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Lt. GovernorLarry Hogan
GovernorSam Abed
Secretary

DATE: 3/24/2021
BILL NUMBER: SB 222 – Juveniles Charged as Adults – Study and Confinement
DJS POSTITION: Support with amendments

The Department of Juvenile Services (DJS) supports SB 222 as amended. The proposed amendments will strengthen the bill and address concerns raised by juvenile justice system stakeholders.

SB 222 is required to bring Maryland into compliance with the federal Juvenile Justice and Delinquency Prevention Act (JJDP). SB 222 is necessary to avoid the loss of grant funding, reduce delays and expand pre-trial release options for youth charged as adults.

Congress reauthorized the JJDP in 2018, and added to the core protections a requirement for states to remove all young people, under the age of 18, from adult jails who are pending trial or sentencing in the criminal justice system. The federal law provides states until December 2021 to achieve compliance with the jail removal core protection. Failure to comply with the JJDP would result in Maryland losing 20% of federal public safety grant funding, which would amount to approximately \$200,000 a year. This grant funding is critical to supporting community-based youth initiatives and public safety strategies.

Currently, DJS safely and securely accommodates the vast majority of youth charged as adults in juvenile detention facilities.

DJS entered into a partnership with stakeholders in Baltimore City in 2013 to accept youth charged as adults. The success of that effort led to the passage in 2015 of HB 618/SB 852, which presumed all transfer-eligible young people would be accommodated in a DJS juvenile detention facility rather than adult jails. DJS has not encountered any particularized safety or security issues with this population.

SB 222 retains judicial discretion to utilize adult jails in very limited situations.

Although SB 222 generally requires all young people under the age of 18 to be detained in juvenile facilities, courts retain the power to detain a young person in an adult jail if the court considers certain factors. These include the nature of the offense, criminal history, mental and physical health, and the ability of the adult jail to meet the young person's needs.

Reduces delays in transfer cases.

Currently, young people wait on average about 3.5 month in detention for a transfer hearing. SB 222 addresses this delay by requiring courts to schedule transfer hearings upon receipt of a case file and by requiring transfer hearing postponements to follow the same procedure used for postponing criminal trials.

Expands pre-trial release options for youth charged as adults.

SB 222 clarifies that judges hearing bail reviews for youth in the adult criminal justice system may utilize existing and effective DJS community detention and electronic monitoring options. By expanding community detention as a pre-trial release option for courts, low risk young people may remain in the community with supervision and supports.

For these reasons, DJS urges a favorable report on SB 222.