



## **POSITION ON PROPOSED LEGISLATION**

**BILL:** HB 933 – Juvenile Offenders – Dual Sentencing  
**POSITION:** OPPOSE  
**DATE:** February 20, 2020

HB 933 creates a third pathway to prison for children in Maryland. The first pathway to prison is through the waiver system. Children can be waived up from the juvenile system to the adult system on any case at the age of 15. The second pathway is the 33 offenses that are statutorily excluded from the jurisdiction of the juvenile court, commonly referred to as “direct file.” A child can request a transfer down to the juvenile court in certain cases.

The concept of blended sentencing was born out of the now debunked myth of the ‘80s and ‘90s of the juvenile super-predator. There is no evidence that supports blended sentencing as a way to reduce crime or recidivism among children. Instead, blended sentencing could widen the net of youth who remain in the adult system and face lengthy prison terms instead of being afforded all of the services and protections that the juvenile system offers.

HB 933 is overly broad in the type of events that could trigger a child being sent to prison. The bill allows for any violation of the court’s conditions for a suspended sentence to result in the child being sent to prison. Typical conditions for a child in the community could include attending school regularly, reporting to a case manager, and attending some type of counseling service. Under HB 933, a violation of any of these conditions could mean that a child goes to prison.

This bill also does not delineate or proscribe for the process for how a court might determine whether a child has violated a condition.

Maryland’s criminal and juvenile justice systems are fraught with racial and ethnic disparities. Without criteria controlling for a state’s attorneys discretion, HB 933 could lead to racial, ethnic or geographic disparities. Youth of color are already overrepresented in both the juvenile and adult criminal systems and this bill could serve to push more youth of color into the adult system and Maryland’s prisons.