



MONTGOMERY COUNTY, MARYLAND  
WOMEN'S DEMOCRATIC CLUB

P.O. Box 34047, Bethesda, MD 20827

[www.womensdemocraticclub.org](http://www.womensdemocraticclub.org)

**House Bill 459 - Juvenile Law - Juvenile Justice Reform  
Judiciary Committee – February 10, 2022  
FAVORABLE WITH AMENDMENTS**

Thank you for this opportunity to submit written testimony concerning an important priority of the **Montgomery County Women's Democratic Club (WDC)** for the 2022 legislative session. WDC is one of the largest and most active Democratic Clubs in the State, with hundreds of politically active women and men, including many elected officials.

**WDC urges the passage of HB459 with the amendments suggested in this testimony.** WDC commends the Maryland Juvenile Justice Reform Council (JJRC) for its work and the recommendations contained in its January 2021 Report.<sup>1</sup> WDC also commends Judiciary Committee Chairman Clippinger for his leadership in ensuring that the important reforms recommended by the JJRC become law. WDC respectfully suggests the following amendments to HB459.

First, WDC suggests the amendment of the age at which a child may come under the jurisdiction of the juvenile court to 14 regardless of the nature of the alleged offense. Children as young as 10 do not belong in the juvenile court system. As the JJRC's Report states:

A growing body of evidence has found that pre-teens have diminished neurocognitive capacity to be held culpable for their actions; likewise, they have little ability to understand delinquency charges against them, their rights and role in an adversarial system, and the role of adults in this system. Recognizing this developmental science, as well as recognizing the damage inflicted by putting relatively young children into the juvenile justice system, several states have recently moved to create a minimum age of juvenile court jurisdiction. The behavioral issues of children below that age are handled in the child welfare and mental health systems. **However, the recommendation of the Committee on the Rights of the Child of the United Nations, based on "documented evidence in the fields of child development and**

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<sup>1</sup> Department of Juvenile Services. (January 2021). *Maryland Juvenile Justice Reform Council – Final Report* [MSAR#12288]. Maryland Juvenile Justice Reform Council. Retrieved from <http://dls.maryland.gov/pubs/prod/NoPblTabMtg/CmsnJuvRefCncl/IJRC-Final-Report.pdf>



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**neuroscience,” is that the minimum age of jurisdiction should be at least 14.<sup>2</sup> (emphasis added).**

WDC urges the Judiciary Committee to put Maryland in the national lead on matters of juvenile justice and adopt the recommendation of the Committee on the Rights of the Child of the United Nations.

Second, the HB459 proposes a new Section 3-530 to the Public Safety Article that would require the Governor’s Office of Crime Prevention, Youth, and Victim Services to collect and report data “relating to juveniles who are charged, convicted, and sentenced as adults in the State.” The statute would require the annual reporting on:

- The number of juveniles charged, convicted, and sentenced as adults
- The outcomes of cases involving juveniles charged as adults
- The number of juveniles housed in each State correctional facility or local jail
- The length of the sentence for each juvenile sentenced as an adult

This is vitally important data for the State to collect, and WDC supports the inclusion of this provision in HB459. However, the collection of this data alone will not inform policymakers, lawmakers, and the public about the disparities and inequities that have historically been an integral part of Maryland’s juvenile criminal system. Accordingly, WDC proposes that the statute be amended to require the collection of demographic data that would allow for evaluation of conviction and sentencing of juveniles across jurisdictions within the State.

As the JJRC report details, the racial disparity between Black and White youth who are tried as adults is shocking. In Baltimore City, 94.1 percent of juveniles tried as adults are Black.<sup>3</sup> In other counties reporting through the MDEC system, 72.8 percent of juveniles tried as adults are Black.<sup>4</sup> Accordingly, it is vital for the State to **report on the race and ethnicity of each child charged, convicted, and sentenced as adults**. Similarly, the State should be tracking **the gender of the juveniles tried as adults to ensure that there are no gender disparities in charging and sentencing of young people**. It is also important to know **in which jurisdiction the child was tried, convicted, and sentenced**. It is entirely plausible that the number of young

<sup>2</sup> Department of Juvenile Services. (January 2021). Page17.

<sup>3</sup> Department of Juvenile Services (January 2021). Page 43.

<sup>4</sup> Department of Juvenile Services (January 2021). Page 43.



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people tried, convicted, and sentenced as adults will vary from jurisdiction to jurisdiction depending on the State's Attorney and the judges in their jurisdiction and what perspective they bring to juvenile justice. Finally, **to make valid comparisons, it is necessary to collect information on the crime(s) for which the young person was tried, convicted, and sentenced.** Only with all of those pieces of information can we know if the trial and sentencing of Maryland's young people is equitable.

**We ask for your support for HB459 and strongly urge a favorable Committee report with the amendments noted above.**

Respectfully,

Leslie Milano  
President