

Support for SB115- juvenile concurrent jurisdictio

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Position: FAV



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To: Members of the Senate Judicial Proceedings Committee
From: Carrie J. Williams, Chair, Legislative Committee, Criminal Law and Practice
Section
Date: 1/24/2023
Subject: SB115– Juvenile Court—Concurrent Jurisdiction—Juvenile Offenses on
Military Installations
Position: **Support**

The Legislative Committee of the Criminal Law and Practice Section of the Maryland State Bar Association (MSBA) Supports SB115– Juvenile Court—Concurrent Jurisdiction—Juvenile Offenses on Military Installations.

This bill gives the juvenile court concurrent jurisdiction in cases where children are alleged to have violated federal law on a military installation and the federal court waives jurisdiction. Granting concurrent jurisdiction in these cases provides flexibility and, in appropriate circumstances, allows the juvenile to receive services through the state juvenile system. For these reasons, we support SB115.

If you have questions about the position of the Criminal Law and Practice Section’s Legislative Committee, please feel free to address them to me at carriej.williams@gmail.com.

Additional information can also be provided by Shaoli Katana at MSBA - shaoli@msba.org.

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Uploaded by: Christopher Arnold

Position: FAV



MANPOWER AND
RESERVE AFFAIRS

OFFICE OF THE ASSISTANT SECRETARY OF DEFENSE

1500 DEFENSE PENTAGON
WASHINGTON, D.C. 20301-1500

February 8, 2023

**Maryland General Assembly
Senate Committee on Judicial Proceedings
2 East, Miller Senate Office Building
Annapolis, MD 21401**

**Senator William C. Smith, Jr.
Chair**

**Remarks of
Christopher R. Arnold
Mid-Atlantic Region Liaison
United States Department of Defense-State Liaison Office**

Support of: SB115 (Juvenile Court – Concurrent Jurisdiction – Juvenile Offenses on Military Installations)

Testimony

Chairman and honorable committee members, the Department of Defense is grateful for the opportunity to provide comment on the policies reflected in Senate Bill 115, which support the Department's efforts in removing barriers to the proper investigation and adjudication of juvenile matters in areas of exclusive federal jurisdiction. This legislation utilizes a best practice approach recently enacted in other states and is critical to preventing adverse impacts to the health, safety and welfare of juveniles, and the military community.¹

My name is Christopher Arnold, and I am the Mid-Atlantic region liaison at the United States Department of Defense-State Liaison Office, operating under the direction of Under Secretary of Defense for Personnel and Readiness. We represent the Department and establish relationships with state leaders across the country who are concerned for troops and their families' welfare by harmonizing state and federal law and regulation on policy problems of national significance. These are identified by the Office of the Secretary of Defense, the secretaries of the military departments, and the chief of the National Guard Bureau as areas where states can play a crucial role.

Senate Bill 115 is key to appropriately addressing and reducing juvenile misconduct on military installations.² In 2018, Congress expressed its concern about the lack of state or local jurisdiction

¹ See generally [North Carolina Session Law 2022-73](#), [Connecticut Public Act 22-63 of 2022](#), and [New Hampshire Chapter 77 of 2022](#).

² [Public Law 115-232, Section 1089](#) required the Department to establish a policy on its response to allegations of juvenile-on-juvenile problematic sexual behavior on military installations. A key component of the Department's policy must be to, within the limits of the Department's authority, aid civilian officials in their efforts to appropriately dispose of incidents, particularly problematic sexual behavior in children and youth, or "PSB-CY," that rise to the level of a delinquency offense.

over juvenile offenses committed on those portions of military installations with federal exclusive legislative jurisdiction.³ The federal framework for handling juvenile offenders has a limited scale, features limited wrap-around services and offers limited alternative disposition options.⁴

The Department of the Army has opined how the policy proposed in Senate Bill 115 adds clarity to state's authority to adjudicate juvenile misconduct arising on military installations.⁵ This approach to concurrent jurisdiction for juvenile offenses is particularly helpful, insofar as there are many juveniles without a military connection in areas of federal exclusive legislative jurisdiction that should have access to Maryland juvenile court program.⁶

Historically, the federal government either obtained exclusive federal legislative jurisdiction over land by agreement with the owning state or maintained exclusive federal legislative jurisdiction over certain land after the formation of a new state.⁷ When land use and the circumstances surrounding that use changes, such as when military bases experience an increased civilian population, or when space within a federal military installation is partially leased to non-federal entities, a change in federal jurisdiction may be appropriate.⁸

As many installations house more civilians, the federal government can relinquish jurisdiction to a state and thus alter its jurisdiction from exclusive to concurrent, which enables state law authorities to enforce state laws on the base with respect to civilian family members.⁹ A February 2021 directive from the Deputy Secretary of Defense to the military service secretaries

³ [House Report 115-874](#), the Conference Report accompanying H.R. 5515, the John S. McCain National Defense Authorization Act.

⁴ Federal Juvenile Delinquency Act 18 U.S.C. Sec 5031 *et seq.*

⁵ "Establishing Concurrent Jurisdiction for Juvenile Crimes: Maryland Installations," *Army Office of The Judge Advocate General*, January 24, 2023.

⁶ For example, at Fort Meade, there are a significant number of privatized housing units on the installation in an area of exclusive federal jurisdiction, including 1,200 apartments and 3,000 single family houses. While 80% of these units are occupied by families of active-duty military personnel from all of the services, the remaining 20% are occupied by non-active-duty families, some with juvenile-aged children. Foot traffic between these houses and the schools both inside and outside the fence line and to playgrounds and other common areas creates the potential for juvenile misconduct to occur in an area of exclusive federal jurisdiction by children with little military nexus. Currently, a process is in place for case-by-case referral to Anne Arundel County, but the process lacks any formal statutory authority.

⁷ According to the Maryland General Assembly Department of Legislative Services, "With respect to land that the United States or any unit of the United States leases or otherwise holds in the State, the State reserves jurisdiction and authority over the land, and persons, property, and transactions on the land, to the fullest extent that is allowed by the U. S. Constitution and not inconsistent with the governmental purpose for which the land is held. This does not affect the jurisdiction and authority of the State over land, or persons, property, and transactions on the land, that the United States or a unit of the United States acquired on or before May 31, 1943, to the extent that the State ceded jurisdiction, as specified."

⁸ In June of 2019, the Deputy Secretary of Defense instructed the Secretaries of the Military Departments to seek to establish concurrent jurisdiction over juveniles not subject to the Uniform Code of Military Justice on military installations.

⁹ Congress directed the Military Departments to seek to retrocede exclusive federal jurisdiction under 10 U.S. Code § 2683, which allows DoD to relinquish its jurisdiction via (a) retrocession, or (b) as the laws of the state may otherwise provide.

provided further instructions to remove barriers to the appropriate investigation and adjudication of juvenile matters involving violations of federal law.¹⁰

Utilizing memoranda of understanding for the referral of juvenile cases arising on military installations in areas of federal exclusive legislative jurisdiction, particularly when retrocession is declined, infeasible or impracticable due to national security requirements does not create enforceable law, nor is there statutory support for transferring jurisdiction through such means.¹¹ Senate Bill 115 provides the state statutory authority to establish concurrent jurisdiction involving violations of federal law by a child on a military installation and assimilate them into state law.¹² The legislation also clarifies the formal retrocession process for the Fort George G. Meade Military Reservation.

Juvenile misconduct on military installations subject to exclusive federal legislative jurisdiction can only be adjudicated in the federal court system, which is designed for adults. States' juvenile courts can adjudicate juvenile offenses when concurrent jurisdiction is established between state and federal authorities.

Without concurrent jurisdiction, juvenile misconduct is adjudicated in the federal court system, which lacks appropriate juvenile-focused resources and often tries juveniles as adults. When concurrent jurisdiction is established, offenses could be adjudicated through the state juvenile court system, allowing for more appropriate case management outcomes.¹³

The statutorily supported memorandum between military installation authorities and state officials then defines the working relationship to support activities associated with concurrent jurisdiction once established in law through this legislation.¹⁴

In closing, let me say that we are grateful for the tremendous effort that Maryland has historically given in supporting our Service members and their families. On behalf of the Department of Defense, we respectfully request your consideration of the policies reflected in Senate Bill 115, and are grateful to the bill sponsor, Senator Jackson, the members of the Veterans Caucus, and the members Committee on Judicial Proceedings for shepherding this

¹⁰ The 2021 directive from the Deputy Secretary of Defense realigned the primary office of responsibility for establishing concurrent jurisdiction in areas of exclusive federal legislative jurisdiction over juvenile misconduct and efforts to remove barriers to the investigation and adjudication of appropriate cases by civilian authorities from the Under Secretary of Defense for Acquisition and Sustainment, to the Under Secretary of Defense for Personnel and Readiness. This realignment has enabled the Department to synchronize and facilitate this effort through the broader mission to support children, youth, and families and remains a high-priority item for the Department.

¹¹ Lavine, George R. III (2018) "Protect Our Military Children: Congress Must Rectify Jurisdiction on Military Installations to Address Juvenile-on-Juvenile Sexual Assault," *Wyoming Law Review*: Vol. 18 : No. 1 , Article 2. Available at: <https://scholarship.law.uwyo.edu/wlr/vol18/iss1/2>

¹² See *supra* at 9, "Relinquishment ... under this section may be accomplished (2) as the laws of the State ... may otherwise provide."

¹³ Mark E. Sullivan, "On Base and Beyond: Negotiating the Military/State Agreement," <https://www.ncjfcj.org/wp-content/uploads/2019/12/Negotiating-the-Juv-Justice-Agt.pdf>, 26, Appendix 2A — Authority of U.S. Magistrate.

¹⁴ Such agreements typically memorialize procedures and apportion responsibilities with respect to the investigation and adjudication of offenses committed on such installations by individuals not subject to the Uniform Code of Military Justice.

important legislation through the General Assembly and for all their advocacy on behalf of military families.

Yours etc.,

CHRISTOPHER R. ARNOLD
Mid-Atlantic Region Liaison
Defense-State Liaison Office

SB 115 - MMC Testimony Favorable.2.pdf

Uploaded by: Jayson Spiegel

Position: FAV



MARYLAND MILITARY COALITION

Serving Veterans through Legislative Advocacy

Statement of Jayson L. Spiegel
Maryland Military Coalition

SB 115 – Juvenile Court – Concurrent Jurisdiction –
Juvenile Offenses on Military Installations
February 8, 2023

FAVORABLE

Dear Chair Smith and Members of the Judicial Proceedings Committee:

The Maryland Military Coalition (MMC) **strongly supports SB 115**, which will establish that the jurisdiction of a juvenile court is concurrent with that of a federal court over proceedings involving a violation of federal law committed by a juvenile on a Department of Defense installation.

Maryland is home to several installations which house a significant number of military families with children, including Andrews Air Force Base, Fort Meade, and Aberdeen Proving Ground.

Under the current system, crimes committed by juveniles on military installations are adjudicated in the federal court system, which lacks juvenile-focused resources, and typically tries juveniles as adults. The best solution may be referring the juvenile to treatment, counseling and other services, which the federal court cannot do. If concurrent jurisdiction is established, offenses committed by juveniles can be handled by the state juvenile court system, allowing for more appropriate adjudication, sentencing, diversion, case management and potential expungement of records.

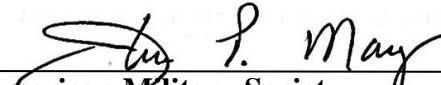
The Maryland Military Coalition is a non-partisan organization of 19 Veteran organizations representing over 150,000 Maryland uniformed services men and women and their families -- almost half of the 355,000 veterans in the State. Therefore, we support this legislation and ask the committee for a **Favorable Report**. We thank Senator Jackson for his continued leadership and support of the uniformed services and their families.

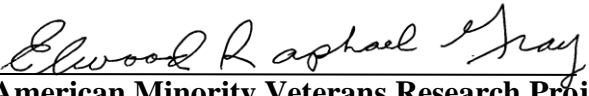
Respectfully,

Jayson Spiegel
LTC USAR (Ret)
President


Member Organizations, Maryland Military Coalition


Air Force Sergeants Association

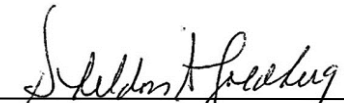

American Military Society


American Minority Veterans Research Project

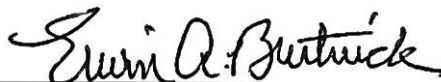

Association of the United States Navy



Commissioned Officers Association of the
US Public Health Service

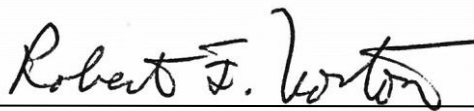

Disabled American Veterans

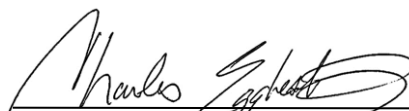

Distinguished Flying Cross Association



Fleet Reserve Association


Jewish War Veterans of the USA


Maryland Air National Guard Retirees'
Association


Military Officers Association of America


Military Order of the Purple Heart


Montford Point Marines of America


National Association for Black Veterans


Naval Enlisted Reserve Association


NOAA Association of Commissioned Officers


Reserve Organization of America


Society of Military Widows


Veterans of Foreign Wars

sb115.pdf

Uploaded by: Matthew Pipkin

Position: FAV

MARYLAND JUDICIAL CONFERENCE
GOVERNMENT RELATIONS AND PUBLIC AFFAIRS

Hon. Matthew J. Fader
Chief Justice

187 Harry S. Truman Parkway
Annapolis, MD 21401

MEMORANDUM

TO: Senate Judicial Proceedings Committee
FROM: Legislative Committee
Suzanne D. Pelz, Esq.
410-260-1523
RE: Senate Bill 115
Juvenile Court – Concurrent Jurisdiction – Juvenile Offenses on
Military Installations
DATE: January 18, 2023
(2/8)
POSITION: Support

The Maryland Judiciary supports Senate Bill 115. This bill would establish joint jurisdiction between the juvenile court and a federal court under certain circumstances.

Counties in Maryland already have agreements with the federal government that provide for juvenile court jurisdiction over acts committed by juveniles on military installations. This bill is consistent with current practice.

cc. Hon. Michael Jackson
Judicial Council
Legislative Committee
Kelley O'Connor

Jackson2023SB115Testimony.pdf

Uploaded by: Michael Jackson

Position: FAV

MICHAEL A. JACKSON
Legislative District 27
Calvert, Charles and
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Subcommittees
Chair, Pensions
Public Safety, Transportation, and
Environment

THE SENATE OF MARYLAND
ANNAPOLIS, MARYLAND 21401

District Office
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TESTIMONY - SENATE BILL 115

***JUVENILE COURT – CONCURRENT JURISDICTION –
JUVENILE OFFENSES ON MILITARY INSTALLATIONS***

JUDICIAL PROCEEDINGS COMMITTEE

FEBRUARY 8, 2023

Chair Smith, Vice Chair Waldstreicher, and Committee Members:

Senate Bill 115 is a very straightforward bill designed to better serve juveniles in the court system by establishing a mechanism for concurrent jurisdiction with our federal courts. This bill would establish concurrent jurisdiction for the federal courts sitting here in Maryland over proceedings related to the violation of federal law committed by children (who are at least 13 years of age) on Maryland military installations if the federal court waives exclusive jurisdiction and the violation is also a crime under Maryland state law.

Without concurrent jurisdiction, juvenile misconduct in children and youth, is adjudicated in the federal court system, which lacks appropriate juvenile-focused resources and often tries juveniles as adults. If concurrent jurisdiction is established, offenses can be adjudicated through the state juvenile court system, allowing for more appropriate sentencing and case management outcomes.

As someone who spent the majority of his professional career in the public safety realm, issues relating to juvenile justice are of particular interest to me. When offenses are committed by young people, it is a clearly different situation than when the same offenses are committed by an adult. Our state courts in Maryland are simply better equipped to handle these incidences than the federal court system and they are better equipped to adjudicate (and often rehabilitate) the young people involved.

For the reasons listed above, I ask for a favorable report of Senate Bill 115.

SB 115 - Juvenile Court - Concurrent Jurisdiction

Uploaded by: Ralph Watkins

Position: FAV



TESTIMONY TO THE SENATE JUDICIAL PROCEEDINGS COMMITTEE

SB 115 - Juvenile Court – Concurrent Jurisdiction – Juvenile Offenses on Military Installations

POSITION: Support

BY: Nancy Soreng, President

Date: February 8, 2023

The League of Women Voters of Maryland supports the use of specialized judges, counseling services, and coordination of programs and services provided by the state agencies in the administration of juvenile cases. We also believe that for these programs and services to be effective, they must be geared to working with the families of the juveniles involved.

SB 115 provides for the exercise of concurrent jurisdiction with federal courts for cases involving juveniles for offenses on military installations in Maryland, provided the federal court waives its exclusive jurisdiction and the offense would be a crime under state law. This will allow a case by case evaluation of the exercise of concurrent jurisdiction. In general, the specialized programs and services for juveniles are more readily available in the state's juvenile courts than in the federal system, which is focused on adult offenders.

Because the provision of services tailored to the needs of juveniles is essential for the successful implementation of this bill, we also urge the General Assembly to work with the Governor to ensure that juvenile justice services are adequately funded.

We urge a favorable report on SB 115.