the various State's Attorney's Offices across the State to see real examples of the current state of the Juvenile system and what will come in the future if Senate Bill 323 is passed.

MSAA is asking for an unfavorable report.

Letter in Opposition SB 323.pdf

Uploaded by: Laura Wilt

Position: UNF



Maryland Crime Victims' Resource Center, Inc.

Continuing the Missions of the Stephanie Roper Committee and Foundation, Inc.

☎ 877-VICTIM-1 (877-842-8461) ✉ mail@mdcrimevictims.org 🌐 mdcrimevictims.org

LETTER IN OPPOSITION TO SENATE BILL 323: Youth Charging Reform

February 2, 2026

Headquarters

1001 Prince George's Boulevard
Suite 750
Upper Marlboro, MD 20774
301-952-0063
877-842-8461 (toll free)
240-929-0526 (fax)

Baltimore

1 North Charles Street
Suite 700
Baltimore, MD 21201

Carroll, Howard, & Baltimore Counties

Oakland Manor
5430 Vantage Point Road
Columbia, MD 21044
240-335-4032

Eastern Shore

240-335-4012

Frederick & Montgomery Counties

240-335-4021

Southern Maryland

301-952-0063

Western Maryland

59 Prospect Square
Suite 6
Cumberland, MD 21502
240-335-4013

On behalf of the Maryland Crime Victims' Resource Center (MCVRC), I write to express strong opposition to Senate Bill 323. MCVRC provides legal services for crime victims statewide and is the nation's largest nonprofit of its kind. We write on behalf of our ever-increasing number of clients devastated by juvenile offenders mishandled in a powerless juvenile court system. Marylanders are not safe when juvenile offenders are handled by an ineffective agency intake system and by courts without enforcement authority.

MCVRC understands that there are changes that should be made to the charging system for youth charged as adults, but SB323 recklessly disregards that Maryland's juvenile court system is incapable of handling the most serious offenders. It is the intake, the pre-trial procedures and the ability to place youth that most need reform before moving these serious offenders.

Since 2022, juvenile justice is voluntary treatment over punishment- arguably ideal for the majority of youth crime, but inadequate for the most serious offenders and offenders with a history of non-compliance with voluntary measures. These juveniles must have careful evaluations and judicial review before the decision is made to put their case into such a powerless juvenile system.

Starting such serious cases in the adult system- with a presumption that the juvenile will transfer to juvenile court if in the best interest of the youth *or* the community- protects everyone. Starting in juvenile however, fast-tracks recidivism and more victims being hurt.

If enacted, SB 323 applies these juvenile court rules to Armed Robberies, First Degree Assaults, Firearm offenses, and other violent crimes:

- DJS employees decide on pretrial detention. The revolving cycle of police arrests and DJS releases has plagued our city streets with repeat offenders and additional victims.
- Juvenile Courts have no power to determine the length of a juvenile sentence. The statutes and Appellate Court decisions are clear: "The juvenile court may not

impose a minimum period of commitment on a juvenile who has been adjudicated delinquent.”¹

- DJS controls placement duration (average 107 days), not the Court.- The most recent data published by DJS shows that in their facility for the most serious offenders the average length of stay is 107 days. DJS decides when a juvenile will be released; courts may not keep youth in placement for security or safety reasons, only treatment.
 - DJS has only one hardware secure facility for juvenile male placements. There is only one maximum-security placement in Maryland for males, and it only holds 27 males with an average length of stay of 107 days. After that the offender will be back on the street.
 - Juvenile Court’s Probation Orders lack enforcement capability. Unless juveniles commit a new crime, have violations of contact with a victim, or completely abscond, a violation of probation is meaningless. A court can chastise and give them a speech, but nothing more.
 - Juvenile Court trials must occur within 30 days or the juveniles are released from detention. These time requirements eliminate any ability to obtain expert witnesses, analyze DNA or firearm evidence, obtain forensic or crime scene evidence testing. Juveniles charged armed robberies, 3rd Degree Sexual Assaults, 1st degree assaults (serious injury or with a weapon). Rules like this and more need to be changed.

A voluntary system is not a system to keep our community safe with the most serious of offenders.

The current system to start the charges in adult court has the following protections for juveniles, ensuring that if they are amenable to treatment, they will be sent to juvenile court:

- Attorneys provided immediately at the point of arrest, detention, and throughout every court proceeding.
- Direct file is limited to a specific list of violent crimes.
- Adult Court rules require moving to juvenile detention centers pending trial except in a rare and extreme situation. (With passage of SB 296 even the exceptions would be eliminated.)²
- A thorough, evidence-based decision by a judge about juvenile court jurisdiction. When charged in the adult system, the first and most critical decision the court makes is whether to move the juvenile’s case to juvenile court. The juvenile is provided with one or two

¹ In re Julianna B., 947 A.2d 90, 130, 179 Md.App. 512, 580 (2008) (internal citations omitted) (Juvenile committed Second Degree Murder. The Court transferred her to the juvenile court system. The Appellate Court ruled that the trial judge’s order and stated intent to keep the juvenile in the juvenile placement until she was 21 was illegal. Court was without such power.).

² Even this rare exception would be eliminated with the passage of SB 296. SB296 would eliminate all juveniles in adult detention.

public defenders, and there are psychological evaluations (often multiple) ordered; all state-funded. A court considers extensive evidence to make this decision in contrast to important decisions being made by an administrative agency with no power to enforce rules.

- The vast majority of the youth charged as an adult are moved to juvenile court after this process of multiple evaluations and analysis by a judge. This in-depth process provides due process for the juveniles, allows victims to be heard, and provides more safety provisions for the community. This process, including expert evaluations, enables informed recommendations. This process maximizes success for youth and community alike.

Maryland's Juvenile laws have created a system of suggestions without enforcement power. MCVRC implores lawmakers to vote against passage of the Youth Charging Reform Act, SB 323/ HB 409.³ To support this Bill is to ignore the laws in place and how impotent they have made the system to respond to these most serious crimes.

Maryland Crime Victims' Resource Center has seen the heartache and felt the fear of our victims who had a gun held to their head, or their house broken into, or their daughter sexually assaulted- only to have DJS release the juvenile suspect after only three months in a committed placement. Our state and our communities will suffer if Senate Bill 323 is voted into law.

We can agree: Most juveniles deserve second chances in juvenile court, and that Maryland should not be holding juveniles in adult jails. The legislature can accomplish both of these goals by passing SB 296, Limitations on Juvenile Contact with Incarcerated Adults. Currently, after a serious violent crime arrest juveniles are temporarily held in adult jails before the next business day when they see a judge. Jails are not built for juveniles, and juveniles often must be held in solitary confinement so they can be sight and sound separated from the adults. At the court hearing, judges are then authorized to order that these juveniles be held in a juvenile facility or release them.⁴ Many lawmakers claim that this stay in adult detention is the reason they will vote for Senate Bill 323, but the harm caused by the consequences of SB 323 is exponentially worse.

The youth should be out of the jails --- BUT if that is the goal, vote for and pass SB 296/HB 389, "Limitations on Juvenile Contact with Incarcerated Adults".⁵ Year after year this proposal to get

³ Again, MCVRC urges that to keep both the community and the juveniles safe, a reasonable solution to juvenile detention in adult jails would be to pass SB 296/ HB 389: Juveniles - Detention and Confinement - Limitations on Juvenile Contact With Incarcerated Adults.

⁴ The juveniles can be moved immediately from the jail, but in most cases the Department of Juvenile Service is not ready for them. The Department delays moving these youth for many days and sometimes weeks causing a legitimate outcry from youth advocates. Our legislature needs to realize this is the Department clearly communicating that when the decision is theirs, they will release these juveniles onto the street with the ineffective electronic monitoring we've all read about. Such as the Frederick County youth on electronic monitoring that brutally raped and murdered a neighbor in 2024, or the teen just convicted of two murders in Columbia while on ankle monitoring.

⁵ <https://mgaleg.maryland.gov/2026RS/bills/sb/sb0296F.pdf>

youth out of adult jails is brushed under the rug; hidden from consideration. Instead of solving this problem, every year the efforts to eliminate direct-file are allowed to overshadow this fix.

SB 323 is dangerous. It will put serious offenders into a system where the courts have no power. Serious consideration by the adult court must take place before moving these cases into the rehabilitative juvenile justice system. These serious decisions are made by a judge in the Transfer process already our law.

Thank you for considering our concerns about SB 323 and your broader commitment to protecting all Marylanders- juveniles and victims alike.

Sincerely,



Laura Corbett Wilt, Senior Supervising Attorney

240-335-4004; lwilt@mdcrimevictims.org

Joined by: Joanna Mupanduki, Deputy Director & Kurt Wolfgang, Executive Director

BCSAO Juvenile Report - No Appendix.pdf

Uploaded by: Pam Chung

Position: UNF



BALTIMORE CITY STATE'S ATTORNEY'S OFFICE

IVAN J. BATES, STATE'S ATTORNEY

JUVENILE JUSTICE REPORT

AN ANALYSIS OF THE RISKS OF
REPEALING AUTOMATIC CHARGING
FOR CERTAIN JUVENILE OFFENSES



The Office of the State's Attorney for Baltimore City (SAO) is committed to a juvenile justice system that is fair, effective, and capable of delivering accountability while supporting rehabilitation where appropriate. We recognize the importance of ongoing discussions about how best to serve young people, protect public safety, and honor the rights of victims. However, we must all evaluate proposals not only on their stated intent but on their real-world consequences. This proposed legislation to move to Direct File in Maryland appears to be a utopian proposition, and in a perfect world where our juvenile justice system was functioning efficiently and effectively with the proper resources, facilities, and staffing at all levels, then, and only then, would it be the time for that conversation.

The proposal to require that all juvenile cases begin in juvenile court, regardless of the offense or circumstances, poses serious and immediate risks to Maryland's justice system. The current juvenile system is already operating beyond capacity, struggling to meet statutory timelines, manage caseloads, and provide appropriate services. An across-the-board jurisdictional shift would significantly increase the volume of cases entering juvenile court, placing unsustainable pressure on a system unprepared and ill-equipped to absorb such an influx.

Equally concerning is the impact this change would have on the Office of the Public Defender (OPD), [which has publicly acknowledged](#)—and been reprimanded in court for—its inability to staff and manage its existing juvenile caseload. Courts have issued show cause orders due to the lack of available attorneys, including panel counsel, willing and able to take on juvenile matters. A Panel Attorney is a private counsel approved by OPD to provide representation for Defendants for whom the OPD has a conflict of interest – usually in a case with multiple defendants. The Panel Attorney sends an invoice to OPD for payment upon conclusion of the case. Expanding juvenile jurisdiction without addressing this staffing crisis would delay proceedings, undermine due process, and further erode confidence in the system.

Finally, this proposal fails to adequately consider the rights and needs of victims, who would face longer delays, diminished access to information, and reduced opportunities for meaningful participation in the justice process. Victims—particularly those impacted by serious and violent

offenses—deserve a system that is responsive, timely, and transparent. Any reform that compromises these principles risks causing additional harm to those already affected by crime.

For these reasons, the Office of the State’s Attorney for Baltimore City opposes the proposition that all juvenile cases begin in juvenile court and urges policymakers to consider the operational realities and unintended consequences of such a sweeping change.

While other jurisdictions across the state may experience similar challenges related to juvenile crime and difficulty in holding them accountable, the analysis and observations contained in this report are grounded in data from the Office of the State’s Attorney for Baltimore City and the firsthand, lived experiences of our Juvenile Division Prosecutors who work daily within this system.

Juvenile Timeline

The Juvenile Causes Act establishes a balanced juvenile justice system focused on three goals: protecting public safety, ensuring youth accountability to victims and the community, and promoting the development of responsible, productive young people through rehabilitative services. Juvenile proceedings in Maryland are governed by Courts & Judicial Proceedings §3-8A-01 et seq. and Maryland Rules 11-101 et seq.

Under the current system, the Department of Juvenile Services (DJS) is the gatekeeper for all cases that pass through the juvenile justice system. All cases, regardless of the charge, must go through DJS intake first. They make the initial detention decisions when a youth is arrested by the Baltimore City Police Department (BPD). Depending on the type of case a youth is brought in on, they also decide whether to return the case to intake (no intervention), divert it (for pre-charging services), or send it to the SAO for formal charging.

There are two ways cases make their way to the SAO: either through an arrest or through a paper referral (when a youth is released and the officer files a paper complaint). DJS has 15 days from the time they receive a

complaint to inquire into whether the Courts have jurisdiction over the case (does it belong in juvenile court under the law) and whether judicial action would be in the best interest of the youth. Within that 15-day window, they will decide whether to return the case to intake, divert it, or forward it to the SAO.

If a case is forwarded to SAO:

- Charges must be filed within 30 days of the SAO's receipt of the complaint.
- Adjudication must occur within 30 days of arraignment if the youth is detained, or within 60 days if the youth is not detained.

Circumstances when DJS must forward a case to the SAO:

- If it's a felony level case and DJS denies authorization to petition or proposes diversion, they must forward the complaint to SAO and forward a copy of the entire intake case file to the SAO, including past history or any prior contacts with DJS.
- DJS must immediately forward a juvenile complaint against a youth already under their supervision to SAO if they believe the case can be handled outside of court by informal adjustment.
- DJS must automatically forward cases to SAO where diversion was unsuccessful, even if they believe the matter should not go to juvenile court.

Victim notification:

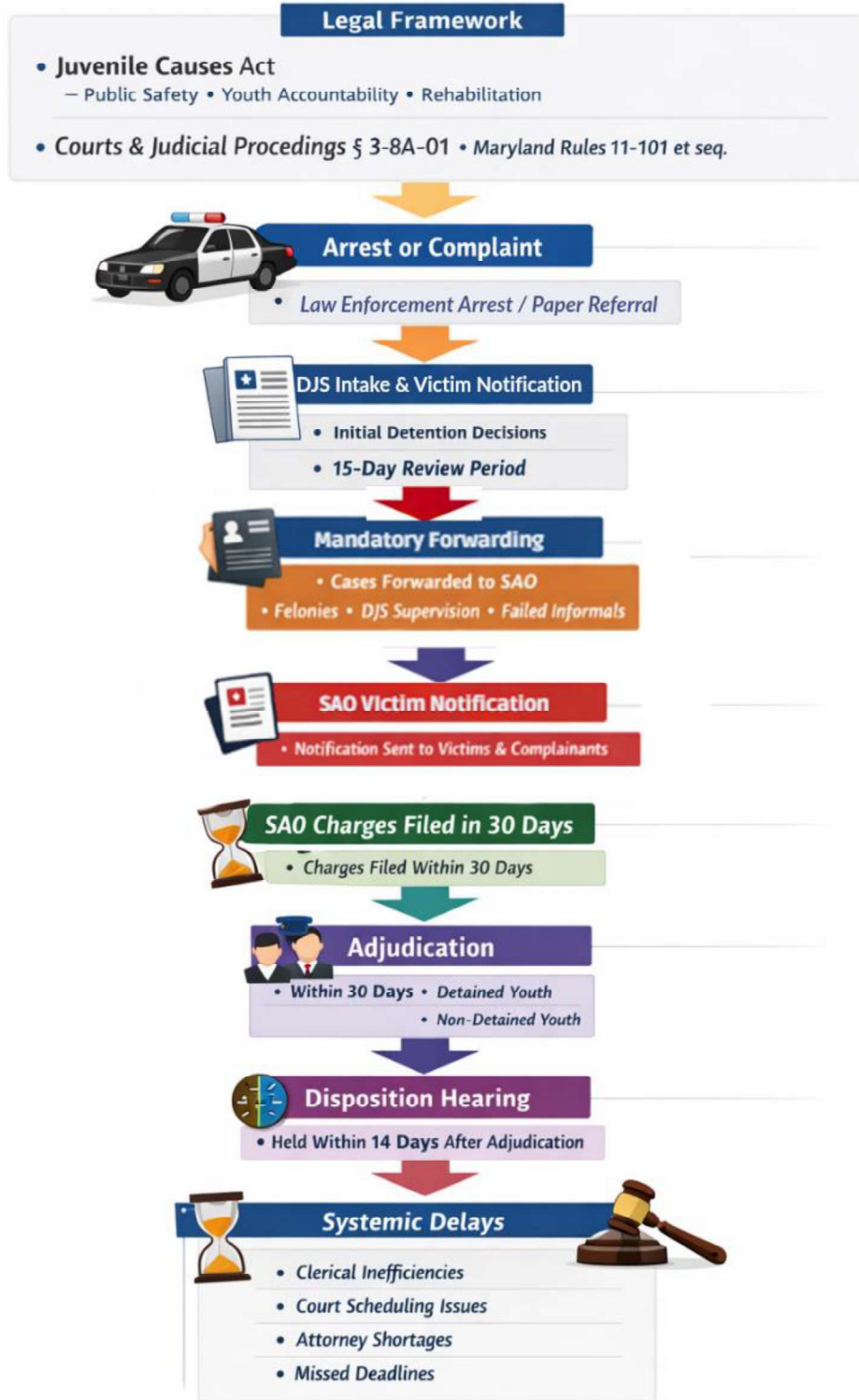
- Victims, Police, or other persons filing juvenile complaints shall be notified electronically of the Department's decision regarding informal adjustments or the denial of petitions. Upon receipt, they must send their signed copy back to the SAO within 30 days of its mailing and/or receipt of the email.

The juvenile justice system is designed to operate within strict statutory timeframes to protect juvenile's rights, ensure due process, and promote the timely resolution of cases. However, in practice, many juvenile matters fail to meet these mandated deadlines. The resulting delays undermine the

goals of the Juvenile Causes Act, burden victims, witnesses, and families, strain court resources, and erode public confidence in the system. Several structural and operational issues contribute to this persistent problem, including clerical inefficiencies, court scheduling practices, and a critical shortage of panel attorneys.

One significant contributor to the delay is the Clerk's office, which plays a central role in processing filings, issuing notices, and coordinating case flow. When clerical functions are slowed by understaffing, backlogs, or administrative errors, the entire case timeline is affected. Even minor delays in docketing petitions or issuing service can push adjudicatory hearings beyond the statutory window, creating a ripple effect that impacts all subsequent stages of the case.

Maryland Juvenile Justice System–Timeline



Court scheduling practices further compound these delays. Currently, adjudicatory hearings are often scheduled in blocks of 30 minutes to an hour to at least begin the adjudication. This allotment is rarely sufficient to present all the evidence, witness testimony, and legal argument. As a result, cases are routinely continued, sometimes multiple times, before they can be completed, months down the road.

For example, in **Juvenile Trial Case Study: 24-2-J (Exhibit 1)**, the youth was charged with attempted armed carjacking, conspiracy to carjack, handgun crime of violence, and other related charges. The offense occurred on May 8, 2024, and the SAO charged it on June 18, 2024. The case was then arraigned on September 10, 2024. It was scheduled for trial on October 22, 2024, but postponed due to paneling issues to December 2, 2024; postponed again due to paneling issues to January 28, 2025; and postponed because the case was just paneled and pretrial motions were heard on March 5, 2025. It was then postponed again to May 6, 2025. The adjudication began and continued because the allotted time for the case was insufficient, and the trial finally concluded on June 27, 2025, with a finding of facts sustained on attempted carjacking and related charges. It took six trial dates, almost nine months to conclude this matter, and four months to panel the case.

Another example of the massive delays in the juvenile process is **Juvenile Trial Case Study: 24-8-J (Exhibit 2)**. In this case, the youth was charged with robbery, assault, and other related charges. The case was initially arraigned on October 22, 2024, and the first trial date was scheduled on November 6, 2024. It was postponed three times thereafter (on November 5, December 10, and January 21) due to paneling issues. When it reached its fourth trial date on January 31, 2025, the youth failed to appear in court. On the fifth trial date, March 4, 2025, it was postponed yet again due to paneling issues. On the sixth trial date, May 2, 2025, a defense attorney finally entered his appearance on behalf of the youth. And it finally concluded on the seventh trial date, June 26, 2025.

This unfortunate practice forces youth, families, and attorneys to return to court repeatedly for what should be a single trial. It also places an unreasonable burden on the State's witnesses, many of whom must take

time away from work or personal obligations to appear. When witnesses lose faith in the process or are unable or unwilling to return for multiple continuances, cases may be dismissed, further undermining the integrity of the system.

The shortage of Panel Attorneys is itself a major driver of systemic delay. Due to limited panel attorneys, juveniles often wait extended periods before counsel is appointed. This delay alone can push cases far outside the mandated timeframe. Case studies have documented delays of eight to ten months—far beyond what the law envisions and what justice requires. Extended detention stays frequently result, placing juveniles in prolonged confinement solely because the system lacks sufficient legal representation to move their cases forward.

Recent data shared with the SAO and OPD by the Courts (**see graphic below**) shows significant wait times across cases. On average, the data shows it takes about 161 days from the initial appearance of a defense attorney on behalf of a Respondent to the adjudication date. For conflict cases, it takes approximately 129 days from the day OPD enters their appearance on behalf of a Respondent until a panel attorney enters on behalf of that Respondent. The data report clearly shows significant wait times beyond the statutorily required 30/60-day timelines.

# of Respondents That Need Panel Attorney (excludes STET/Mutual Postpone)	# of Days from OPD Entry & Panel Entry	Days	For respondents still without panel attorneys, # of days since OPD entry without panel attorney	Days
25	Average:	129	Average:	114.44
	Minimum:	36	Minimum:	22.00
# of Respondents Who Had Their Case Postponed At Least Once in 2025	Maximum:	367	Maximum:	266.00
121	Median:	127	Median:	105.00

# of Days from Initial Appearance to Adjudication	Days	# of Days from Panel Entry to Adjudication	Days
Average:	161	Average:	53
Minimum:	56	Minimum:	16
Maximum:	256	Maximum:	113
Median:	160	Median:	49

OPD has been arguing that they just cannot find Panel Attorneys to take their cases. They believe that their funding for Panel Attorneys is woefully lacking, compared to other agencies, and that the abuse they face from the bench deters attorneys from entering their appearances on behalf of the Respondents. In the beginning, when the paneling issue came to light,

they would wait until the last minute to request a postponement due to the problem with paneling. Victims and witnesses would appear for Court; however, OPD would be aware of their need for a postponement and would wait until the day of adjudication to make their request. OPD would also argue that the case should be dismissed because the SAO violated the statutory time requirements, even though it was the OPD that caused the delay. This issue places a repeated burden on victims and witnesses, who have to take time off work, rearrange their lives, etc., to attend these hearings, and when the trial is continued time and time again, they do not wish to be involved in the process any longer. Victims feel there is no justice for them and lose faith in the system. On the flip side, these issues create a cycle of noncompliance from the youth because they don't see any immediate consequences for their actions.

While cases were getting continued for months on end, the Courts began placing in their Court orders requirements that OPD had up to 14 days to find a panel attorney, or they would have to enter on behalf of the Respondent. OPD began filing Exceptions to these Orders. The Courts have also started issuing Show Causes against OPD, requiring them to explain why they should not be held in contempt for failing to find panel attorneys in a timely manner.

All of this, in turn, harms the youth, frustrates families, burdens victims and witnesses, and weakens the credibility of the juvenile justice system. Addressing these problems will require coordinated reforms: improved staffing and efficiency in the clerks' office, more realistic scheduling practices that allow for full-day or multi-day hearings, and investment in expanding and supporting the panel attorney pool. Without such changes, the system will continue to fall short of its legal obligations and its mission to deliver timely, fair, and developmentally appropriate justice for youth. And most importantly, protect public safety.

Automatic Charging: What is it?

It is critical to understand what the existing law is and the current process for juveniles charged as adults to identify cracks and deficiencies in the system.

Maryland Courts & Judicial Proceedings 3-8A-03 details the ages and offenses for which youth are charged in the Circuit Court.

In cases of First-Degree Murder, First-Degree Rape, and First-Degree Sex Offense, youth aged 14 years and older are charged in the Circuit Court. A youth charged in Circuit Court with any of these charges is eligible for transfer of their case to the Juvenile Courts.

In cases involving handguns and other firearms, youth 16 & 17 years old are charged in the Circuit Court. This category includes:

- Wear, Carry, Transport Handgun & Wear Carry Transport Loaded Handgun (On Person, or In Vehicle)
- Minor in Possession of a Regulated Firearm
- Possession of an unregistered Short-barreled Shotgun, Short-barreled Rifle
- Illegal Possession of Regulated Firearm
- Possess, Sell, Transfer Stolen Regulated Firearm
- Use of a Firearm in the Commission of a Crime
- Possess, Own, Carry, Transport a Firearm by a Drug Felon
- Firearm Drug Trafficking
- Use of a Firearm in a Felony Crime of Violence
- Use or Possession of a Machine Gun in the Commission of a Crime of Violence
- Use or Possession of a Machine Gun for an Offensive or Aggressive Purpose

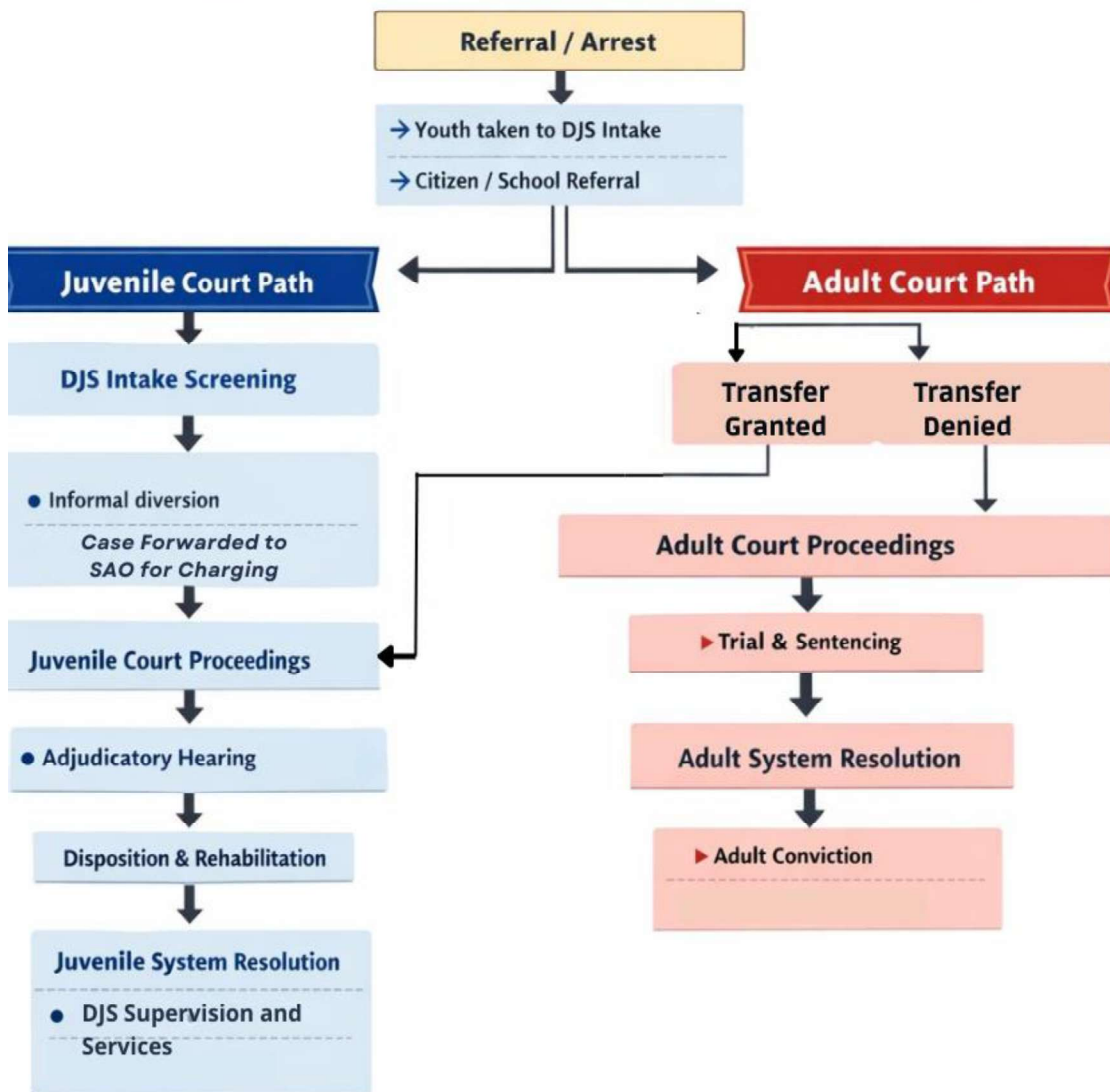
In cases involving crimes of violence (except Robbery), youth aged 16 & 17 are charged in the Circuit Court. This category includes:

- Abduction & Kidnapping
- Second-Degree Murder

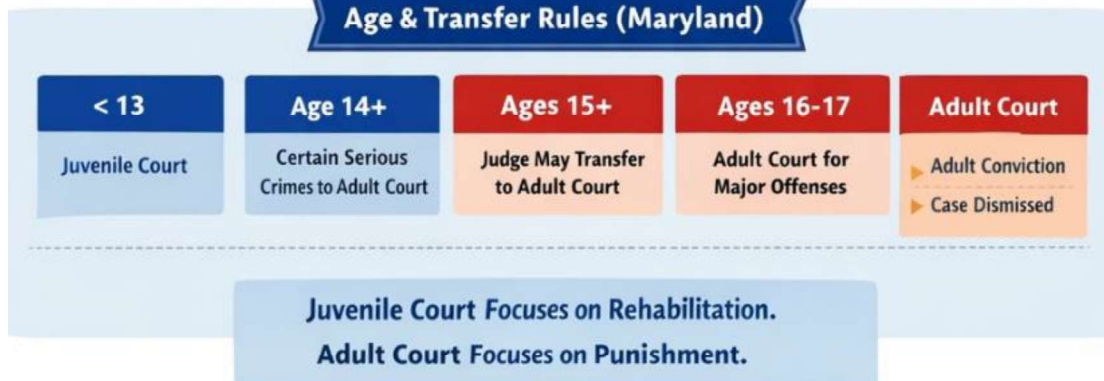
- Voluntary Manslaughter (not involuntary manslaughter)
- Second-Degree Rape
- Armed Robbery, also known as Robbery with a Deadly Weapon
- Second- and Third-Degree Sex Offense
- First-Degree Assault
- Carjacking & Armed Carjacking

All of these cases are eligible for transfer to the Juvenile Courts.

Maryland Juvenile Justice System Process



Age & Transfer Rules (Maryland)



Reverse Waiver Possible for Youth Ages 14–17 in Adult Court.

The proposal to end automatic charging of juveniles into the adult system is not a solution to the challenges facing public safety—it is a step toward deepening an already failing structure. The current juvenile justice system is struggling under the weight of its existing caseload. Introducing direct charging would not only fail to address these systemic deficiencies but would actively worsen them, harming youth, overwhelming courts, and undermining community safety.

The reality is that the system cannot handle the cases it currently has. Significant delays already plague juvenile matters due to chronic scheduling problems, insufficient courtroom availability, and a severe shortage of panel attorneys. Cases routinely fall outside mandated timeframes, not because of the conduct of the youth involved, but because the infrastructure responsible for processing these cases is stretched beyond capacity. Adding more cases to this environment would only magnify these delays, pushing adjudications even further out and eroding the integrity of the process.

Transfers: How do they work?

Once a youth has been charged in Circuit Court, they are immediately provided with an attorney from OPD. This is different from how quickly youth are represented in the Juvenile Courts.

In the Juvenile system, youth are required to be represented; however, OPD has faced show-cause hearings and reprimands from Judges due to their inability to provide panel attorneys to youth in a timely manner. Meaning that despite the expectation that all youth will be represented, the reality is that many youths wait months before an attorney is assigned to their case.

However, youth charged in the Circuit Court are assigned a Public Defender from a specialized unit at OPD, and those cases take priority. In cases where multiple youth are charged in both the Circuit Court and the Juvenile Court, OPD takes the Circuit Court cases for the youth and panels the Juvenile Court cases, which can take weeks and months.

Once a defense attorney enters their appearance in the Circuit Court case, they can file a Motion to Transfer Jurisdiction. This filing allows the Circuit

Court Judge to request that the DJS prepare a Transfer of Jurisdiction (TOJ) Report. The TOJ report includes a record of any prior services DJS has provided to the youth, school reports (including grades, absences, and any IOPs or 504s), information about the youth's home and social life, and a psychologist's evaluation. The Statement of Probable Cause for the case is also included. The purpose of the report is to provide the parties – State's Attorney, Defense Attorney, and Judge - with information about the youth and his or her circumstances, so that the Judge can ultimately decide whether the case should stay in the Circuit Court or be transferred to the Juvenile Court.

DJS has 45 days to prepare the TOJ report. If DJS needs more time to write the report, they will ask the Judge to grant them an extension. Once the TOJ is complete, it is sent to the parties, and a Judge is assigned to hear arguments on the Motion to Transfer Jurisdiction.

The burden of proof in a transfer hearing rests with the Defense. The Defense must demonstrate, by a preponderance of the evidence (more likely than not), that transfer is in the best interest of the youth or of society. This process requires the Court to weigh factors such as the youth's age, maturity, amenability to treatment, prior record, and the nature of the alleged offense. The inquiry is forward-looking: the judge must determine whether the juvenile system's rehabilitative resources are better suited to address the youth's needs and protect public safety.

Having the TOJ report is extremely useful for the SAO. We are aware that crimes do not occur in a vacuum and rely on the TOJ report to fill in our understanding of the juveniles, their circumstances, and experiences. We speak with the victims, assess the viability of the evidence, and determine which services would best help the juvenile in each and every case up for transfer. Sometimes we agree with the Defense that the juvenile is best served in the juvenile system and that the case should be transferred to the Juvenile Court. Sometimes, the case should remain in Circuit Court, and we argue against the transfer.

The current process enables all parties involved in the case to see a fuller picture of the juvenile, not just the offense, but what home and school are like, if there was a history of similar offenses, or if this was an escalation, or even an aberration. If minors are to be charged no matter the offense in

Juvenile Court, we will not have this background information before we file a motion to waive the case to Circuit Court.

This is in part because the juvenile has the incentive to talk with the DJS workers and the psychologist writing the TOJ report – that information will help their case be transferred to the Juvenile Court.

A motion to have a case moved from the Juvenile Court to the Circuit Court is called a Waiver. And the State's Attorney is given less than three weeks from the date of charging to file that motion. We have to make that call without a TOJ report. And while DJS is directed to prepare a report similar to a TOJ, there is no incentive for the juvenile and their family to cooperate with DJS, since the youth/Defense doesn't want their case moved to the Circuit Court, and the burden lies with the State.

This will mean more cases in the Juvenile Courts, resulting in longer waitlists, less supervision, and fewer services. With the lack of accountability, there will be more recidivism.

In 2025, in Baltimore City, approximately 265 cases involving a transfer from Circuit Court to Juvenile Court were heard by a Judge. Of those, 146 cases were transferred to the Juvenile Courts. That is 55%. In the remaining cases, the Motion to Transfer was denied, and the cases remained in the Circuit Court for Baltimore City.

Some of the juveniles charged in the Circuit Court had more than one case, so while 146 cases were transferred to the Juvenile Courts, 130 juveniles were responsible for them. Once transferred, the vast majority pled and were committed to DJS. In approximately half of the cases transferred the top count was a Firearm charge. 19% were Armed Robberies, and 15% were Attempted Murder cases.

Of the 130 juveniles, approximately 43% were placed in the community, 24% were placed at Staff Secure Facilities, and 23% were placed at Hardware Secure Facilities. Three juveniles were placed at Residential Treatment Centers. Five juveniles are waiting for placement.

If you were to compare cases that originated in the Juvenile Court with transfer cases, more transfer cases result in DJS placement. In the TOJ

report, DJS advises where and how the juvenile charged could receive services, such as at a staff-secure facility like Backbone Mountain Youth Center or a hardware-secure facility like Victor Cullen. The TOJ report states that the average length of stay at the Youth Centers operated by DJS is three to five months.

	2024	2025
Cases with Hearings	195	265
Cases Denied Transfer	66	98
Cases Granted Transfer	129	146
% of Handgun Cases	46%	45%
% of Handgun Cases Transferred	74%	67%
% of Handgun Cases Denied Transferred	27%	32%
2024 - 66% of cases transferred 2025 - 55% of cases transferred		

However, the reality is vastly different.

In 2025, the majority of youth placed in the facility remained there for less than three months. The longest placement lasted 195 days, or about six and a half months. Unfortunately, that youth went AWOL upon returning to the community and is now pending a Violation of Probation.

It is the expectation that youth with transferred cases will receive more intensive services. The crimes they have been charged with are grave, and they have had to prove to a Judge that they are amenable to services, and DJS has advised that they have services tailored for the youth.

However, when it comes time to provide those services, DJS is often empty-handed.

Even in cases where specific agreements regarding placement and service types have been made, and DJS has said on the record that the agency can meet the need, they have failed to make good on their promises. This outcome leaves Judges and attorneys frustrated, and the youth underserved.

Even the basic placement and supervision process has service gaps. Take these case studies from 2024 and 2025:

Transfer Case Study: 24-3-T

Transfer Case Charges: Attempted First-Degree Murder, First-Degree Assault, Use of a Firearm in a Crime of Violence, and related charges

Transfer Date: March 5, 2024

Case Outcome: Juvenile pled to First-Degree Assault; Committed to DJS

Date of Re-Offense: Arrested May 22, 2025; Indicted on June 11, 2025

Prior Contacts: 4 prior contacts

Summary:

Juvenile 24-3-T was indicted for Attempted First-Degree Murder, First-Degree Assault, Use of a Firearm in a Crime of Violence, and related

charges on October 26, 2023. The case was transferred to the Juvenile Court system on March 5, 2024.

The Juvenile pled to First-Degree Assault and was committed to DJS for placement at Green Ridge Youth Center. The Juvenile was detained for approximately two months pending placement at Green Ridge, and he was transferred there on May 16, 2024. He was at Green Ridge for 166 days, returning to the community on October 29, 2024.

The transition process was not smooth – the Juvenile was not enrolled in school for approximately three months, and once enrolled in school, did not attend. DJS was unable to connect the Juvenile with therapeutic services for more than six months, and the Juvenile found the mentoring services unengaging, as they reported contact was primarily by phone. The Court placed the Juvenile on GPS and other forms of electronic monitoring, but there were consistent violations.

The Juvenile was charged as an adult on May 22, 2025, in Baltimore City with Attempted First-Degree Murder, Attempted Second-Degree Murder, First-Degree Assault, and related offenses. The Juvenile was indicted on June 11, 2025, and a Motion to Transfer Jurisdiction was filed. As of writing, that motion will be heard in February 2026.

Juvenile Case Timeline – (24-3-T)

Date	Event	Key Notes
Oct 26, 2023	Initial Indictment	Attempted First-Degree Murder, First-Degree Assault, and Use of a Firearm.
Mar 5, 2024	Transfer to Juvenile Court	Case moved from adult jurisdiction.
May 16, 2024	Placement @ Green Ridge Youth Center	Detained approximately two months awaiting placement.
Oct 29, 2024	Returned to Community	Completed 166 days at Green Ridge.
Oct 2024 – Mar 2025	Service Gaps	No school enrollment for approximately three months; services delayed > 6 months; repeated GPS violations.
May 22, 2025	Re-Offense Arrest	Charged with Attempted Murder, First-Degree Assault, and related offenses.
Jun 11, 2025	Re-Offense Indictment	Defense counsel filed a motion to transfer jurisdiction.
Feb 2026	Transfer Hearing (Scheduled)	Court to determine proper jurisdiction.

System Impact Summary

- Delayed placement and service access undermined rehabilitation.
- Community services and facilities faced persistent waitlists and capacity limits.
- Inconsistent monitoring and engagement preceded re-offense.
- This case highlights structural strain within the Juvenile Justice System.

Transfer Case Study: 25-2-T

Transfer Case Charges: Attempt First-Degree Murder, First-Degree Assault, Use of a Firearm in a Crime of Violence, and related charges

Transfer Date: March 17, 2025

Case Outcome: Juvenile pled to First-Degree Assault and Discharge of a Firearm in Baltimore City; Committed to DJS

Date of Re-Offense: Arrested November 26, 2025

Prior contacts: Three prior contacts

Summary:

Juvenile 25-2-T was charged with Attempted First-Degree Murder, First-Degree Assault, Use of a Firearm in a Crime of Violence, and related charges in October 2024 in the Circuit Court for Baltimore City. The case was transferred to the Juvenile Court system on March 17, 2025.

The Juvenile pled to First-Degree Assault and Discharge of a Firearm in Baltimore City and was committed to DJS for placement. The Juvenile was detained for approximately two months pending placement at the Victor Cullen Center. The Juvenile was at the Victor Cullen Center for 83 days, from May 8, 2025, to July 30, 2025.

In the community, there were consistent issues with attendance and grades at school, and substance abuse. Despite these reports, DJS advocated rescinding the commitment and closing probation in December.

On November 26, 2025, the Juvenile was arrested for Illegal Possession of a Regulated Firearm, Loaded Handgun on a Person, Possession of a Ghost Gun, and related charges in Baltimore City.

Juvenile Transfer Case Timeline - (25-2-T)

Date	Event	Key Notes
Oct 2024	Initial Charges (Adult Court)	Charged in Circuit Court with Attempted First-Degree Murder, First-Degree Assault, Use of a Firearm, and related offenses.
Mar 17, 2025	Transfer to Juvenile Court	Case transferred from Circuit Court to Juvenile Court jurisdiction.
Mar 17, 2025	Disposition / Plea	Juvenile pled to First-Degree Assault and Discharge of a Firearm in Baltimore City.
Mar-May 2025	Detention Pending Placement	Detained approximately two months awaiting placement.
May 8, 2025	Placement @ Victor Cullen Center	Committed to the Department of Juvenile Services for residential placement.
May 8-Jul 30, 2025	Residential Commitment	Remained at Victor Cullen Center for 83 days.
Jul 30, 2025	Return to Community	Released from residential placement to community supervision.
Aug-Nov 2025	Community Supervision Issues	Persistent issues with school attendance, academic performance, and substance abuse.
Dec 2025	DJS Recommendation	Department of Juvenile Services advocated rescinding commitment and closing probation.
Nov 26, 2025	Re-Offense Arrest	Arrested for Illegal Possession of Regulated Firearm, Loaded Handgun on Person, Possession of a Ghost Gun, and related charges.
Nov 26, 2025	New Charges Filed	Firearm-related charges filed in Baltimore City.
Nov 26, 2025	System Impact Note	Re-offense occurred following release and recommendation to close probation.

While DJS claims that they can handle the influx of cases eliminating automatic charging would bring, that claim, like the 85% of cases transferred stat cited by the JJDPA, is a total fiction.

Every placement facility has a waitlist, sometimes double-digits in length. Nearly every single detention facility is completely full; the only one with occupancy is one of two detention centers for young women. Services in the community are inconsistent, and availability varies by jurisdiction. Baltimore City is a larger jurisdiction with more resources, so while there may be four to five mentoring organizations available to youth, many other districts in the State have only one option.

Despite the options available, there are still waitlists for services in the City. As in the example above, it takes months for DJS to connect youth with therapeutic services, despite having two organizations it regularly contracts with. This delay in services means diminished services, which

affects rehabilitation, which is the whole point of the Juvenile Justice System.

YDC

The Youth Detention Center (YDC) was created out of necessity, not convenience. Its purpose is rooted in a fundamental legal requirement: the separation of youth under 18 from adult detainees with respect to sight and sound. Federal and state law mandate that minors held in secure custody must not be housed where they can see or hear adult inmates. For years, this requirement posed a significant challenge for adult detention facilities, which were never designed to safely or legally house juveniles. YDC emerged as the solution—a dedicated space where youth could be held in compliance with sight-and-sound laws while receiving age-appropriate supervision, structure, and services.

There has been a recent push to request that youth automatically charged as adults be housed in DJS juvenile detention facilities pending their Transfer hearings. Despite a clear legal foundation, DJS facilities undermine the very protections the law requires. Once a youth is placed in DJS custody, DJS is not bound by the same sight-and-sound rules that govern adult detention settings. Youth who turn 18 while in DJS custody are not separated from the under-18 population, a direct violation of the principles that led to the creation of YDC in the first place. Those over the age of 18 may be housed with those under the age of 18, posing a serious safety risk for individuals. One example of this is a case of a female juvenile who had reached the age of 18. The DJS case manager had requested her removal from the DJS detention facility where she was being housed because she was creating a dangerous situation for those youth being held there under juvenile jurisdiction. She posed as a correctional officer at times, acting as a negative influence on younger individuals and causing problems for the facility's staff.

Beyond compliance issues, DJS is simply not equipped to absorb additional youth. The agency is operating at capacity, with waitlists for detention beds and placement options that are already scarce. DJS has openly acknowledged that it is still working to build out programming and expand its service capacity. As a result, youth placed in DJS facilities often

receive minimal programming—typically limited to workbooks or self-guided materials. The lack of structured, consistent services leaves young people without the educational, therapeutic, and developmental support they need during a critical period of their lives. When a youth is awaiting a transfer hearing and is physically moved to a juvenile detention facility pending the transfer of their case, they are placed in a pending placement unit. These youth are receiving “good time” credits while held in the DJS pending placement unit, which counted toward their treatment service hours when they finally reached placement. This practice still exists and has not ceased, thereby reducing the time a youth spends at a treatment facility. This, in turn, shortens the rehabilitative services they were to receive at the actual treatment facility. Youth spent as little as 30 days in a treatment facility. For perspective, for a youth to be placed in a facility, they must have been found Facts Sustained of a felony or a handgun.

YDC, by contrast, was built not only to meet legal requirements but to provide meaningful services. Youth housed at YDC receive daily educational instruction through Eager Street Academy, as well as mentoring, counseling, and structured programming designed to support their academic progress and emotional development. They receive substance abuse, mental health, and health care services. Some youth even earn their GEDs while detained—an outcome that is simply not occurring in DJS detention settings. YDC offers a level of programming, consistency, and individualized attention that DJS facilities, due to capacity constraints and resource limitations, cannot currently match.

The claim that youth at YDC are “not receiving services” is not only inaccurate—it reverses the reality. Youth transferred to DJS facilities lose access to robust programming. YDC is the environment where services are actually being delivered. The confusion likely stems from the assumption that juvenile facilities inherently provide better programming. But what people don’t understand is that detention pending a hearing versus actual placement into a facility for treatment purposes are very different. Youth awaiting a hearing in a juvenile detention facility are not receiving the full array of services YDC provides while they are pending a hearing. And the current conditions within DJS detention facilities do not support the assumption that youth are receiving better programming. The

system is overwhelmed, under-resourced, and unable to meet the needs of the youth already under its jurisdiction. Adding more youth—especially those charged as adults—would only deepen the strain.

In summary, if Direct File is implemented, the juvenile system would be flooded with cases it cannot handle. DJS already struggles to house and serve the youth it receives under original jurisdiction. DJS provides real-time information about detention availability on its website, but there is none currently. Placement options are limited, waitlists are long, and youth often sit for extended periods without access to appropriate treatment or services. The youth presently held in adult detention facilities are usually those who have turned 18 since their arrest—individuals who, by law, must be separated from minors. DJS has not been able to comply or is blatantly ignoring this requirement, further demonstrating that it is not positioned to take on additional responsibility.

Meaningful juvenile justice reform must be grounded in practicality, capacity, and fairness—not aspiration alone. While the goal of improving outcomes for young people is shared across stakeholders, the proposal to mandate that all juvenile cases originate in juvenile court would overwhelm an already strained system, exacerbate existing deficiencies in indigent defense, and impose unacceptable burdens on victims seeking justice.

The juvenile justice system cannot be asked to do more without first being given the resources, staffing, and infrastructure necessary to succeed. Nor can reforms move forward in a way that disregards judicial warnings, ignores documented capacity failures, or diminishes victims' voices.

The Office of the State's Attorney for Baltimore City remains committed to thoughtful, data-driven reforms that balance rehabilitation with accountability and protect public safety. We stand ready to work collaboratively on solutions that strengthen the juvenile justice system without destabilizing it. However, we cannot support a proposal that, as currently conceived, risks breaking a system already struggling to function and undermines the very principles it seeks to advance.

Baltimore's communities—its youth, its victims, and its families—deserve better.

Exhibit 1

Juvenile Trial Case Study: 24-2-J

Charges: Attempted Armed Carjacking, Conspiracy Carjacking, Use of a Firearm in a Crime of Violence, and related charges

Offense Date: May 8, 2024

Arrest Date: N/A, Stack case

Charging Date: June 18, 2024

Initial Arraignment date: September 10, 2024

First Trial date: October 22, 2024 – OPD Postponement to Panel

Second Trial Date: December 2, 2024 – OPD Postponement to Panel

Third Trial Date: January 28, 2025 – Defense Postponement; Case just paneled

Fourth Trial Date: March 5, 2025 – Motions Hearing; Trial Postponed

Fifth Trial Date: May 6, 2025 – Trial Started; Unable to finish in time allotted and continued to June 27, 2025

Sixth Trial Date: June 27, 2025 – Trial Concluded

Outcome: Facts Sustained on Attempted Carjacking and related charges; Committed to DJS

Priors & Contacts: 15 Prior Contacts; Committed to DJS on Felony

Juvenile Trial Case Timeline – (24-2-J)

Date	Event	Key Notes
May 8, 2024	Offense Date	Attempted Armed Carjacking and related offenses.
June 18, 2024	Charging Date	Formal juvenile charges filed.
Sept 10, 2024	Initial Arraignment	Respondent arraigned in Juvenile Court.
Oct 22, 2024	First Trial Date	Defense postponement to panel.
Dec 2, 2024	Second Trial Date	Defense postponement to panel.
Jan 28, 2025	Third Trial Date	Defense postponement; case just paneled.
Mar 5, 2025	Fourth Trial Date	Motions heard; trial postponed.
May 6, 2025	Fifth Trial Date	Trial began but not completed; continued.
June 27, 2025	Sixth Trial Date	Trial concluded; Facts Sustained.
June 27, 2025	Outcome	Committed to the Department of Juvenile Services.

Summary:

This case is an attempted armed carjacking of a Lyft driver in May 2024. Three youths, including this Juvenile, carjacked the Victim using a short-barreled shotgun, striking him on the side of the face with the butt of the gun. There was a tussle over the car keys, and the Juveniles began to assault the Victim, during which time the vehicle crashed into a street pole. The Juveniles were identified a few days later and had already been arrested for other offenses in other jurisdictions.

The SAO charged this case in June 2024. It was arraigned on September 10, 2024. However, due to paneling issues, the case was not assigned to a defense attorney until January 2025.

Then, due to docket time restraints, only motions were heard on the fourth trial date. 363 days after the incident, the case finally went to trial on May 6, 2025.

Again, there was not enough time in the docket for the adjudication to finish, so it was continued for more than seven weeks, until June 27, 2025. It was at that sixth trial date, over a year after the violent offense, that the trial concluded, and the Juvenile was found Facts Sustained on Attempted Carjacking and related charges.

Exhibit 2

Juvenile Trial Case Study: 24-8-J

Charges: Robbery, Second-Degree Assault, Theft \$100-\$1500, and related charges

Offense Date: January 13, 2024

Arrest Date: N/A, case charged via summons

Charging Date: July 3, 2024

Initial Arraignment: October 22, 2024

First Trial Date: November 6, 2024 – OPD Postponed; Motion for Joinder filed; Panel Attorneys needed

Second Trial Date: December 10, 2024 – OPD Postponed for Motions Hearing; Panel Attorneys needed

Third Trial Date: January 21, 2025 – Motions Hearing; Trial Reset; Panel Attorneys needed

Fourth Trial Date: January 31, 2025 – Juvenile Failed to Appear

Fifth Trial Date: March 4, 2025 – OPD Postponed; Panel Attorney needed

Sixth Trial Date: May 2, 2025 – Trial Postponed for a new defense attorney entering

Seventh Trial Date: June 26, 2025 – Juvenile decides to plead

Outcome: Facts Sustained on Second-Degree Assault; Probation

Priors & Contacts: Zero prior contacts; One subsequent contact

Juvenile Trial Case Timeline – (24-8-J)

Date	Event	Key Notes
Jan 13, 2024	Offense Date	Robbery, Second-Degree Assault, Theft, and related offenses.
July 3, 2024	Charging Date	Case charged via summons.
Oct 22, 2024	Initial Arraignment	Respondent arraigned in Juvenile Court.
Nov 6, 2024	First Trial Date	Trial postponed; motion for joinder filed; panel attorneys needed.
Dec 10, 2024	Second Trial Date	Trial postponed for motions hearing; panel attorneys needed.
Jan 21, 2025	Third Trial Date	Motions hearing; trial reset; panel attorneys needed.
Jan 31, 2025	Fourth Trial Date	Juvenile failed to appear.
Mar 4, 2025	Fifth Trial Date	Trial postponed; panel attorney needed.
May 2, 2025	Sixth Trial Date	Trial postponed for new defense counsel.
June 26, 2025	Seventh Trial Date	Juvenile elected to plead.
June 26, 2025	Outcome	Fact Sustained on Second-Degree Assault; placed on probation.

Summary:

This case stems from a robbery at the State Center Metro Station involving a group of Juveniles in January 2024. It took some time for MTA police to identify the individuals involved, but they confirmed the identity of this Juvenile in April 2024.

The case was charged via Stack, and so there were no services or supervision provided by DJS before trial.

Four Juveniles were charged with the offense, raising concerns about a conflict of interest and the need for OPD to assign panel attorneys to three of the cases.

After 18 months, on the seventh trial date, the Juvenile decided to plead guilty and not proceed to trial. The Juvenile is placed on probation for a year, concurrent with the probation they were already on.

As of writing, the Juvenile has missed multiple court hearings and has not been connected with a mentor.

Exhibit 3

Redacted 2024 Transfer Placement Information

The chart below tracks the judicial outcomes for the 118 youth whose cases were transferred to the Juvenile Court system in 2024. The highlighted yellow indicates that the respondent reoffended or went AWOL within 18 months.

Of the 118 respondents, 70 were supervised in the community. 16 of them reoffended, and two went AWOL. One was the victim of a homicide.

28 respondents were placed at Staff Secure facilities. Subsequently, three went AWOL, and seven reoffended.

13 respondents were placed at Hardware Secure facilities. Subsequently, six reoffended.

24% of juveniles transferred to the Juvenile Court system reoffended. If you include those who went AWOL, we are at 28%. More than a quarter of youth transferred to the Juvenile Court system end up back in Circuit Court or become noncompliant with supervision within 18 months.

More than 40% of the transfer cases involve violent crimes against victims. Nearly a third of the respondents reoffended. The re-offenses are not shoplifting cases; these are handgun cases, attempted murder cases, armed robberies, and assaults. This trend shows that the current system is broken; it simply is not meeting the needs of the juveniles it currently serves.

Youth sent to placement facilities used to spend six to nine months there; now, they are released after completing 80% of their prescribed hours, spending as little as 27 days there before DJS deems them ready to return to the community.

The idea that it won't be a problem to take on everyone charged criminally under 18, when DJS cannot successfully serve the half that are transferred, is irresponsible and, quite frankly, dangerous.

2024 Transfer Placement Data

Decision Date	Actor ID	Charge	Placement?	Duration	Notes
1/9/2024	5077013	Kidnap & Robbery	Victor Cullen	3/26/24 - 7/23/24, 119d	Respondent was just sentenced to 105 yrs in Balt County gang case
1/10/2024	5169544	Firearm Drug Trafficking	Community		Case closed
1/11/2024	5151492	Handgun Possession	Community		Sentenced as adult in Possession with Intent to Distribute Narcotics case
1/23/2024	5183796	Aimed Robbery			
1/24/2024	5197809	Handgun Possession	Community		Case closed
1/24/2024	5158022	Handgun Possession	Community		Re-offended, sentenced to 11 yrs in Howard County for 1st Degree Assault, Conspir. Firearm Crime of Violence & Illegal Possession of Regulated Firearm
1/26/2024	5122893	Handgun Possession	Green Ridge	2/28/24 - 6/7/24, 100d	Case closed
2/5/2024	5195144	Handgun Possession	Community		
2/15/2024	5223429	Handgun Possession	Community		
2/15/2024	5178745	Handgun Possession	Community		
2/15/2024	5145026	Aimed Carjacking & Handgun Possession	Backbone Mt	Not documented	Went AWOL 9/10/24, case closed
2/21/2024	5228119	Handgun Possession	Community		Case Closed
2/22/2024	5193699	Handgun Possession	Probation		Re-offended in August 2024 with a handgun charge
2/22/2024	5222636	Handgun Possession	Community		Case Closed
2/22/2024	5210556	Handgun Possession	Community		
2/23/2024	5214319	Handgun Possession	Probation		Case Closed
2/29/2024	5211544	Carjacking	Probation		Case Closed
3/5/2024	5210959	Attempt Murder 1	Green Ridge	5/16/24 - 10/29/24, 166d	Re-offended, charged with Attempt 2nd D Murder
3/6/2024	5011627	Assault 1	Victor Cullen	Not documented	Re-offended charged with Armed Carjacking case in Baltimore County, Juvenile case close unsatisfactorily
3/6/2024	5084348	Aimed Robbery	Victor Cullen	7/2/24 - 8/30/24, 59d	Re-offended, charged with Carjacking case in Balt County and kept on probation until he picked up Handgun charge as 19yr old, at which point juvie cases were closed out
3/19/2024	5137818	Murder	Rockdale	9/23/24 -	Agreement was to 2 yrs of out-of-state placement
3/25/2024	5198002	Firearm Drug Trafficking	Backbone Mt	4/25/24 - 8/6/24, 103d	
4/4/2024	5228674	Minor in Possession of Handgun	Community		Case Closed
4/4/2024	5218915	Minor in Possession of Handgun	Community		
4/8/2024	5238845	Possession with Intent to Distribute Narcotics & Handgun Possession	Backbone	4/23/24 - 6/1/24, 39d	Case closed
4/9/2024	5193531	Assault 1 & Handgun Possession	Community		Case Closed
4/10/2024	5211534	Carjacking	Community		Case Closed
4/11/2024	5156125	Firearm Drug Trafficking	Probation		Re-offended, charged with Possession with Intent to Distribute Narcotics
4/12/2024	5172913	Attempt Murder 1	Backbone Mt	7/11/24 - 10/4/24, 85d	Moved to NC from Backbone Youth Center
4/22/2024	4978445	Handgun Possession	Backbone Mt	6/7/24 - 10/21/24, 136d	Re-offended, Conspiracy Narcotic Distribution case, on adult probation with Baltimore County case pending
4/29/2024	5198791	Handgun Possession	Community		
5/2/2024	5183942	Handgun Possession	Community		
5/7/2024	5227142	Aimed Robbery	Morning Star Academy	8/23/24 - 1/21/25, 151d	
5/16/2024	5236318	Handgun Possession	Community		

5/17/2024	5200823	Carjacking	Peace Academy	8/18/24 - 11/4/24, 78d	Re-offended, serving adult sentence and has mutiple cases
5/20/2024	5236116	Armed Robbery	Probation		Re-offended, serving sentence for Armed Robbery
5/21/2024	5155540	Handgun Possession	Probation		
5/22/2024	5240982	Armed Robbery	Community		Case Closed
5/23/2024	5245641	Handgun Possession	Community		Re-offended and serving sentence for Handgun Possession
5/28/2024	5256434	Handgun Possession			
5/29/2024	5246533	Armed Robbery	Community		Case Closed
6/3/2024	5240983	Armed Robbery	Community		Case Closed
6/5/2024	5145850	Attempt Murder 1	Victor Cullen	6/25/24 - 9/22/24, 182d	Case closed
6/10/2024	5231105	Armed Robbery	Community		Case Closed
6/10/2024	5219834	Handgun Possession	Community		Case Closed
6/11/2024	5255997	Handgun Possession	RTC		
6/11/2024	5162677	Rape	CTC	11/7/2024 -	
6/18/2024	5240069	Handgun Possession	Community		Went AWOL September 2024, pending Home Invasion case in Baltimore County
6/24/2024	5239616	Handgun Possession	Probation		
6/26/2024	5227003	Armed Robbery	Community		
6/27/2024	5227385	Armed Robbery	Community		Re-offended, charged with 1st Degree Assault
6/27/2024	5146426	Handgun Possession	Green Ridge	10/30/24 - 12/17/24, 48d	Went AWOL March 2025
6/27/2024	5260897	Assault 1 & Robbery	Backbone Mt	8/13/24 - 12/4/24, 113d	Re-offended, charged with 2nd D Assault
6/29/2024	5257110	Handgun Possession	Green Ridge	9/11/24 - 12/13/24, 93d	Case closed
7/2/2024	5253466	Handgun Possession	Community		
7/3/2024	5198412	Armed Carjacking	Victor Cullen	7/10/24 - 1/9/25, 183d	Case closed
7/3/2024	5195264	Handgun Possession	Community		Went AWOL June 2025
7/11/2024	5201404	Armed Robbery	Community		Re-offended August 2024, charged with Handgun Possession
7/11/2024	5285397	Handgun Possession	Probation		Re-offended, charged with Motor Vehicle Theft
7/18/2024	5287017	Handgun Possession	Community		
7/26/2024	5245688	Handgun Possession	Probation		
8/1/2024	5238879	Firearm Drug Trafficking	Backbone Mt, then Green Ridge	9/4/24 - 11/25/24, 82d	Supervision transferred to Frederick Co.
8/1/2024	5275043	Handgun Possession	Probation		Case Closed
8/2/2024	5210930	Handgun Possession	Backbone Mt	9/11/24 - 12/10/24, 90d	Reoffended, now on adult probation for Handgun Possession
8/8/2024	5254569	Handgun Possession	Backbone Mt	9/20/24 - 2/4/25, 137d	Re-offended, charged with Firearm Drug Trafficking
8/12/2024	5264932	Attempt Murder 1	Backbone Mt	12/2/24-2/6/25, 66d	
8/13/2024	5213702	Minor in Possession of Handgun	Community		
8/13/2024	5256908	Handgun Possession	Community		Youth was killed in homicide on 8/20/25
8/15/2024	5225707	Carjacking	Community then RTC		
8/15/2024	5244842	Handgun Possession	Probation		Re-offended, serving sentence for Handgun case
8/22/2024	5301294	Armed Carjacking	VC-->Backbone	12/19/24 - 4/16/25 118d, 4/16/25 - 6/13/25, 58d	
8/22/2024	5225831	Handgun Possession	Backbone Mt	9/16/24-12/10/2024, 82d	Case Closed
8/26/2024	5156107	Handgun Possession	Community		
8/26/2024	5222540	Attempt Murder 1	Victor Cullen	10/29/24 - 11/25/24, 27d	**case not in MDEC
8/26/2024	5274060	Handgun Possession	Community		
8/26/2024	5263195	Handgun Possession	Community		Re-offended, charged with Handgun Possession
8/26/2024	5287010	Firearm Drug Trafficking	Community		
8/27/2024	5263549	Handgun Possession	Community		
8/27/2024	5260898	Assault 1 & Robbery	Community		
8/30/2024	5277788	Handgun Possession	Green Ridge	10/22/24 - 2/4/25, 105d	Case Closed Unsat.
8/30/2024	5260005	Handgun Possession	Community		

9/3/2024	5296150	Participate in Criminal Gang	Backbone	10/7/24 - 12/23/24, 77d	
9/10/2024	5286987	Handgun Possession	Community		
9/16/2024	5262245	Handgun Possession	Community		
9/17/2024	5183787	Handgun Possession	Community		
9/17/2024	5257526	Handgun Possession	Victor Cullen	10/8/24-5/9/25* 213d	Re-offended, went AWOL in June & pending Motor Vehicle Theft charges
9/19/2024	5290564	Handgun Possession	Community		
10/11/2024	5269956	Firearm Drug Trafficking	Community		**case not in MDEC
10/17/2024	5264932	Assault 1	Backbone Mt	12/2/24-2/6/25, 66d	
10/18/2024	5299550	Handgun Possession	Community		
10/22/2024	5283220	Handgun Possession	Community		Re-offended serving sentence for Robbery case in Baltimore County
10/22/2024	5314052	Armed Robbery	Community		
10/28/2024	5253210	Attempt Murder 1	Backbone Mt.	1/27/25 - 3/20/25, 52d	Case closed
10/30/2024	5314188	Armed Robbery	Community		Supervision transferred to PG County, adult matters pending
10/30/2024	5304073	Handgun Possession	Backbone	12/30/24 - 3/4/25 (ejected)	Went AWOL, re-offended, charged with multiple adult cases
11/6/2024	5306303	Handgun Possession	Community		
11/7/2024	5060887	Attempt Armed Robbery	Community		Re-offended, charged with 2nd Degree Assault
11/7/2024	5298479	Armed Robbery			
11/13/2024	5314206	Armed Robbery	Probation		Supervision transferred to DC
11/18/2024	5320153	Handgun Possession	Community		Case Closed
11/19/2024	5222349	Armed Robbery, Handgun Possession	RTC		
11/19/2024	5308602	Minor in Possession of Handgun	Community		
11/21/2024	5180949	Armed Robbery	Backbone Mt	11/4/24 - 2/10/25, 98d	Supervision transferred to PA
11/27/2024	5320664	Minor in Possession of Handgun	Victor Cullen	11/7/25 -	Re-offended, charged with Attempt Murder
12/3/2024	5326742	Handgun Possession	Community		
12/4/2024	5300387	Handgun Possession	Community		Case Closed
12/4/2024	5281337	Armed Carjacking	Community		
12/4/2024	5293071	Armed Robbery, 2 cases	Backbone Mt	2/6/25 - 4/18/25, 71d	Went AWOL in June of 2025
12/4/2024	5324474	Armed Robbery	Green Ridge --> Backbone Mt	12/17/24 - 5/19/25, 153d	Re-offended, charged with Motor Vehicle theft
12/5/2024	5330752	Handgun Possession	Community		Re-offended, charged in 2 cases, Possession with Intent to Distribute Narcotics, & Assault and false imprisonment case.
12/6/2024	5309226	Handgun Possession	Green Ridge	1/15/25 - 4/4/25, 79d	
12/11/2024	5331478	Minor in Possession of Handgun	Morning Star Academy	1/15/25 - 7/14/25, 180d	
12/16/2024	5281735	Armed Robbery	Victor Cullen	3/4/25 - 6/11/25, 99d	
12/18/2024	5327075	Handgun Possession	Community		
12/18/2024	5297431	Armed Robbery			Victims not coop, Resp lives in PA
12/18/2024	5321252	Handgun Possession	Community		
12/18/2024	5326715	Attempt Murder 1	Green Ridge	2/13/25 - 4/11/25, 57d	
12/19/2024	5241144	Armed Carjacking	Victor Cullen	2/20/25 - 4/10/25, 49d	Case closed+A106A100:F119F20A109:F119A95:F119A88:F119F20A109:F119A79:F119F20A109:F119A72:F119A1:F119

MCPA MSA SB 323 Youth Charging Reform OPP.pdf

Uploaded by: Samira Jackson

Position: UNF



Maryland Chiefs of Police Association

Maryland Sheriffs' Association



MEMORANDUM

TO: The Honorable William C. Smith Jr., Chair and
Members of the Judicial Proceedings Committee

FROM: Darren Popkin, Executive Director, MCPA-MSA Joint Legislative Committee
Andrea Mansfield, Representative, MCPA-MSA Joint Legislative Committee
Samira Jackson, Representative, MCPA-MSA Joint Legislative Committee

DATE: February 4, 2026

RE: **SB 323 - Juvenile Court - Jurisdiction (Youth Charging Reform Act)**

POSITION: **OPPOSE**

The Maryland Chiefs of Police Association (MCPA) and the Maryland Sheriffs' Association (MSA) **OPPOSE SB 323**. This bill would significantly alter Maryland's existing juvenile justice framework by expanding juvenile court jurisdiction and eliminating current statutory provisions that allow certain serious and violent offenses to be charged initially in adult criminal courts.

While police chiefs and sheriffs support a juvenile justice system that prioritizes rehabilitation whenever appropriate, current law already provides a balanced and effective process. The existing framework preserves judicial discretion and allows for careful, case-by-case evaluation of when a juvenile case should remain in juvenile court or be heard in adult court. This process ensures that decisions are informed by the severity of the offense, the youth's prior history, and the need to protect public safety.

MCPA and MSA are concerned that the changes proposed in SB 323 would limit the ability of the justice system to respond appropriately to the most violent juvenile offenders and could negatively impact public safety. The current statutory structure includes important safeguards that allow cases involving serious violence, weapons, or repeated dangerous behavior to be heard in adult court when warranted, while still permitting transfer back to juvenile court when appropriate. Maintaining this process helps ensure accountability, protects communities, and preserves public confidence in the justice system.

MCPA and MSA have also heard numerous times that placements are not sufficient at DJS facilities to house juveniles who may need those types of services. If true, the requirements in SB 323 have the potential to further exacerbate these circumstances. A lack of adequate facility space could potentially have negative, unintended consequences on the youth and affect the provision of services by DJS.

Understanding the importance of this issue, MCPA and MSA stand ready to work with the Committee and stakeholders to strike the correct balance between assisting juveniles and protecting communities and public safety.

532 Baltimore Boulevard, Suite 308
Westminster, Maryland 21157
667-314-3216 / 667-314-3236

SB 323 - Juvenile Court - Jurisdiction.pdf

Uploaded by: Scott Shellenberger

Position: UNF

Bill Number: SB 323

Scott D. Shellenberger, State's Attorney for Baltimore County

Opposed

WRITTEN TESTIMONY OF SCOTT D. SHELLENBERGER,
STATE'S ATTORNEY FOR BALTIMORE COUNTY,
IN OPPOSITION OF SENATE BILL 323
JUVENILE COURT - JURISDICTION

I write in opposition to Senate Bill 323 that will start many crimes committed by juveniles in Juvenile Court instead of adult court as has been the Law for many years in Maryland.

The list of crimes are violent crimes or dangerous crimes and to start them all in Juvenile Court would pose a public safety risk. In addition, the Department of Juvenile Services (DJS) will need additional resources because every State's Attorney will likely try to "waive up the juvenile" to adult court which will require DJS to do more waiver/transfer summaries.

In addition, with the shortened time limitations that must be adhered to both DJS and State's Attorney's Office will need additional staff to handle the work load.

Let me outline a few of the cases that had this Bill been in effect when these Defendants committed their crimes, they would have all started in Juvenile Court.

Baltimore County – Nicholas Browning

On February 2, 2008 Nicholas Browning snuck into his home, put a gun to the back of his father's head and executed him while he slept on the couch. He then went upstairs where he proceeded to execute his mother, brother Gregory age 14, and brother Benjamin age 11.

At the time he committed these murders he was 15 years old. He was also 6'2", 200 pounds, with an I.Q. of 125.

Before he left the home after the murders, he staged the scene to look like a burglary. He opened his mother's jewelry cabinet and scattered its contents across the floor. He disconnected the Xbox and Wii video games and placed them on the pool table.

Browning then returned to a friend's home where he was at a sleepover. The next day he played video games and went to the mall with his friends while calling his parent's home leaving messages expressing his love for his family.

He confessed to the murders. He admitted that he had a long-standing plan to kill his family. He murdered them all because he wanted his family's money.

Should he be treated as a juvenile?

The killer who is the size of a man, with high intellect is one of the most manipulative, conniving, dangerous people I have come across in recent years. Do we want this Defendant in a juvenile facility for a year while the waiver summary is being done?

He pled guilty to four murders. Received two life sentences. He is serving his sentence in North Branch, Maryland, one of the most secure correctional facilities we have in the State. During the six month wait to waive him up to adult court, where is he housed - The Hickey School. This is not a secure facility like the Baltimore County Detention Center.

Nicholas Browning did not deserve to be treated as a juvenile for the State to hope to waive him up to adult court. He would be too dangerous.

Speaking of the Hickey School, now let me tell you about another Defendant who would have been effected by SB 323.

Baltimore County – Felix Fitzgerald

In 1999 Fitzgerald was an inmate at the Charles Hickey School and the victim was the school nurse. Keep in mind this crime happened in the place that the Defendants' will be housed if you change the law. Obviously since Fitzgerald was at the Hickey School he was still a juvenile. For some reason, the nurse's station was in the building with either the cafeteria or gym and was virtually deserted when those facilities were not being used.

On the date of the incident, the Defendant jumped over the dutch door into the nurse's station that was a room not much bigger than a closet. He was wearing a t-shirt over his face. He grabbed the nurse from behind, strangled her and anally raped her. No one could hear her pleas for help. Although the victim was a nurse, she was so traumatized by this incident that she could no longer work in that capacity and eventually moved out of State. The Defendant received a forty year sentence for First Degree Sex Offense. Do we want him treated as a juvenile? That is how he was being treated when he committed his crime.

Where is he to be housed pending the waiver hearing? At the Hickey School where he committed his crime?

Baltimore County – Ty'aris Washington

Ty'aris Washington, 16, and his 14 year old co-defendant in 2016 when the crimes were committed. On November 16, five males walked towards three victims, including a 6 year old. One male who had a black bandana covering the lower part of his face, had a handgun in his hand and stated, "Give me your shit." One of the males pushed a victim to the ground and took her phone. Another male slapped another victim

in the face with an open hand multiple times and grabbed her purse off her body, she resisted, but the assailant continued to take the purse, breaking one of her fingers in the process. Yet another male took the purse of the third victim. They then got back in the car and fled.

Approximately fifteen minutes later a witness observed three or four male suspects throwing a car seat and other items out of a vehicle. The items were later determined to belong to one of the victims. The witness stopped and asked what they were doing and the Defendant ran on foot to the parking lot of a 7-Eleven across the street where he observed them drop purses. Those purses were later identified as belonging to two of the victims.

Approximately thirty minutes later officers were dispatched for a hit and run involving a silver Chrysler Town and Country with extensive damage matching the description of the vehicle involved in the robbery. Investigation would reveal a tampered ignition and that the vehicle was reported stolen two days earlier in Baltimore City. A witness heard the crash and looked outside, observing suspicious subjects and called 911 telling them the suspects were headed north. While following their path of flight a red leather wallet and a BOA check were found belonging to the victims.

Within a minute of the hit and run, officers were dispatched to an armed carjacking just up the street. Another victim advised he was approaching his Volkswagen Jetta when he observed a group of approximately five males walking down the street. He was about to unlock his car when he was surrounded by the males. One of the individuals pulled a gun out and pointed it at the victim's head demanding his keys, cell phone and wallet. After handing over his keys and cell phone the victim grabbed the gun and pushed it over his head and then the two began to struggle. During the struggle another individual put a sharp pointed object in his ribs. The suspects then fled the area stopping briefly to dump the contents of the victim's vehicle on the side of the road. Ty'aris Washington was one of the Defendant's. He does not belong in juvenile court for his participation in this crime spree.

The 14 year old juvenile would not be able to be charged as an adult with Robbery taken out by SB 323. This would be a juvenile case.

Baltimore County – Destiny Fields

When she was 15 years old, she and a younger juvenile named Joy Jones, planned to attack a group home worker. They beat her with a fire extinguisher, dragged her down the basement stairs, barricaded the door with chairs and other furniture so she couldn't escape, then stole her car keys and took the victim's car for a joyride. This Defendant crashed the car then called her dad bragging about it. Originally sentenced to twenty years suspend all but five years on Robbery with a Deadly Weapon, ten years consecutive all suspended, on False Imprisonment. She had several Violation of Probation's and it was successfully argued for all the back-up time at her last Violation of Probation hearing. The Defendant was also convicted in Baltimore City of driving a stolen car with a handgun under the seat.

Does she belong in Juvenile Court?

Howard County – Monti Fleming

In 2006, at the age of 15, the Defendant was convicted of First Degree Murder. He and the victim had a verbal argument. The victim walked away. While he was walking away the Defendant shot at him striking him in the back and killing him. The Judge described his actions as brutal and barbaric. He was sentenced to fifty years in prison.

The Defendant was also convicted of two additional cases. The Defendant was convicted of armed robbery where he robbed and pistol whipped the victim. He was also convicted of Attempted First Degree Murder. The Defendant accused the victim of speaking to the police about drug dealing in the area. The victim went home. The Defendant went to the victim's home and asked him to come outside. The victim did. When the victim went outside the Defendant started shooting at him. The victim was shot in the leg.

Does he belong in Juvenile Court?

Howard County – Melvin Jacome

In October of 2018, the Defendant, age 15, planned to rob an individual during a marijuana transaction. The Defendant came to the robbery with a semi-automatic Keltec handgun loaded with hollow-point bullets and affixed with a green laser pointer. When the robbery fell apart the two groups separated. The Defendant got back into his vehicle and opened fire. He fatally struck the 14 year old victim.

Are these the kind of Defendants you want in Juvenile Court? Six juveniles who committed adult crimes. I am sure there are many more. Should they really start as juveniles?

Over the last several years the Legislature and Rules Committee has done a great deal to protect the rights of juveniles. In 2009 and updated in 2015, the Legislature passed Criminal Procedure 10-105(a)(7) and 10-106. This expungement procedure allows for the immediate expungement of an adult criminal record once a case has been waived back to juvenile court. There is no need to wait until the juvenile case is completed or juvenile probation is done.

The Legislature also changed Criminal Procedure 4-202. This statute establishes a presumption that juveniles charged as adults will be housed in a juvenile facility unless there is no space, the juvenile is released or the State proves and a judge finds on the record that such a transfer is not in the interest of public safety. Another change that was not available before.

In cases where juveniles are charged as adults and residing in an adult facility the State's Attorney's Office must act quickly.

Criminal Procedure 4-202.1 requires a preliminary hearing date on these juveniles to be set within fifteen days. The adult time period is thirty days. This is one half the time required in adult cases. This means an attorney will screen these cases quickly and if it is determined the case should proceed, then they will take the case to a Grand Jury or preliminary hearing. This assures that another independent body finds probable cause to proceed with the case. Yet another protection put in place for the juvenile.

The time periods in these cases will prevent a complete investigation if everything must move so quickly. The Department of Juvenile Services will not be able to handle this additional workload. Public safety must be paramount. This is a Bill that endangers public safety.

There is no reason to change the statutory scheme that was put in place decades ago to handle violent juveniles. When you review the crimes committed by the above Defendants all of these crimes are very adult crimes and the criminals should be treated as adults.

I urge an unfavorable report of SB 323.

SB323

Uploaded by: Tara Jackson

Position: UNF

TARA H. JACKSON
STATE'S ATTORNEY



State's Attorney for Prince George's County

14735 Main Street, Suite M3403
Upper Marlboro, Maryland 20772
301-952-3500

February 4, 2026

The Honorable William C. Smith, Jr.
2 East Miller Senate Office Building
Annapolis, Maryland 21401

Good Afternoon, Chair Smith, Vice-Chair Waldstreicher, and the members of the Senate Judicial Proceedings Committee:

I am Tara Jackson, State's Attorney for Prince George's County, and I am submitting this testimony in opposition of Senate Bill 323, also known as **Juvenile Court – Jurisdiction (Youth Charging Reform Act)**.

Senate Bill 323 would impose significant new responsibilities on an already overwhelmed juvenile justice system without providing the resources necessary to meet those demands. Placement for treatment in juvenile facilities is limited, staffing shortages are widespread, and victim and witness support services remain critically under-resourced. Due to longstanding institutional challenges, the Department of Juvenile Services has struggled to meet the complex needs of those in its care, many of whom have extensive prior system involvement, raising serious concerns about further expanding its jurisdiction and responsibilities.

Additionally, the Courts already have the discretion and expertise to make individualized waiver decisions based on the facts of each case. Senate Bill 323 risks undermining that careful decision-making and could lead to unintended consequences that compromise accountability, public safety, and meaningful rehabilitation. This legislation would also create a significant unfunded mandate on local governments and add to already unmanageable caseloads, raising real due process concerns. Before imposing a mandate, the General Assembly should ensure that the juvenile justice system has the capacity and resources to implement it effectively.

Thank you,

A handwritten signature in blue ink, appearing to read "Tara H. Jackson".

Tara H. Jackson
State's Attorney

sb323.pdf

Uploaded by: Will Vormelker

Position: INFO

HON. STACY A. MAYER
CIRCUIT COURT
JUDGE
BALTIMORE COUNTY
CHAIR

HON. RICHARD SANDY
CIRCUIT COURT
JUDGE
FREDERICK COUNTY
VICE-CHAIR



KELLEY O'CONNOR
ASSISTANT STATE COURT
ADMINISTRATOR
GOVERNMENT RELATIONS
AND PUBLIC AFFAIRS
P: (410) 260-1560

SUZANNE PELZ, ESQ.
SNR. GOVT. RELATIONS AND
PUBLIC AFFAIRS OFFICER
P: (410) 260-1523

MARYLAND JUDICIAL COUNCIL LEGISLATIVE COMMITTEE

MEMORANDUM

TO: Senate Judicial Proceedings Committee
FROM: Legislative Committee
Suzanne D. Pelz, Esq.
410-260-1523
RE: Senate Bill 323
Juvenile Court – Jurisdiction (Youth Charging Reform Act)
DATE: January 28, 2026
(2/4)

INFORMATIONAL COMMENT PAPER

The Judiciary respects the separation of powers doctrine and acknowledges the policy-making authority of the legislative branch. As such, the Judiciary has no position on the policy aims of this legislation.

While this bill is within the legislative prerogative, it does raise concern around implementation. The Judiciary wishes to make the legislature aware of these possible unintended consequences.

The first concern is compliance with hearing time frames. Courts Article, § 3-8A-15 requires an adjudicatory or waiver hearing to be held no later than 30 days after a detention petition is granted. In the types of cases that this bill would return to juvenile court jurisdiction, it will be difficult at the present time for the required studies to be ordered and completed within that time frame, with the result that children with serious charges may be released from detention for failure to comply with the time requirements. In practical terms, it can be quite difficult to complete an adult murder trial within 120 days; the problems are multiplied in a juvenile court trial for similar charges.

Further, the location of where to hold these children while they are detained is also an issue. There are limited available detention placements and, perhaps even more critically, there is a lack of trained available staff needed for expansion of placements. This is an increased concern because the children addressed by this bill may be more likely to be violent and in need of both skilled supervision and specialized placements.

Finally of equal concern is the Public Defender's lack of sufficient juvenile justice panel attorneys. This lack already is leading to a delay in court proceedings while counsel is located or assigned counsel has sufficient calendar time to try a particular case. The Judiciary anticipates that this problem may be exacerbated by the addition of more cases that may require a panel attorney.

cc. Hon. William Smith, Jr.
Judicial Council
Legislative Committee
Kelley O'Connor