



House Bill 459
Juvenile Law – Juvenile Justice Reform
January 27, 2022
Support

Dear Chairman Smith and Honorable Members of the Committee:

Baltimore Youth Arts is a creative entrepreneurship and job training program that provides artistic and professional opportunities to young people, ages 14-22, with a focus on those involved in the justice system. Our mission is to assist young people in gaining the creative, personal, and educational skills that will enable them to become leaders in their communities.

Baltimore Youth Arts supports House Bill 459, which would align Maryland's laws that impact children with established adolescent development science. Maryland is one of the worst offenders of system-involved children's human rights in the nation ranking at the bottom with Alabama and Tennessee.¹ House Bill 459 provides us an opportunity not only to course correct, but also to leverage system reductions related to COVID-19 and transform our youth justice system into one that benefits more young people, families, and communities. These reforms will ensure that as many children as possible are treated with community-based services that lead to better public safety outcomes at a fraction of the cost of deep end interventions. If done intentionally, there is the opportunity to also reduce the pervasive racial disparities that persist in Maryland. We urge the Committee issue a favorable report on House Bill 459, the Juvenile Justice Reform Act.

HB 459 targets four areas that move Maryland closer to our vision for youth justice:

1. **Raises the Minimum Age of Juvenile Court Jurisdiction:** If we want a truly rehabilitation juvenile justice system in Maryland – we must raise the minimum age of jurisdiction to 13.

¹ Human Rights for Kids, *National States Ratings Report*, December 2020. <https://humanrightsforkids.org/publication/2020-national-state-ratings-report/>. See also, Jazz Lewis & Dana Stein, *Op-Ed Maryland among the worst in protecting kids in the justice system*, BALTIMORE SUN, December 21, 2021. <https://www.baltimoresun.com/opinion/op-ed/bs-ed-op-1221-kids-injustice-20201221-ia4uxm3xc5ddlf6bwattnwvfxm-story.html>

2. **Place Developmentally Appropriate Time Limits on Probation:** When youth are placed on indefinite periods of probation, doing well on probation does not bring them closer to a light at the end of the tunnel, yet doing poorly can quickly land a youth in detention. Experts recommend that youth be placed on a period of six to nine months of probation, if they need to be placed on probation at all, and that “even for those who struggle to meet their goals, the period of probation should generally not exceed one year.”²
3. **Removes Barriers to Diversion:** There is a need to expand diversion and utilize it equitably by requiring informal adjustment of misdemeanors (excluding handgun possession) and non-violent felonies for all youth who have not previously been adjudicated delinquent. There are also two additional ways in which the bill will expand use of diversion – eliminate the requirement that DJS forward complaints of non-violent felonies to the State’s Attorney for approval of informal adjustment and eliminate the requirement of complaining witness consent. We would maintain the requirement that DJS make reasonable efforts to contact the alleged victim, however, which maintains witness satisfaction while keeping the burden of gaining victim permission off children, as it is for adults.
4. **Bans Youth Incarceration for Low-Level Offenses:** Youth whose most serious alleged offense is a misdemeanor or a technical violation of probation may not be placed in jails or prisons, which ends the harms of juvenile incarceration for low-level offenders and allows DJS to better leverage its resources to provide focused programming for those young people who face the most serious charges and are at the highest risk of re-offense.

Baltimore Youth Arts urges this committee to issue a favorable report on HB 459.

² Annie E. Casey, *Transforming Probation: A Vision for Getting it Right*, 2018. www.aecf.org/resources/transforming-juvenile-probation/