



Testimony for the House Judiciary Committee

January 21, 2021

JUSTIN NALLEY
POLICY ANALYST,
EDUCATION

HB 409 – Juveniles Convicted as Adults – Sentencing – Limitations and Reduction (Juvenile Restoration Act)

FAVORABLE

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The ACLU of Maryland supports HB 409 which authorizes the court, when sentencing a minor convicted as an adult, to impose a sentence less than the minimum required under the law. The bill also allows an individual convicted as an adult, for an offense when the individual was a minor, to file a motion with the court to reduce the duration of the sentence.

This bill takes an important step, in the rehabilitation and restoration of individuals who were convicted of committing offenses as youth. Research has demonstrated, that the rates of recidivism is exponentially higher for children sentenced in the adult criminal court. One study, comparing New York and New Jersey juvenile offenders, shows that the re-arrest rate for children sentenced in juvenile court was 29% lower than the re-arrest rate for juveniles sentenced in the adult criminal court.¹

Brain development continues throughout adolescence and into adulthood. The section of the brain responsible for mature thought, judgment, and reasoning develop last in the frontal lobes. Adolescents are more likely to act on impulse without considering consequences and use their brains in a way that differs from adults.² When accounting for a child's family and community circumstances at the time of the offense, including any history of trauma, abuse, or involvement in the child welfare system, a clearer picture begins to form that allows the court to holistically view the individual.

Given that bias in Maryland's criminal justice system against indigent defendants and people of color occurs at every stage: from the initial arrest to sentencing, this bill is necessary to allow the courts to grant sentences less than the minimum and the opportunity for individuals to reduce the duration of an unjust sentence they

¹ Fagan, Jeffery, "The Comparative Advantage of Juvenile Versus Criminal Court Sanctions on Recidivism Among Adolescent Felony Offenders" 1, 21, 27 (1996)

² Grisso, T. "The Competence of Adolescents as Trial Defendants." Psychology, Public Policy and Law, 3:1, 1997.

may have been handed.

There is also opportunity for safer prison environments with the potential opportunity to reduce sentences, as a compelling incentive to comply with facility rules while serving their time. In other words—the possibility of earning a sentence reduction may incentivize good behavior and thereby improve safety in the facilities.³

This bill is a testament to society’s recognition that putting youth in adult prisons leads to more crime, higher prison costs, increased violence, and increased racial disparities.

For the foregoing reasons, ACLU of Maryland urges a favorable report for HB 409.

³*Stouffer v. Staton*, 152 Md. App. 586, 592 (2003).



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