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Lt. GovernorLarry Hogan  
GovernorSam Abed  
Secretary

Date: 2/24/2022  
Bill # / Title: HB 877 - Juveniles Charged as Adults - Confinement  
Committee: Judiciary  
Position: Support with Amendment

The Department of Juvenile Services (DJS) supports HB 877 with amendment.

HB 877 brings Maryland into compliance with the federal Juvenile Justice Delinquency Prevention Act (JJDP A) by requiring all youth under 18 be removed from adult jails and held in juvenile detention facilities except in limited circumstances. This emergency legislation is necessary to avoid the loss of federal funding for local youth public safety initiatives and enhance safeguards for youth pending trial.

**HB 877 is critical to maintain funding for community-based youth initiatives and public safety strategies.**

Congress reauthorized the JJDP A in 2018, which was renamed to the Juvenile Justice Reform Act, and added to the core protections a requirement for states to remove all youth who are under the age of 18 and pending trial or sentencing in the criminal justice system from adult jails. The federal law provided states until December 2021 to achieve compliance with the jail removal core protection. Failure to comply will result in Maryland losing 20 - 40% of federal Title II Formula Grant dollars which are utilized for juvenile justice system improvements, juvenile diversion programs, and other community-based programs and services for youth throughout the State. **This expected funding loss would amount to approximately \$185,732 - \$371,465 per year until the state achieves compliance.**

**Currently, DJS safely and securely accommodates the vast majority of youth charged as adults in juvenile detention facilities.**

DJS entered into a partnership with stakeholders in Baltimore City in 2013 to accept youth charged as adults. The success of that effort led to the passage in 2015 of HB 618/SB 852, which presumed all transfer-eligible young people would be accommodated in a DJS juvenile detention facility rather than adult jails. DJS has not encountered any particularized safety or security issues with this transfer-eligible population, which now accounts for nearly 60% of youth in DJS detention facilities.

**Protects youth from harms of adult jails and lock-ups.**

Youth confined in adult jails and lock-ups are more likely to re-offend upon release and while confined, are at pronounced high risks for suffering assault and committing suicide. DJS facilities are more equipped than local jails to manage and provide services to these youth and can do so while maintaining public safety.

**HB 877 retains judicial discretion to utilize adult jails in very limited situations.**

Although HB 877 generally requires all young people under the age of 18 to be detained in juvenile facilities, the bill contains a safeguard allowing courts to order a youth in an adult jail if, after considering prescribed factors, the court finds it "in the interest of justice."

For these reasons, DJS urges a favorable report with an amendment (attached) to prioritize moving eligible youth from local jails, and then assume the youth charged as adult population held in the Baltimore City Youth Detention Center.

Amendment 1:

SECTION 3. THAT FOR A CHILD BEFORE THE COURT IN BALTIMORE CITY ONLY THIS ACT SHALL BE APPLICABLE BEGINNING OCTOBER 1, 2022.

Reasoning:

Amendment 1 will allow DJS to prioritize moving eligible youth from local adult jails to juvenile detention immediately upon the enactment of the emergency legislation. Youth charged as adults in Baltimore City currently are detained, separate and apart from adult inmates, in the Department of Public Safety's Youth Detention Center (YDC). Once DJS operationalizes the process of jail removal for the local detention population, DJS will then collaborate with DPSCS, prior to October 1, 2022, to ensure the youth population at the YDC transfers to a DJS juvenile detention facility. Amendment 1 will not jeopardize the State's federal compliance.

