



RACIAL EQUITY IMPACT NOTE

DEPARTMENT OF LEGISLATIVE SERVICES
MARYLAND ▪ GENERAL ▪ ASSEMBLY

2025 Session
HB0441

Minors Convicted as Adults - Sentencing - Transfer to Juvenile Court

Bill Summary

This bill authorizes a court to transfer a minor convicted as an adult to the juvenile court for sentencing if the court determines by clear and convincing evidence that the individual against whom the minor is convicted of committing the offense previously committed a sex crime (under Title 3, Subtitle 3 of the Criminal Law Article) or human trafficking (under Title 3, Subtitle 11 of the Criminal Law Article) against the minor within three months before the offense for which the minor was convicted. If a juvenile (the minor) is transferred to the jurisdiction of the juvenile court, the juvenile court must make a juvenile disposition.

Racial Equity Impact Statement

The bill's provisions requiring juveniles convicted as adults to be sentenced in juvenile court, in cases where they have perpetrated a violent crime against a person that has sexually abused or trafficked them, may reduce the severity of their sentence after conviction. This may impact Black defendants to the greatest extent as they are significantly overrepresented in the population of youth charged as adults. In addition, there is some evidence that Black youth are disproportionately exposed to general child abuse/maltreatment, and potentially sexual abuse. Data is not readily available to measure the specific impacts, but they would depend on the proportion of defendants that meet the bill's criteria.

Analysis

The bill requires that a minor convicted as an adult be transferred to juvenile court and receive a juvenile disposition if the person against whom the minor's crime was committed violated sex

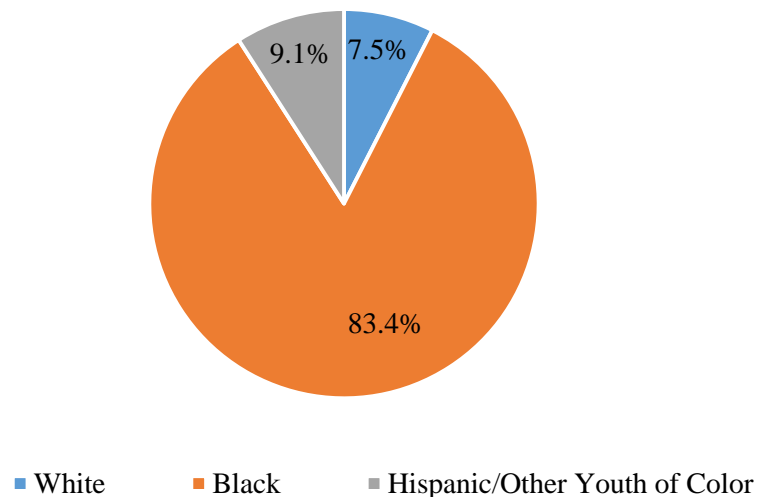
crime and/or human trafficking statutes against the convicted minor within three months prior to the minor’s crime. Under existing law, the juvenile court does not have jurisdiction over children at least age 16 who are alleged to have committed specified violent crimes, children age 14 and older charged with a crime punishable by life imprisonment, and children who have previously been convicted as an adult of a felony and are subsequently alleged to have committed an act that would be a felony if committed by an adult. Juveniles meeting the criteria above are treated as adults and moved to the circuit court except in limited circumstances where a circuit court transfers the case to the juvenile court (reverse waiver).

The bill removes the circuit court’s discretion and requires a reverse waiver when there is clear and convincing evidence that the juvenile convicted as an adult had been victimized by their accuser. Qualifying crimes include rape, sexual offenses, incest, and sexual solicitation of a minor/human trafficking.

Impacts of the Bill

According to the Department of Juvenile Services (DJS), 443 juveniles were arrested and charged as adults in the State in 2023. **Exhibit 1** shows that more than 80% of these youths identified as Black compared to their 31% proportion of the overall State population aged 11 to 18.

Exhibit 1
Juveniles Charged as Adults in Maryland
by Race/Ethnicity
2023

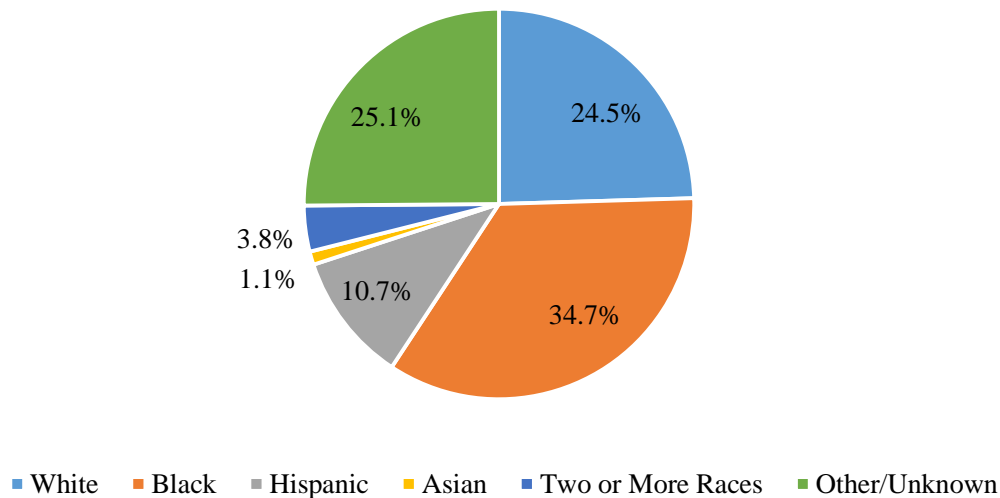


Source: Department of Juvenile Services

Being charged as an adult subjects these youths to the potential collateral consequences of an adult conviction. Generally speaking, the adverse consequences of having a criminal record – especially as a juvenile – can last beyond imprisonment, fines, and the legal process and can include the denial of civil opportunities and benefits available to a person due to their record. Specifically, having a criminal history can adversely affect employment prospects which can further influence an individual’s level of income, housing opportunities, and access to quality health care.

In addition, as shown in **Exhibit 2**, 34.7% of child abuse victims in 2022 were Black, according to the U.S. Department of Health and Human Services. This compares to 24.5% of child abuse victims that were white. Victims of child abuse include those experiencing sexual abuse, which accounted for 31% of all child abuse cases in 2022.

Exhibit 2
Juvenile Victims of Abuse in Maryland
by Race/Ethnicity
2022



Source: U.S. Department of Health and Human Services

Conclusion

The bill’s provisions could minimize harsh sentences and the concomitant potential of some youth in this category being exposed to the collateral consequences of criminal conviction later in life. By removing defendants to the juvenile court for sentencing, the bill provides the opportunity for rehabilitative outcomes since a multitude of treatment programs would be available to covered youth. In particular, the DJS Trauma Informed Care program, a rehabilitative approach that takes into account past trauma and how it affects behavior, is designed to help youth address their

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reactions to trauma triggers. Black juveniles are likely to benefit the most under the bill as they are significantly overrepresented in adult transfers to the circuit court. Data also suggests that Black youth may also be disproportionately exposed to the types of sexual abuse that would allow them to instead be sentenced in the juvenile court. It is difficult to estimate the magnitude of the effect on juveniles covered under the bill without additional demographic and longitudinal data regarding this subgroup.

Information Sources: U.S. Department of Health and Human Services; Governor's Office of Crime Prevention and Policy; Department of Juvenile Services; U.S. Census Bureau; Department of Legislative Services

Analysis by: Dr. Mikaela Zimmerman

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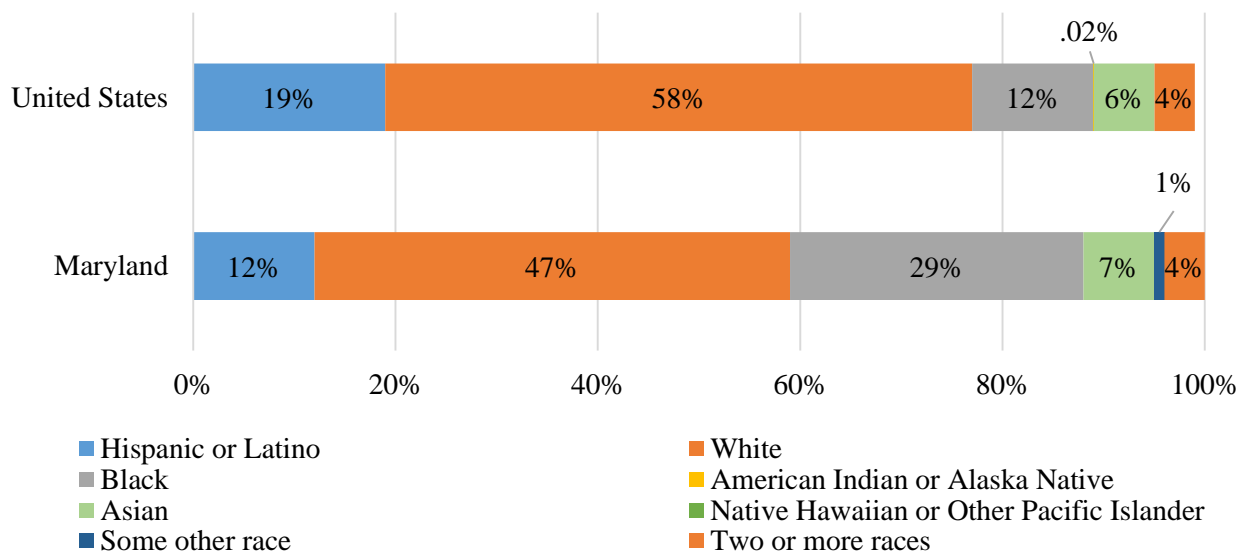
Appendix – Maryland Demographics

Race and Ethnicity of the Maryland Population

Maryland’s 2020 census population is 6,177,244, a 7% increase from the 2010 census count and approximately 2% higher than the 2019 census population estimates. In addition to an increase in population, Maryland’s racial demographics have become more diverse. Maryland is now a state in which racial minorities make up a majority of its total population. Notable changes relevant to this shift are the increase in groups who identify as “other” and “multiracial” (*i.e.*, two or more racial identities), which total 5% of the State’s population. Additionally, the change in demographics is due to the decrease in the number of individuals who only report “white” as their racial group. Despite this decrease, non-Hispanic whites remain the largest race demographic group in the State at 47% of the State’s population.

Compared to the U.S. population overall, Maryland’s population of individuals who identify as a single race is more diverse. Maryland is ranked as the fourth most diverse state by the U.S. Census Bureau’s [Diversity Index](#). As shown in **Exhibit 1**, in Maryland, 47% identify as white alone compared to 58% of the national population. Similarly, 51% of the population identify as non-white or multi-racial compared to 38% of the national population. In both the State and national populations, the largest shares of the non-white population are individuals who are Black, with 29% of the State population identifying only as Black and another 2.5% identifying as Black in combination with some other race. Maryland’s Asian population is 7%, which is slightly higher than the Asian share of the national population of 6%. The State’s overall population by ethnicity, however, is slightly less diverse than the U.S. population; 12% of the State’s population identified as Hispanic or Latino compared to 19% of the U.S. population.

Exhibit 1
U.S. and Maryland Population by Race and Ethnicity
2020



Source: U.S. Census Bureau, 2020 Census Redistricting Data (Public Law 94-171), Table ID P2, HISPANIC OR LATINO, AND NOT HISPANIC OR LATINO BY RACE.