



**Testimony for the House Judiciary Committee  
HB 96 - Juvenile Court – Jurisdiction**

**March 2, 2023**

**FAVORABLE**

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The ACLU of Maryland supports HB 96, which would repeal provisions specifying that the juvenile court does not have jurisdiction over a child alleged to have committed certain acts. HB 96 is a positive step for Maryland to end the unfair treatment of children and recognize that they should not be treated as adults in the legal system.

Maryland law requires children as young as 14 to be automatically prosecuted in adult court for 33 offenses. Maryland sends more young people to adult court based on offense type, per capita, than any other state except for Alabama<sup>1</sup>. Between 2017-19, more than 87% of Maryland cases where a child was charged in adult court did not result in an adult criminal conviction. Of 314 assault cases where a youth was charged in adult court, 95% of cases did not result in an adult criminal conviction<sup>2</sup>.

Trying children as adults creates damaging and lasting collateral consequences as a result of being adjudicated in adult court instead of the juvenile court system. Children charged and sentenced as adults are marred with the stigma of an adult criminal record, which may exclude them from educational opportunities, some forms of financial aid, as well as future job prospects. Educational and employment opportunities are crucial for young people hoping to continue their lives after entanglement with the criminal justice system. HB 96 would ensure that children who have been charged will receive services including mental health treatment and education while in juvenile court.

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<sup>1</sup> *Juvenile Justice Reform Council. (2019). Supplemental Report. The Juvenile Justice Reform Council. State of Maryland. Department of Legislative Services, Office of Policy Analysis. [https://dls.maryland.gov/pubs/prod/NoPblTabMtg/CmsnJuvRefCncl/JJRC-Report-Final\\_2021SupplementalReport.pdf](https://dls.maryland.gov/pubs/prod/NoPblTabMtg/CmsnJuvRefCncl/JJRC-Report-Final_2021SupplementalReport.pdf)*

<sup>2</sup> *Id.*

Automatic transfer to adult court also disproportionately affects Black children. Black children make up 62% of the children prosecuted in the adult criminal system; they are also nine times more likely than White children to receive an adult prison sentence<sup>3</sup>. In Maryland, 80% of children charged in adult court in Maryland are Black<sup>4</sup>.

For the foregoing reasons, the ACLU of Maryland urges a favorable report on HB 96.

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<sup>3</sup> Campaign for Youth Justice, *Critical Condition: African American Youth in the Justice System*. [http://www.campaignforyouthjustice.org/images/policybriefs/race/criticalcondition/CFYJPB\\_CriticalCondition.pdf](http://www.campaignforyouthjustice.org/images/policybriefs/race/criticalcondition/CFYJPB_CriticalCondition.pdf)

<sup>4</sup> Vera Institute, *Preliminary Findings: Youth Charged as Adults in Maryland, Dec. 10, 2020*. <http://dls.maryland.gov/pubs/prod/NoPblTabMtg/CmsnJuvRefCncl/Preliminary-Findings-Youth-Charged-as-Adults.pdf>.