



## **HB 459 – Juvenile Law – Juvenile Justice Reform**

Presented to the Honorable Chair Luke Clippinger, Vice Chair David Moon, and Members of the  
Judiciary Committee  
February 10, 2022, 1pm

**POSITION: SUPPORT**

### **Testimony of Baltimore Action Legal Team Representing the People's Commission to Decriminalize Maryland**

**The People's Commission to Decriminalize Maryland strongly supports HB459**, and we urge the Committee to issue a favorable report on this bill. The People's Commission was created to reduce the disparate impact of the justice system on youth and adults who have been historically targeted and marginalized by local and state criminal and juvenile laws based on their race, gender, disability, or socioeconomic status.

Maryland's legal system contains many laws that unnecessarily bring young people, and disproportionately youth of color, to the attention of the justice system.<sup>1</sup> Most often, this is for behaviors that are either typical adolescent behaviors or a reflection of how we have marginalized large segments of Maryland's youth. Most young people's contact with the system results from someone labeling typical adolescent behavior, or behavior stemming from trauma, abuse, neglect, or poverty, as "criminal" conduct – instead of seeing that behavior as an indicator of a need for support to help that young person thrive.

HB459 would make many long overdue and common-sense changes to Maryland's youth justice system that are aligned with recommendations released by the People's Commission in its 2021 Interim Report.<sup>2</sup> These changes include:

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<sup>1</sup> Maryland Department of Juvenile Services, Data Resource Guide: Fiscal Year 2019, pg. 22 (December 2019), available at [https://djs.maryland.gov/Documents/DRG/Data\\_Resource\\_Guide\\_FY2019.pdf](https://djs.maryland.gov/Documents/DRG/Data_Resource_Guide_FY2019.pdf) (showing that youth of color are 2.56 times more likely than white youth to be referred to juvenile court/intake).

<sup>2</sup> The People's Commission to Decriminalize Maryland, Interim Report 2021 (2021), available at [https://www.decrimmaryland.org/\\_files/ugd/e285f0\\_bd4d54238b074b7284bf334f8afb7ea5.pdf](https://www.decrimmaryland.org/_files/ugd/e285f0_bd4d54238b074b7284bf334f8afb7ea5.pdf).

- Limiting the definition of delinquent act to exclude criminalizing behaviors that should be handled within schools with student support and appropriate consequences and expanding the ability of law enforcement to use citations in lieu of arrest and referral to DJS.
- Excluding youth under the age of 13 from the jurisdiction of the juvenile court, except in limited circumstances. In Fiscal Year 2019, 1,882 complaints were referred to DJS intake for youth aged 12 and under, with 83% of the most serious charges in those referrals being misdemeanors.<sup>3</sup> Black youth represented two-thirds (65.8%) of referrals to DJS for youth age 12 and under.
- Expanding the opportunity to use of informal adjustments in lieu of formal court processing, mandating diversion in certain situations, and establishing standards for diversion throughout the state. In Fiscal Year 2019, 81% of referrals to the Maryland Department of Juvenile Services were for status offenses, citations, ordinance violations, and misdemeanor offenses.<sup>4</sup> Studies show that formal interventions by the juvenile justice system do more harm than good for a large percentage of youth and are associated with higher rates of future contact with the justice system as compared with the use of diversion.<sup>5</sup> Importantly, the legislation limits an alleged victim's ability to veto a decision to use an informal adjustment to resolve a referral. This type of veto power does not exist in the adult system, and it has no place in the youth justice system when we know the justice system can have lifelong negative consequences for a child and public safety.
- Limiting the use of detention and out-of-home placements for technical violations of community supervision and low-level offenses. In Fiscal Year 2019, judges ordered 767 committed out-of-home placements, 78.9% of which were for youth of color.<sup>6</sup> Of those placements, almost 60% (58.1%) were for youth who had been adjudicated for a misdemeanor as their most serious charge.

HB459 would take an important step toward expanding equitable access to diversion and reducing unnecessary incarceration of young people throughout the state. **For these reasons, the People's Commission to Decriminalize Maryland strongly supports HB459 and urges the Committee to issue a favorable report.**

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<sup>3</sup> Maryland Department of Juvenile Services, Data Resource Guide: Fiscal Year 2019, pgs. 26-27 (December 2019), available at [https://djs.maryland.gov/Documents/DRG/Data\\_Resource\\_Guide\\_FY2019\\_.pdf](https://djs.maryland.gov/Documents/DRG/Data_Resource_Guide_FY2019_.pdf).

<sup>4</sup> *Id.* at 22.

<sup>5</sup> Wilson, H. A., & Hoge, R. D. (2013). The effect of youth diversion programs on recidivism: A meta-analytic review. *Criminal Justice and Behavior*, 40(5), 497–518. <https://doi.org/10.1177/0093854812451089>

<sup>6</sup> Maryland Department of Juvenile Services, Data Resource Guide: Fiscal Year 2019, pg. 144 (December 2019), available at [https://djs.maryland.gov/Documents/DRG/Data\\_Resource\\_Guide\\_FY2019\\_.pdf](https://djs.maryland.gov/Documents/DRG/Data_Resource_Guide_FY2019_.pdf).