



RACIAL EQUITY IMPACT NOTE

DEPARTMENT OF LEGISLATIVE SERVICES
MARYLAND ▪ GENERAL ▪ ASSEMBLY

2026 Session
HB0409

Juvenile Court - Jurisdiction (Youth Charging Reform Act)

Bill Summary

As introduced, this bill expands the jurisdiction of the juvenile court by repealing and altering existing statutory exceptions to the juvenile court's exclusive original jurisdiction. However, the bill establishes that the juvenile court does not have jurisdiction over a child at least age 16 who is alleged to have committed any crime punishable by life imprisonment. 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, 2026 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; or
- 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.

Juvenile Court Jurisdiction

In general, the juvenile court has jurisdiction over children who are alleged to be delinquent, in need of supervision (CINS), 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 has jurisdiction over a child who is at least age 10 and is alleged to have committed an act that would, if committed by an adult, be (1) a “crime of violence” (as defined in § 14-101 of the Criminal Law Article); (2) specified crimes involving handguns and firearms; (3) aggravated cruelty to animals; or (4) third-degree sexual offense. Outside of these circumstances, the juvenile court does not have jurisdiction over a child younger than age 13 for purposes of a delinquency proceeding, and such a child may not be charged with a crime. A child of any age may be adjudicated a CINS and subject to the juvenile court’s jurisdiction under applicable provisions.

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.

Transfers of Jurisdiction

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 transfer is in the interest of the child or society and specified conditions are met. This is often referred to as “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.

The juvenile court must consider the following criteria when making a waiver determination: (1) the child's age; (2) the mental and physical condition of the child; (3) the child's amenability to any available treatment; (4) the nature of the offense and the child's alleged participation in it; and (5) public safety. These criteria must be considered individually and in relation to each other on the record.

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

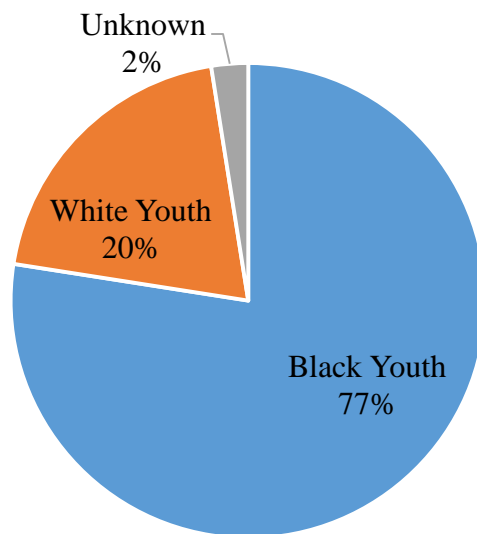
Nationally, youth of color are overrepresented in the criminal justice system, including within the juvenile justice system. According to the U.S. Department of Justice (DOJ), the referral rate for delinquency cases involving Black youth in 2021 was about three times the rate for white youth. In addition, 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.

Impacts of the Bill

According to data from the Governor’s Office of Crime Prevention and Policy and DJS, in fiscal 2025, 1,008 charges were filed against 839 juveniles who were charged as adults for crimes of violence (*i.e.*, exclusionary offenses) by the State. Some youth charged as adults may be housed in DJS facilities. During that year, 68% of the juvenile pre-disposition population in DJS facilities was youth charged as adults, with an average length of stay of 147 days, compared to 27 days for youth charged in the juvenile court. As shown in **Exhibit 1**, 77% of the 839 juveniles charged as adults were Black youth. DJS also reports that 614 youth who were charged as adults during that period had their cases transferred to juvenile court (reverse waiver).

Exhibit 1
Youth Charged as Adults for Crimes of Violence in Maryland
Fiscal 2025



Source: Governor’s Office of Crime Prevention and Policy

Youth such as those represented in Exhibit 1 may be sentenced more harshly than young adults aged 18-24 in adult court. Several studies have identified that both Black and Hispanic youth receive significantly more punitive sentences in adult courts than white juveniles and adult defendants.

DJS annually reports juvenile data regarding the youth who are adjudicated under the juvenile court’s jurisdiction. In fiscal 2025, DJS reported a total of 534 youth were adjudicated for crimes of violence. Of the 534 youth, 92% 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.

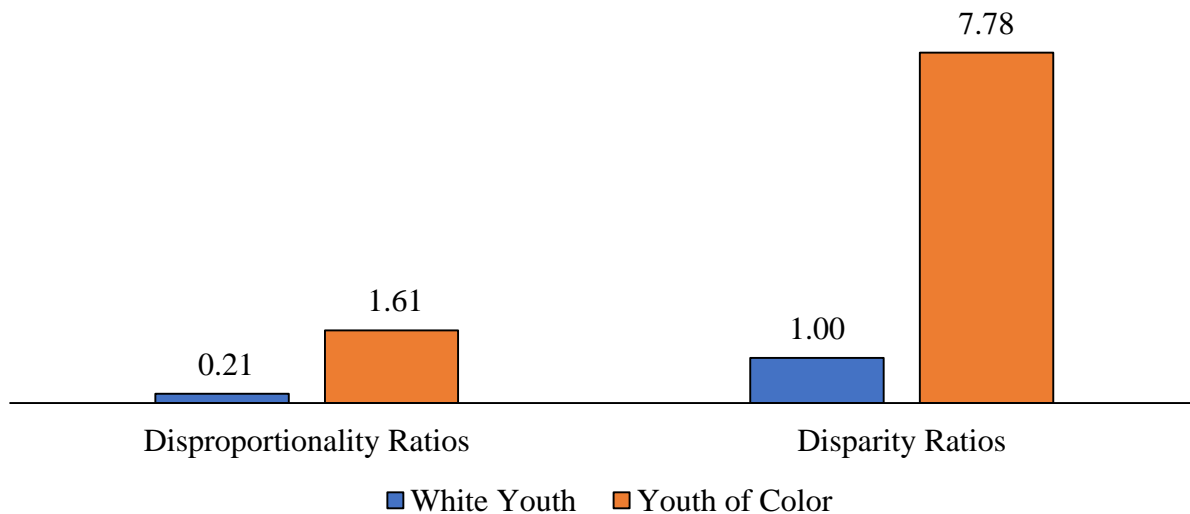
Racial Disproportionality and Disparity Ratios in the Juvenile Court System

Youth of color are overrepresented in both the circuit court and juvenile court dockets for crimes of violence. These distributions provide evidence of substantial disproportionality in the proportion of youth of color charged with crimes of violence.

Specifically, **Exhibit 2** shows that there is a disproportionality ratio of 1.61 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 youth population ages 14 through 17 in the State. The disproportionality ratio of 0.21 for white youth means that white juveniles are significantly less likely to be charged when compared to their proportion of the overall youth population in Maryland ages 14 to 17.

Exhibit 2 also shows how racial disparity ratios vary for youths charged with crimes of violence in the juvenile court. The disparity ratio of 7.78 for youth of color ages 14 to 17 means these youth are close to eight times more likely to be charged for crimes of violence than their white peers in juvenile court.

Exhibit 2
Disproportionality and Disparity Ratios for
Crimes of Violence Adjudicated in the Juvenile Court



Source: Department of Juvenile Services; Department of Legislative Services

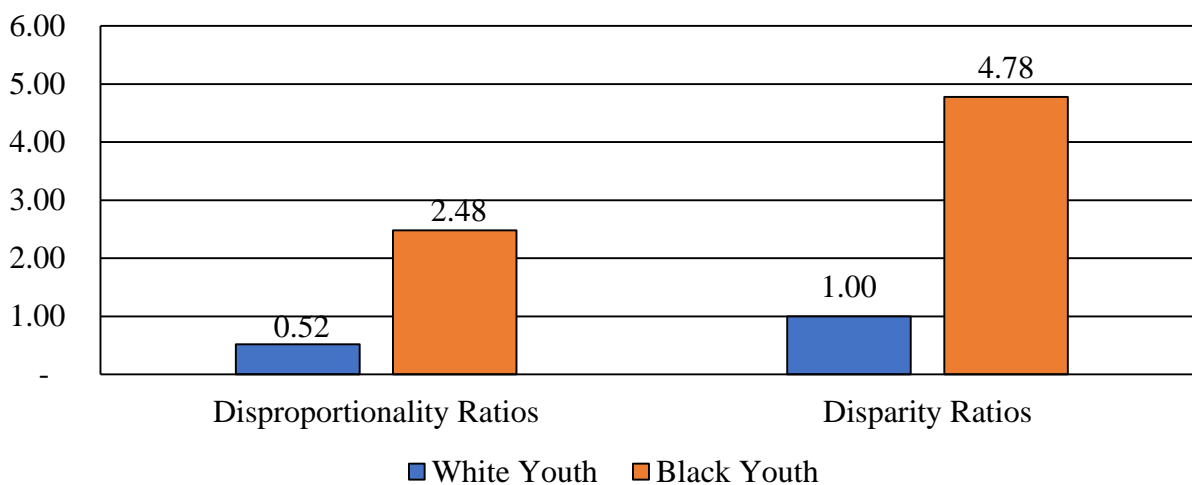
Racial Disproportionality and Disparity Ratios for Juveniles Charged as Adults

For youth charged as an adult for crimes of violence heard in the circuit court, **Exhibit 3** shows that the disproportionality ratio for Black youth is 2.48. This means Black youth who are charged as adults are significantly overrepresented in cases adjudicated by the circuit court and 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 0.52, which means that white youth ages 14 to 17 are less likely to be charged as adults for these types of crimes.

Exhibit 3 also shows how disparity ratios vary by race for crimes of violence charges adjudicated in the circuit court. The disparity ratio of 4.78 for Black youth ages 14 to 17 means these youth are nearly five times as likely to be charged as an adult for a crime of violence than their white peers.

Exhibit 3
Disproportionality and Disparity Ratios for
Youth Charged as Adults in the Circuit Court



Source: 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.

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

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Appendix – Maryland Demographics

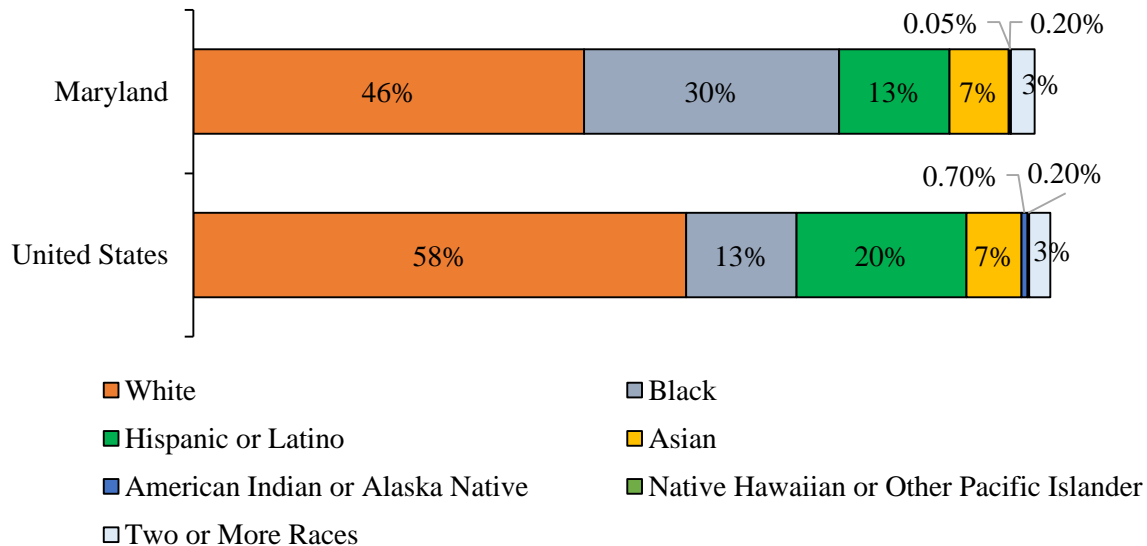
Race and Ethnicity of the Maryland Population

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. Maryland remains one of the most racially and ethnically diverse states in the nation and is ranked as the fourth most diverse state by the U.S. Census Bureau’s [Diversity Index](#). While no single racial or ethnic group constitutes a majority, racial minorities as a group constitute a majority of the State’s population. This diversity underpins the analytical framework used in racial equity impact notes (REIN), which seek to identify potential disparities that may be exacerbated or created by proposed criminal justice legislation.

Methodology Update

Beginning in 2025, REIN will use annual population estimates from the U.S. Census Bureau’s Population Estimates Program (PEP) as the basis for disparity and disproportionality calculations. This methodological update reflects best practices in demographic analysis, as PEP data incorporate births, deaths, and migration to provide the most current population counts between censuses. Although the estimates are more temporally responsive, they do not materially change the proportionate racial and ethnic breakdown observed in the 2020 census. Instead, they conservatively reflect population changes since 2020 while preserving the overall demographic composition of the State.

**U.S. and Maryland Population by Race and Ethnicity
2024 Population Estimates**



Note: Percentages do not total 100% due to rounding.

Source: U.S. Census Bureau