



ARCHDIOCESE OF BALTIMORE † ARCHDIOCESE OF WASHINGTON † DIOCESE OF WILMINGTON

March 3, 2022

SB 769

Minors Convicted as Adults – Sentencing – Transfer to Juvenile Court

Senate Judicial Proceedings Committee

Position: Support

The Maryland Catholic Conference offers this testimony in SUPPORT of Senate Bill 769. The Conference represents the public policy interests of the three (arch)dioceses serving Maryland, the Archdioceses of Baltimore and Washington and the Diocese of Wilmington, which together encompass over one million Marylanders.

In 2021, the Maryland General Assembly passed the Juvenile Restoration Act, which was supported by the Conference, prohibiting sentences of life without parole for youth offenders. The legislation also allowed for judicial review of a sentence for an offense committed under the age of eighteen after an individual has served twenty years of their sentence. Senate Bill 769 would add certain requirements to this sentencing review, largely based on the Supreme Court ruling in *Miller v. Alabama*.

In reviewing such a sentence, a court would be required to consider: 1.) the age of the minor at the time of the offense, 2.) the capacity of the minor for rehabilitation, 3.) the minor's family and community environment, 4.) the minor's ability to appreciate risks and understand the consequences of actions, 5.) the intellectual capacity of the minor, 6.) peer and familial pressure, 7.) the level of participation of the minor in the offense, 8.) the ability of the minor to meaningfully participate in the minor's legal defense, 9.) the involvement of the minor in the child welfare system, 10.) prior exposure of the minor to adverse childhood experiences and trauma history, 11.) faith and community involvement of the minor, 12.) if a comprehensive mental health evaluation of the minor was conducted by a mental health professional licensed in the state to treat adolescents, the outcome of the evaluation, and 13.) any other mitigating factor or circumstance.

In *Miller v. Alabama*, 567 U.S. 460, 471 (2012), the U.S. Supreme Court noted certain inherent characteristics of youthful offenders, such as "diminished capacity" and "greater prospects for reform". In doing so, the Court set about certain factors that should be considered in mitigating youth sentences. This case law and Catholic social teaching help formulate our position that youth justice should be approached restoratively. This includes not only addressing underlying circumstances that may contribute to youth committing offenses, but also considering those factors in sentencing, where warranted, so as to not ignore their inherent possibilities for rehabilitation. It is for these reasons that we urge your support and favorable report on Senate Bill 769.