



**Testimony Opposing HB 933  
Submitted to the House Judiciary Committee  
February 20, 2020**

Chairman Clippinger and members of the Committee:

My name is Brian Evans, and I have been a Maryland resident for over a dozen years, and am in my seventh year as a resident of Silver Spring in District 20. I am also the State Campaigns Director for the Campaign for Youth Justice, a national organization that works to end the incarceration and sentencing of children in the adult criminal justice system.

I represent myself and my organization in opposing HB 933, a bill that allows a criminal court to give a child offender both a juvenile disposition and an adult sentence, with the adult sentence suspended pending successful completion of the juvenile disposition. While the intention of this legislation is admirable – to protect children from adult sentencing – the danger is that judges with this option will transfer fewer children back to the juvenile system.

HB 933 would widen an already very wide net. There are 33 offenses for which Maryland children are statutorily excluded from the juvenile court, so this proposal would adversely affect a large number of youth. While the availability of a juvenile disposition alongside a suspended adult sentence would protect some of these children, a better protection would be to simply transfer them back to the juvenile system, as is current practice. Even better, Maryland should reduce the number of statutorily excluded offenses so that more of these children never have to experience any aspect of the adult system.

There are 26 states that statutorily exclude certain offenses from the juvenile court. Maryland's list of excluded offenses is already longer than most, and Maryland ranks as one of the states with the highest number of children charged as adults, behind only Alabama and Florida. Florida's numbers are likely to drop significantly as their legislature repealed their statutory exclusion law last year. Also last year, the Oregon legislature abolished that state's statutory exclusion law, by a two-thirds vote.

Rather than tinkering with complicated dual sentencing mechanisms, Maryland should be looking to narrow its list of statutorily excluded offenses, or ending the practice of statutory exclusion entirely, as Florida and Oregon have done. A 2016 study of available data authored by Steven Zane<sup>1</sup> concluded that allowing a judge to first decide whether a child should be transferred to the adult court is the most efficient mechanism for ensuring that only the most appropriate cases are sent to the adult system. Statutorily excluding children and then giving them a simultaneous juvenile and adult sentence will likely result in more Maryland children inappropriately retained in the adult criminal justice system.

Keeping more children in the adult system, while complicating an already convoluted system that first treats them as adults and then transfers many of them back down, is not advisable. On behalf of the Campaign for Youth Justice, and as a citizen of Maryland, I urge an unfavorable report on HB 933.

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<sup>1</sup> Steven N. Zane (2016) Do Criminal Court Outcomes Vary by Juvenile Transfer Mechanism? A Multi-Jurisdictional, Multilevel Analysis, *Justice Quarterly*, 34:3, 542-569, DOI:10.1080/07418825.2016.1190395