



THE SENATE OF MARYLAND  
ANNAPOLIS, MARYLAND 21401

**Testimony of Senator Jill P. Carter  
In Favor of Senate Bill 691  
– Juvenile Justice Reform–  
Before the Judicial Proceedings Committee  
On March 3 , 2022**

**Chairman Smith, Vice Chair Waldstreicher, and Esteemed Members of the Committee:**

**Senate Bill 691 derives from recommendations made by the bipartisan Juvenile Justice Reform Council (JJRC) in its [January 2021 report](#). The bill does four main things: (1) bans the incarceration of youth for first time misdemeanor offenses; (2) establishes a minimum age of juvenile court jurisdiction; (3) sets developmentally appropriate time frames for probation; and (4) eliminates barriers to diversion.**

**In 2020, Human Rights for Kids ranked Maryland among the worst states in the country for its treatment of children in the criminal legal system. Prior to the pandemic, [two-thirds of children incarcerated in Maryland's juvenile facilities were there for committing a misdemeanor offense or a technical violation](#). What is worse, Maryland law still criminalizes elementary and middle school children. In fiscal year 2020, approximately 1,500 delinquency complaints were filed against children under the age of 13. Of them, 71.5 percent were Black.**

**Young people need swift and certain responses to bad behavior, but the response must be calibrated to be the right dosage and intensity**

for the individual child. The JJRC learned that providing more intervention than needed, or providing services too late, can backfire. For example, removing a child from their home for a low-level offense can cause new trauma and can increase, rather than decrease, the probability of criminality in that child. To address this, Senate Bill 691 bans incarceration for first-time misdemeanors that do not involve a gun, which would allow the state to focus on those who commit more serious offenses.

Senate Bill 691 would also limit the circumstances under which a child younger than age 13 is subject to the jurisdiction of the juvenile court. Children are different from adults. Despite this obvious truth, in our juvenile justice system, they are treated as if they are small adults. [Research shows that children are significantly less likely to comprehend legal proceedings and the charges against them.](#) How can we place children behind bars who are not yet allowed to be at home by themselves? By establishing a minimum age of incarceration, we can work toward rehabilitating children and preventing the physical and emotional trauma that incarceration may cause.

Currently, juvenile probation in Maryland is indefinite. Senate Bill 691 would set developmentally appropriate time frames for probation. The evidence suggests that prolonging supervision for children has little efficacy. In order for a child to be successful, they need goals and timelines to work toward. With our current system, the risk for children to reoffend is higher. This bill will allow young people to be held accountable in developmentally appropriate ways and keep those kids who have low-level, first-time offenses from being pulled deeper into the system.

Senate Bill 691 also aims to eliminate barriers to diversion. While children need help, there are ways to help them that are developmentally appropriate. Systems like the Department of Mental

Health services, or schools can address young children's misbehavior. The bill would create a model for diversion policy and fund diversion programs across the state. In doing so, we will reduce recidivism and truly ensure that children are rehabilitated. Juvenile court was never intended to mediate schoolyard squabbles or mete out punishment for childish mistakes.

Passing these common sense measures will shrink the juvenile justice system and allow the Department of Juvenile Services to focus its attention on providing evidence-based treatment to the most serious offenders and older youth who are at the greatest risk of committing violence instead of warehousing low-level offenders. It is time for Maryland's juvenile justice system to focus more on care, not cages.

For these reasons, I urge the committee to give a favorable report on Senate Bill 691.

Respectfully,

A handwritten signature in blue ink that reads "Jill P. Carter". The signature is written in a cursive, flowing style.

Jill P. Carter