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Judiciary Committee

Subcommittees

Civil Law and Procedure
Chair, Family and Juvenile Law



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THE MARYLAND HOUSE OF DELEGATES
ANNAPOLIS, MARYLAND 21401

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WRITTEN TESTIMONY IN SUPPORT OF HOUSE BILL 294

JUVENILE COURT - JURISDICTION

This legislation will eliminate the statutory requirement to automatically charge children as adults for certain charges, as recommended by Maryland's Juvenile Justice Reform Council.

Currently, the juvenile court does not have jurisdiction over: (1) children 14 years old and older who are alleged to have committed an act, that if committed by an adult would be punishable by life imprisonment; (2) children 16 years and older who are alleged to have committed specified crimes; and (3) children who have previously been convicted as an adult of a felony and are subsequently alleged to have committed an act that would be a felony if committed by an adult.

Children who enter the criminal justice system and are immediately placed in adult confinement are unlikely to receive necessary services such as medical and mental health treatment. Additionally, children experience a disruption of education. Many children suffer physical and sexual abuse. Due to restrictions with contact with adults, often, children are placed in solitary confinement. Black children are disproportionately affected, as they make up more than eighty percent of the total children who are charged as adults. Finally, there is a further negative impact on public safety as many children become repeat offenders and commit more violent crimes in the future.

All proceedings against children should be initiated under juvenile court jurisdiction, where the purpose is to provide rehabilitation and not punishment. Data indicates brain science (immaturity, diminished capacity), trauma and other experiences all contribute to a child's behavior. This legislation will not remove the prosecutor's ability to petition the juvenile court to waive its jurisdiction over any case (charge). Given the juvenile court's training and experience with children, juvenile court should be given the authority to review and consider all relevant factors and the discretion to determine where a child should be charged for an offense.

I respectfully request a favorable report for House Bill 294.

Sincerely,
Delegate Charlotte Crutchfield