



RACIAL EQUITY IMPACT NOTE

DEPARTMENT OF LEGISLATIVE SERVICES
MARYLAND ▪ GENERAL ▪ ASSEMBLY

2025 Session
SB0422

Juvenile Court - Jurisdiction

Bill Summary

This bill expands the jurisdiction of the juvenile court by repealing and altering existing statutory exceptions to the juvenile court's exclusive original jurisdiction. The bill applies only prospectively and does not apply to any criminal prosecution or delinquency proceeding for any act committed before the bill's October 1, 2025 effective date.

Racial Equity Impact Statement

The bill would substantially reduce the number of cases heard in the circuit court involving juveniles charged as adults. This would significantly reduce the likelihood of harsher punitive outcomes and provide restorative and rehabilitative services to all youth charged as adults as specified in the bill. Youth of color will be positively impacted to a much greater extent due to their large overrepresentation in the group of youth charged as adults.

Analysis

The bill repeals the following exclusions from the juvenile court's jurisdiction:

- a child at least age 14 alleged to have committed an act that, if committed by an adult, would be a crime punishable by life imprisonment;
- a child at least age 16 and alleged to have committed abduction, kidnapping, robbery under § 3-403 of the Criminal Law Article, third-degree sexual offense under § 3-307(a)(1) of the Criminal Law Article, first-degree assault under § 3-202 of the Criminal Law Article, or attempted robbery under § 3-403 of the Criminal Law Article;

- a child at least age 16 and alleged to have committed a crime in violation of § 5-133 (possession of a regulated firearm), § 5-134 (sale, rental, or transfer of a regulated firearm), § 5-138 (sale, transfer, or disposal of a stolen regulated firearm), or § 5-203 (possession of a short-barreled rifle or short-barreled shotgun) of the Public Safety Article;
- a child at least age 16 and alleged to have committed a crime in violation of § 4-203 (wearing, carrying, or transporting a handgun), § 4-404 (use of a machine gun in a crime of violence), § 4-405 (use of a machine gun for an aggressive purpose), § 5-621 (firearm in connection to a drug trafficking crime), or § 5-622 (possession of firearm after conviction) of the Criminal Law Article; or
- a child previously convicted as an adult of a felony who is subsequently alleged to have committed an act that would be a felony if committed by an adult.

The bill would establish original jurisdiction in the juvenile court for the aforementioned offenses. Under the bill, cases involving juveniles age 14 and 15 charged with offenses punishable by life imprisonment would be heard in the juvenile court, while juveniles age 16 and above who are similarly charged would have their cases heard in the circuit court.

Current Law:

Juvenile Court Jurisdiction

In general, the juvenile court has jurisdiction over children at least age 13 who are alleged to be delinquent, in need of supervision, or who have received a citation for specified violations. The juvenile court also has jurisdiction over peace order proceedings in which the respondent is a child. The juvenile court also has jurisdiction in certain cases involving children between the ages of 10 and 12 who commit specified violent crimes or sex offenses.

The juvenile court does not have jurisdiction over (1) a child at least age 14 alleged to have committed an act which, if committed by an adult, would be a crime punishable by life imprisonment; (2) a child at least age 16 alleged to have violated specified traffic or boating laws; (3) a child at least age 16 alleged to have committed specified crimes (violent crimes, firearms crimes, etc.); or (4) a child who previously has been convicted as an adult of a felony and is subsequently alleged to have committed an act that would be a felony if committed by an adult. These cases are tried in adult criminal court.

However, for items (1), (3), and (4) above, the adult criminal court may transfer the case back to juvenile court before trial or before a plea is entered if the court determines from a preponderance of the evidence that the transfer is in the interest of the child or society and specified conditions are met. This is often referred to as a “reverse waiver.” A reverse waiver is not permitted in certain circumstances, such as when the child was previously convicted in an unrelated case excluded from the jurisdiction of the juvenile court or when the alleged crime is murder in the first degree and the accused child was at least age 16 when the alleged crime was committed.

The juvenile court may waive its jurisdiction (which transfers the case to adult court) with respect to a petition alleging delinquency if the petition concerns a child who is at least age 15 or a child

who is charged with committing an act which, if committed by an adult, would be punishable by life imprisonment. The court may waive its jurisdiction only after it has conducted a waiver hearing held prior to the adjudicatory hearing and after notice has been given to all parties. The court may not waive its jurisdiction over a case unless it determines, from a preponderance of the evidence presented at the hearing, that the child is an unfit subject for juvenile rehabilitative measures.

Juvenile Court Dispositions

Generally, a disposition hearing is held by the juvenile court to determine whether a child who has been adjudicated delinquent needs or requires the court's guidance, treatment, or rehabilitation and, if so, the nature of the guidance, treatment, or rehabilitation. Among other options, and subject to specified limitations, a juvenile court may:

- place the child on probation or under supervision in the child's own home or in the custody or under the guardianship of a relative or other fit person, on terms the court deems appropriate, including community detention;
- commit the child to the custody or guardianship of the Department of Juvenile Services (DJS) or other agency on terms that the court considers appropriate, including designation of the type of facility where the child is to be accommodated; or
- order the child or the child's parents, guardian, or custodian to participate in rehabilitative services that are in the best interest of the child and the family.

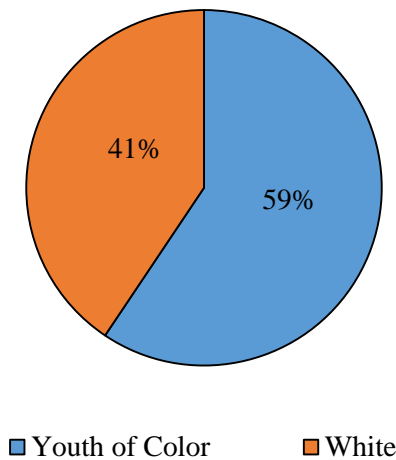
Demographics of Youth in the Criminal Justice System

Nationally, youth of color are overrepresented in the criminal justice system, including within the juvenile justice system. For example, according to the U.S. Department of Justice (DOJ), the referral rate for delinquency cases involving Black youth in 2021 was about three times the rate for white youth. In addition, DOJ indicated that cases were more likely to be petitioned for formal processing for Black youth than for white youth.

In Maryland, notable patterns of racial and ethnic inequities exist statewide among youth charged with crimes of violence heard in the juvenile court as well as for youth charged as an adult who must appear in circuit court.

In 2020, Maryland's estimated population for individuals under 18 years of age was approximately 1.3 million. As shown in **Exhibit 1**, 59% of this population identify as non-white or as youth of color.

Exhibit 1
Maryland Population
Under 18 Years of Age



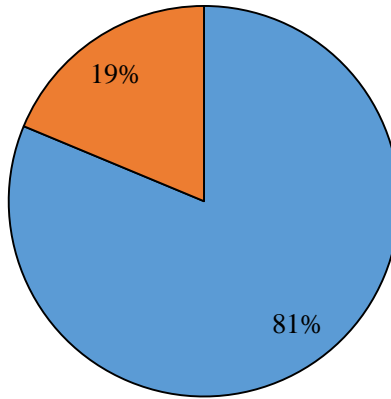
Source: U.S. Census Bureau; Department of Legislative Services

Juvenile Justice Data Reporting in Maryland

The Maryland Statistical Analysis Center (MSAC) within the Governor's Office of Crime Prevention and Policy (GOCPP) is required to research and evaluate data pertaining to juveniles charged as adults in the State. This data is reported monthly to GOCPP by the Criminal Justice Information System Central Repository. MSAC must submit semiannual reports addressing the results of its research data to the Governor and the General Assembly. The reports include criminal justice data and information on gender, race, and age.

In fiscal 2023, GOCPP reported a total of 737 youth were charged as adults for crimes of violence (*i.e.*, exclusionary offenses) by the State. As shown in **Exhibit 2**, 81% of these individuals were youth of color, with the majority being Black individuals.

Exhibit 2
Maryland Youth Charged as Adults for Crimes of Violence
Fiscal 2023



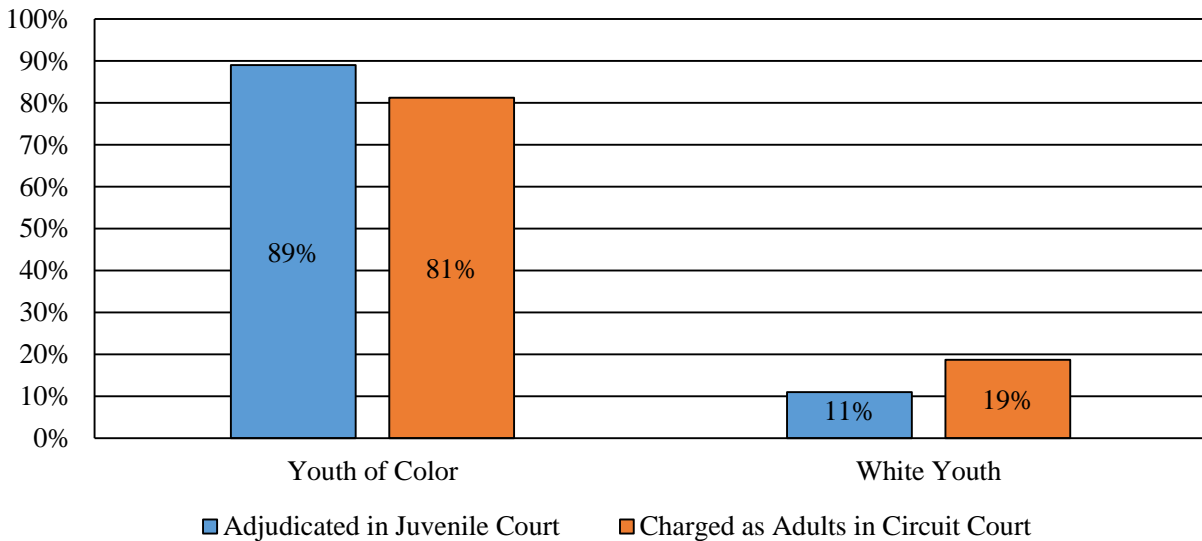
■ Youth of Color ■ White Youth

Source: Governor’s Office of Crime Prevention and Policy; Department of Legislative Services

DJS annually reports juvenile data in its resource data guide. In fiscal 2024, DJS reported a total of 604 youth were adjudicated for crimes of violence. Of the 604 youth, 89% are youth of color. DJS does not currently distinguish between racial minorities in its reporting, so the data includes all racial minorities (the great proportion of which are Black youth) as well as Hispanic youth.

Exhibit 3 compares the racial distribution for youth charged with crimes of violence as adults in the circuit court and those adjudicated as juveniles during fiscal 2024.

Exhibit 3
Youth Adjudicated in Juvenile Court vs.
Charged in Circuit Court for Crimes of Violence
Fiscal 2024



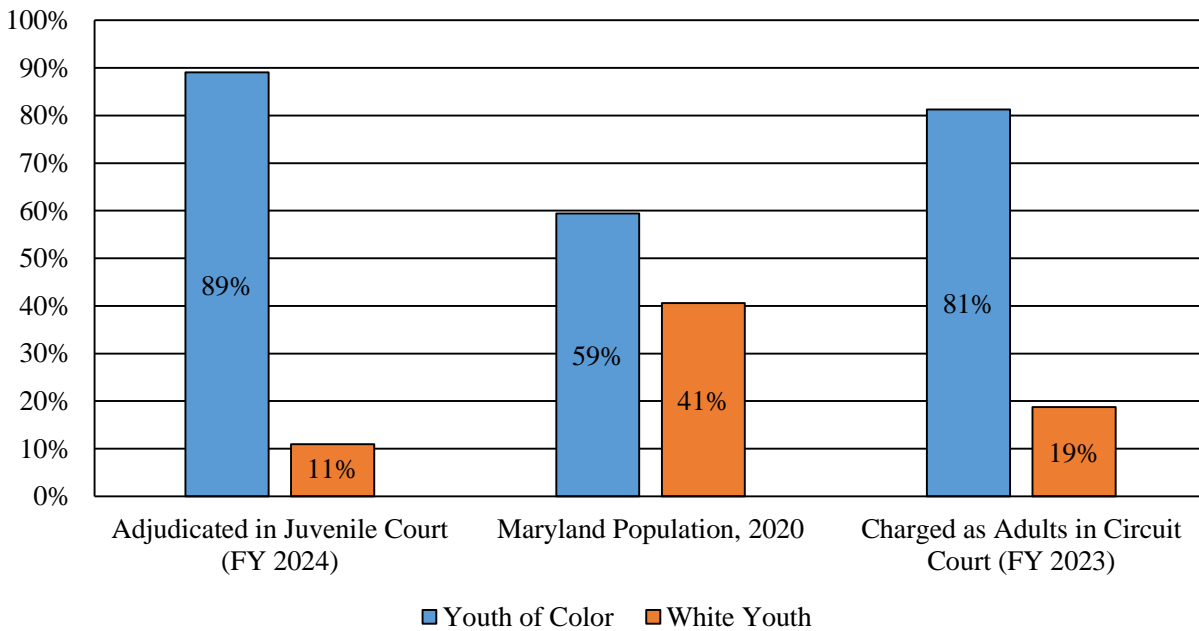
Source: Department of Juvenile Services; Governor’s Office of Crime Prevention and Policy; Department of Legislative Services

The circuit court and juvenile court processes share similar racial distributions for youth charged with crimes of violence. In the circuit court, 81% of youth charged as an adult for crimes of violence are youth of color compared to 89% of youth of color adjudicated as a juvenile. White youth encompass 19% of cases charged for these crimes as an adult in circuit court and 11% of adjudicated juvenile court cases.

Racial Disproportionality and Disparity Ratios in the Juvenile Court System

As seen in **Exhibit 4**, just as youth of color are overrepresented on both the circuit court and juvenile court dockets for crimes of violence, they are similarly overrepresented as compared to their share of the overall population under 18 years of age. These statistics provide evidence of substantial disproportionality in the proportion of youth of color charged with crimes of violence.

Exhibit 4
Youth Charged with Crimes of Violence
Compared to Overall Share of Population

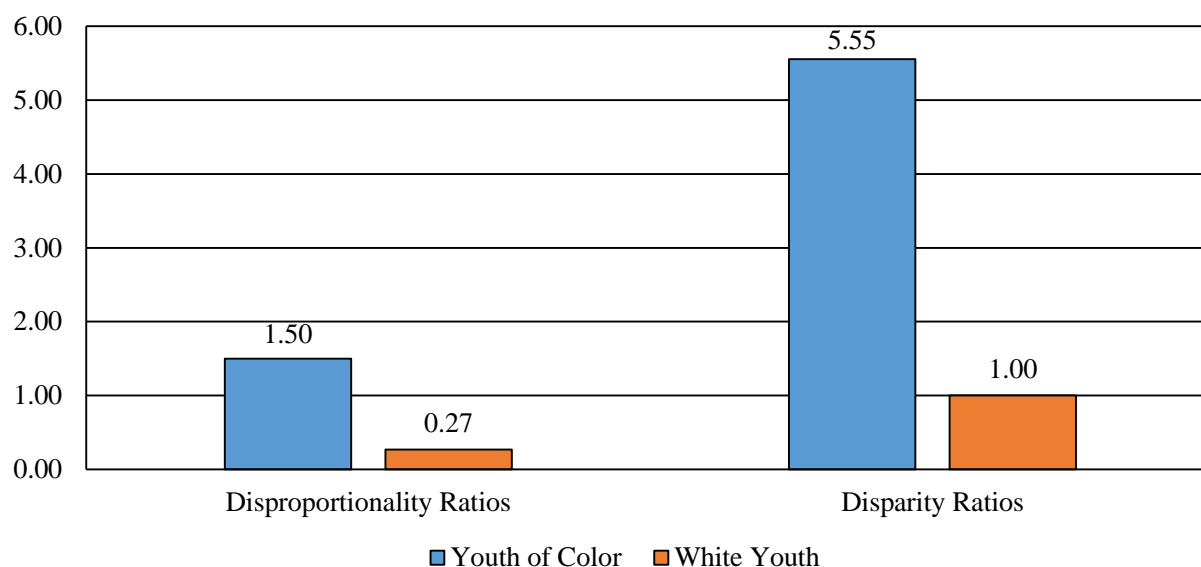


Source: Department of Juvenile Services; Governor’s Office of Crime Prevention and Policy; Department of Legislative Services

Specifically, **Exhibit 5** shows that there is a disproportionality ratio of 1.50 for charges of crimes of violence by youth of color adjudicated in the juvenile court. Since this ratio is greater than 1.00, it means that juveniles of color are overrepresented, or more likely to be charged, given their share of the overall under age 18 population in the State. The disproportionality ratio of 0.27 for white youth means that white juveniles are significantly less likely to be charged when compared to their proportion of the overall under age 18 population in Maryland.

Exhibit 5 also shows how racial disparity ratios vary for youths charged with crimes of violence in the juvenile court. The disparity ratio of 5.55 for youth of color under age 18 means those youth are five and a half times more likely to be charged for crimes of violence than their white peers in juvenile court.

Exhibit 5
Disproportionality and Disparity Ratios for
Crimes of Violence Adjudicated in the Juvenile Court



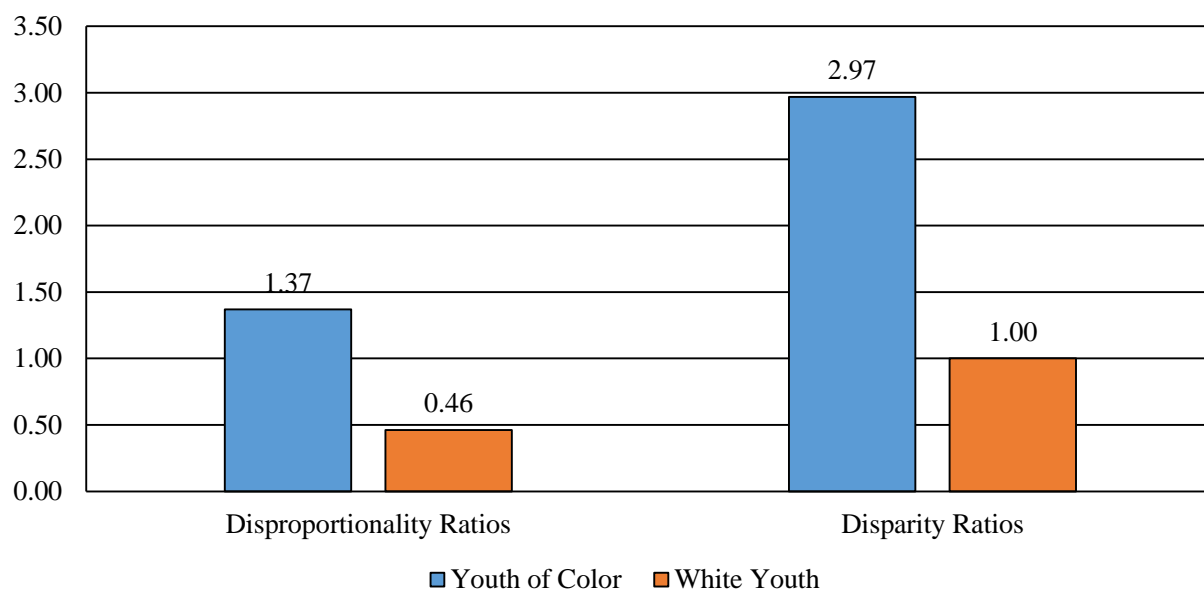
Source: Department of Juvenile Services; Department of Legislative Services

Racial Disproportionality and Disparity Ratios for Juveniles Charged as Adults

For youth charged as an adult for crimes of violence heard in the circuit court, **Exhibit 6** shows that the disproportionality ratio for youth of color is 1.37. This means youth of color who are charged as adults are slightly overrepresented in cases adjudicated by the circuit court and are more likely to be charged as adults for crimes of violence compared to their share of the overall State population. The disproportionality ratio for white youth charged as adults is 0.46, which means that white youth are less likely to be charged as adults for these types of crimes.

Exhibit 6 also shows how disparity ratios vary by race for crimes of violence charges adjudicated in the circuit court. The disparity ratio of 2.97 for youth of color means those youth are almost three times more likely to be charged as an adult for a crime of violence than their white peers.

Exhibit 6
Disproportionality and Disparity Ratios for
Youth Charged as Adults in the Circuit Court



Source: Department of Juvenile Services; Governor’s Office of Crime Prevention and Policy; Department of Legislative Services

Conclusion

Youth of color, especially Black youth, are overrepresented and disparately impacted by crimes of violence charges whether adjudicated in juvenile court or circuit court. Because youth of color charged as adults are overrepresented in the courts to a greater extent than white youth, they could experience harsher punitive outcomes as a result.

While the bill’s provisions would not directly affect charge inequities between racial groups, it will significantly impact youth of color whose cases are heard in the circuit court under current law but under the bill’s provisions would instead be adjudicated by the juvenile court. Juveniles under jurisdiction of the juvenile court will likely have more access to coordinated resources, individualized treatment, and a continuum of care not available in the adult system. The bill may also positively affect the general health and welfare of *all* juveniles in the system. Previous studies have shown that transfer to the adult criminal justice system typically increases rates of violence among transferred youth.

Methodologies, Assumptions, and Uncertainties

This analysis includes data for youths charged with crimes of violence in both the circuit court and the juvenile court. The definition of crimes of violence differs slightly in each court but are mostly the same. The disproportionality and disparity ratios are calculated based on these separate groupings and are meant to illustrate general inequities in each court's defendant population separately, and not comparatively.

Although some reports use disparity and disproportionality interchangeably, this racial equity impact note distinguishes them. Disproportionality is the state of being out of proportion. It compares the proportion of one racial or ethnic group of a target population to the proportion of the same racial or ethnic demographic group in the general population. Disparity, however, refers to a state of being unequal. A disparity describes an unequal outcome experienced by one racial or ethnic group of the target population as contrast against a different racial or ethnic group in the target population. The information provided in this note is drawn from quantitative data analysis of available statistical datasets on crime and criminal justice collected by entities at the national and state level. Moreover, the information includes scholarly literature on racial and ethnic disparities in the U.S. criminal justice system.

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

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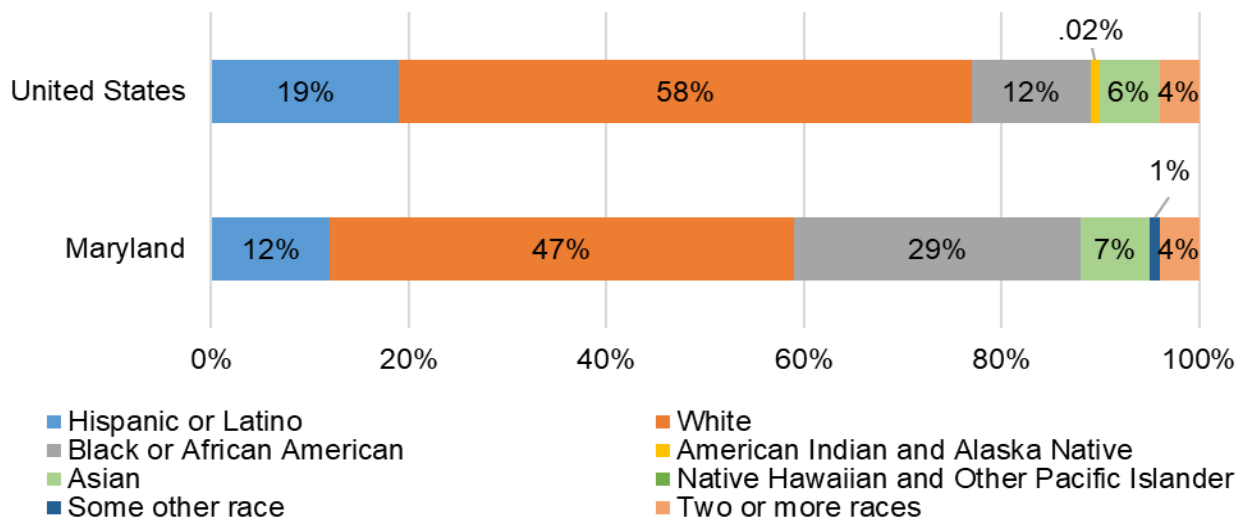
Appendix – Maryland Demographics

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 single race demographic group in the State of Maryland comprising 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 population, the largest shares of the non-white population are individuals who are Black or African American, with 29% of the State population identifying only as Black or African American 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.