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THINK JEWISHLY. ACT LOCALLY.

TESTIMONY ON HB459 - POSITION: FAVORABLE
Juvenile Justice Reform

TO: Chair Clippinger, Vice Chair Moon, and members of the Judiciary Committee

FROM: Evan Serpick, on behalf of Jews United for Justice (JUFJ)

My name is Evan Serpick. I am a resident of District 41 in Baltimore City. **I am submitting this testimony on behalf of Jews United for Justice in support of HB459, Juvenile Justice Reform.** JUFJ organizes 6,000 Jews and allies from across Maryland in support of state and local social, racial, and economic justice campaigns.

One of the most important concepts in the Jewish tradition is *teshuvah*, which literally means “return” or repentance. The ten days between Rosh Hashanah and Yom Kippur - some of the holiest days of the Jewish year - are called the “Days of Teshuvah,” a time to reflect on things we have done wrong in the past year and commit to doing better. In the words of Maimonides, one of our greatest sages, “Nothing can stand in the way of *teshuvah*” (Mishneh Torah, Hilchot Teshuvah 3:14). God is open to *teshuvah* from any person, at any time, for anything.

Indeed the opportunity for *teshuvah* extends to everyone, including those in prison. Every morning, Jews pray to God, “*matir asurim*,” who frees the captive. The opportunity for *teshuvah* is even more essential for children, as Jewish scholars wrote, “the very breath of children is free of sin” (Babylonian Talmud, Shabbat 152, 119).

In Maryland, our juvenile justice system has strayed far from the principle of *teshuvah* - of helping children return to their communities with the support and tools they need to thrive. According to Human Rights for Kids, Maryland is among the six worst states in the country at protecting children’s human rights, on the bottom tier with Alabama, Mississippi, Georgia, Wyoming, and Tennessee.¹ We simply *must* do better.

In 2019, the Maryland General Assembly took an excellent first step, creating the Juvenile Justice Reform Council (JJRC). This bipartisan group of stakeholders researched best practices and recommended ways to limit or otherwise mitigate risk factors that contribute to children’s contact with the criminal and juvenile justice systems. **HB459 includes many of the Council’s recommendations. It is now essential to take the next step and pass HB459.**

¹ 2020 National State Rating Report, <https://humanrightsforkids.org/national-state-ratings-report/>.

Among the key provisions in this bill:

It will create a minimum age of 13 for arrest, ending the state's practice in recent years of arresting children as young as 6, in violation of the U.N. Convention on the Rights of the Child. The vast majority of children 12 and under arrested in the current system do not serve prison or probation terms, yet they needlessly endure the trauma and stigma of contact with the criminal justice system.² The current law also disproportionately harms children of color - 75% of the 1,472 children under the age of 13 arrested in Maryland in 2020 were Black or Hispanic.³

This bill will end the heartless practice of “indefinite probation” periods, currently standard practice for children in Maryland, and instead institute developmentally appropriate probation periods that offer finite goals and timelines to help children work toward success. Maryland's system of indefinite probation defies expert recommendations that children be limited to no more than 9 months of probation, if at all.⁴

HB459 offers more opportunities for diversion, including substance use rehabilitation, mental health treatment, mentoring programs, job training, mediation, and community service. Opportunities for restorative justice, like these, reduce recidivism. Under the current law, youth of color are nearly twice as likely to be referred to juvenile court intake and 30% less likely to be referred to diversion as white youth.⁵

Finally, this bill will eliminate incarceration for children who are charged with a misdemeanor or technical violation of probation. Study after study shows the negative consequences of incarceration on youth and their communities, including increased recidivism, risk of physical and emotional harm, and educational loss. Children given opportunities for restorative justice while embedded with their families and communities inevitably have better outcomes. From a fiscal standpoint, incarceration comes at an immense cost to taxpayers. On a per child basis, Maryland spends more than 48 other states on incarcerating youth.⁶

With the passage of this landmark bill, Maryland can take a giant leap from among the country's worst states on juvenile justice issues to one of its best. **On behalf of Jews United for Justice, I respectfully urge a favorable report on HB459 to create more opportunities for Maryland's children.**

² Maryland Youth Justice Coalition, “[Maryland Must Stop Automatically Charging Youth in Adult Court SB 165/HB 294](#),” p1.

³ Maryland Youth Justice Coalition, “[Youth Justice Reform - Omnibus Reform Package](#),” p1.

⁴ Maryland Youth Justice Coalition, “[Youth Justice Reform - Omnibus Reform Package](#),” p1.

⁵ Maryland Youth Justice Coalition, “[Youth Justice Reform - Omnibus Reform Package](#),” p2.

⁶ Maryland Youth Justice Coalition, “[Youth Justice Reform - Omnibus Reform Package](#),” p2.