



House Bill 877

Juveniles Charged as Adults - Confinement

MACo Position: **SUPPORT**

To: Judicial Proceedings Committee

WITH AMENDMENTS

Date: March 24, 2022

From: D'Paul Nibber

The Maryland Association of Counties (MACo) **SUPPORTS HB 877 WITH AMENDMENTS**. This bill, as amended, would require local correctional facilities to maintain sight and sound separation between juvenile and adult inmates, potentially without the use of restrictive housing facilities.

Recent changes to federal law require sight and sound separation between juveniles and adults. With limited budgets and physical space, county correctional facilities have made every effort to comply, fully understanding the need to protect juvenile populations. In smaller facilities spread across the state, juveniles sometimes occupy spaces traditionally used for restricted housing. Nevertheless, they receive all the amenities and time away from the cell afforded to the general population.

HB 877, as amended by the House, would remove the flexibility exercised by county correctional facilities by requiring both sight and sound separation and removing the ability to use "seclusion and isolation" to achieve said separation. Without additional clarity, the newly added "seclusion and isolation" provision would likely result in correctional facilities avoiding the use of restrictive housing to segregate juveniles and achieve sight and sound separation. Unfortunately, without the occasional use of restrictive housing, these facilities simply do not have the space to make sight and sound separation a reality, nor do they have budgets to construct new, more accommodating cells.

Understanding the limitations faced by county correctional facilities, MACo offers the following amendments, which address the source of this conflict, and remove the ability of courts to direct that juveniles be held in county correctional facilities, which are ill equipped to accommodate the needs of this population:

- On page 6, line 8, after "release" insert ";
- On page 6, line 8, strike ";**OR**"
- On page 6, strike lines 9 through 15 in their entirety

Altogether, HB 877 changes county correctional facility practice at great cost, likely resulting in unintentional noncompliance. MACo's amendment language would attack the source of this conflict, and alter sentencing policy to avoid court-mandated commingling of detained populations. Accordingly, MACo **SUPPORTS HB 877 WITH AMENDMENTS** and urges a **FAVORABLE WITH AMENDMENTS** report.