



PROGRESSIVE MARYLAND

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February 1, 2022

TESTIMONY IN SUPPORT OF:

Decriminalizing Disruption: HB 84/SB 119

Dear Honorable Senators and Delegates of EHEA:

My name is Sharity Bannerman and I am a member of Progressive Maryland and Co-Chair of PM Justice Task Force. As a former teacher, I have a heart for our young people—their overall well-being: body, heart, mind, soul, and spirit. One of the things that disproportionately plagues our youth is the school-to-prison pipeline, which is evident in our state.

Maryland’s legal system contains many laws that unnecessarily bring young people, and disproportionately youth of color, to the attention of the justice system. Most often, this is for behaviors that are either typical adolescent behaviors or a reflection of how we have marginalized large segments of Maryland’s youth. Most young people’s contact with the system results from someone labeling typical adolescent behavior, or behavior stemming from trauma, abuse, neglect, or poverty, as “criminal” conduct – instead of seeing that behavior as an indicator of a need for support to help that young person thrive. Referring youth to the justice system for these behaviors is ineffective, harmful, and a poor use of scarce financial resources.

In Fiscal Year 2019, the Maryland Department of Juvenile Services (DJS) received 1,700 referrals for young people charged with disturbing school activities or personnel.¹ While there are no additional details about the nature of these referrals, the law is so broad that youth can currently be charged with a crime for behaviors that should be handled within a school or school district, such as talking back, refusing to follow directions, or making an impulsive statement that is not associated with – and that does not result in – harm to anyone. Not only that, Maryland Courts have said that students are not exempt from being charged with this crime because they have “behavior problems,” which means that the law can be used to criminalize youth with learning disabilities, intellectual disabilities, physical disabilities, and other types of disabilities.

¹ Maryland Department of Juvenile Services, Data Resource Guide: Fiscal Year 2019, pg. 238 (December 2019), available at https://djs.maryland.gov/Documents/DRG/Data_Resource_Guide_FY2019.pdf.



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Finally, the term “disturbing” is vague and, therefore, highly discretionary and susceptible to disparate application to youth of color: **in Fiscal Year 2020, 82% of referrals to DJS for this reason were for youth of color.**²

This law has become a part of Maryland’s school-to-prison pipeline. It must be amended to ensure that it does not continue to be part of that pipeline.

It is for these reasons that I am encouraging you to vote in support of HB 84/SB 119. Please help to ensure children are protected from the criminal system and have the chance to pursue their dreams and become productive citizens in our community.

I appreciate your time, service, and consideration.

Sincerely,

Sharity Bannerman, Esq.
723 Pavey Way, Upper Marlboro, MD 20774

² Maryland Department of Juvenile Services, Data Resource Guide: Fiscal Year 2020, pg. 252 (December 2020), available at https://djs.maryland.gov/Documents/DRG/Data_Resource_Guide_FY2020.pdf.