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TO: The Honorable Luke Clippinger
Chair, Judiciary Committee

FROM: Hannibal G. Williams II Kemerer
Chief Counsel, Legislative Affairs, Office of the Attorney General

RE: HB 1187 – Juvenile Law – Juvenile Justice Reform – **(Support)**

The Office of Attorney General urges a favorable report on HB 1187, Chair Clippinger's bill to codify a minimum age of juvenile court jurisdiction at 13 years old with only carefully circumscribed exceptions for children ages 10 - 12. These exceptions include crimes that, if committed by an adult would be punishable by life imprisonment; first degree child abuse; sexual abuse of a minor; second degree murder; armed carjacking; second degree rape; continuing course of conduct with a child; third degree sexual offense; or crimes that arise out of the same incident as one of the previously enumerated serious crimes.

In addition to being one of only 27 states that do not set a minimum age of juvenile court jurisdiction,¹ Maryland spends more than virtually all other states, per child, to incarcerate youth in secure correctional facilities.² Maryland incarcerates low level, low risk, young people at an alarmingly high rate³ and then provides them minimal programming.⁴ Two-thirds of Maryland children sent to youth prisons ("out of home placements") are there for non-felony offense.⁵

¹ See *Proposed Recommendations for Juvenile Justice Reform Council Received as of September 16, 2020* at 2, <http://dls.maryland.gov/pubs/prod/NoPblTabMtg/CmsnJuvRefCncl/JJRCProposedRecommendations9-16-2020.pdf>

² With more than 336 authorized staff at six aging, remote facilities, all serving a daily average youth population of 118 youth, DJS's annual cost per youth at its committed programs now exceeds \$325,000 per year – more than all but one state in the union. See *Just. Pol'y Inst., Calculating the Full Price Tag for Youth Incarceration*, (Dec. 2014), http://www.justicepolicy.org/uploads/justicepolicy/documents/sticker_shock_final_v2.pdf.

³ *Id.*

⁴ See *Md. Att'y Gen.'s Juv. Just. Monitoring Unit, 2020 First Quarter Report*, at 13, https://www.marylandattorneygeneral.gov/JJM%20Documents/20_Quarter1.pdf (last visited Feb. 23, 2021).

⁵ See *Juv. Just. Strategy Grp., Doors to DJS Commitment: What Drives Juvenile Confinement in Maryland?*, (Jan. 2015),

Moreover, one-third are committed for mere technical probation violations.⁶ These same children leave committed facilities worse off than when they arrived. Sending kids with low risk of re-offense to prison only harms them, it does not rehabilitate.⁷

Compounding the aforementioned problems are the significant racial and ethnic disparities in who is sent to youth prisons. Black youth make up 35% of the population of 10-17 years old children in Maryland,⁸ yet Black youth account for 77.4% of the population in juvenile jails. The hope is that by adopting HB 1187, Maryland can begin to decrease racial disparities in DJS committed facilities while concentrating DJS' resources upon those most in need of rehabilitation—not low-level offenders or youth who merely commit technical probation violations.

We urge a favorable report on HB 1187.

cc: Members of the Judiciary Committee

<https://djs.maryland.gov/Documents/publications/AECF%20Assessment%20of%20MD%20Dispositions%20-%20Updated%20March%2016%20-%20Final%20PDF.pdf>.

⁶ *See id.*

⁷ *See id.*

⁸ Easy Access to Juv. Populations, <https://www.ojjdp.gov/ojstatbb/ezapop/> (click the population profile) (select Select a State: Maryland) (check Year: 2019) (check Race: White, Black, and Asian) (select Lower Age: 10) (select Upper Age: 17) (select Column Variable: Race) (click show table) (select Row %).