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Testimony from:

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Testimony on the Youth Equity and Safety Act, YES Act, HB96

March 2, 2023

Maryland House Judiciary Committee

Chairman Clippinger and members of the committee,

My name is Logan Seacrest, and I am a fellow in the Criminal Justice and Civil Liberties program at the R Street Institute, a nonprofit, nonpartisan public policy research organization. Our mission is to engage in policy research and outreach to promote free markets and limited, effective government. This is why HB96, the Youth Equity and Safety Act, or “YES Act,” is of special interest to us.

Maryland remains one of the few states that continues to charge children as young as 14 automatically as adults. Maryland should join the many other states that have ended this outdated practice. This simple change has the potential to enhance public safety, mitigate youth recidivism and reduce the needless waste of justice system resources.

Each year, Maryland sends more young people to adult court than any other state, except for Alabama.¹ Most of these cases never result in an adult criminal conviction. Between 2017 and 2019, over three-quarters of juvenile cases charged in adult court ended up being either transferred back to juvenile court or dismissed.² In other words, most of the young people automatically sent to adult court in Maryland have no business being there in the first place. The YES Act promotes limited, effective government by reducing the need for these pointless transfer hearings, during which most youth are sent back to juvenile court anyway.

Importantly, the YES Act does not prevent youth from being prosecuted as adults. It only requires that all children have their cases originate in juvenile court. Under the new law, prosecutors can still elevate



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a case to adult court based on careful consideration of evidence, rather than starting there by default. In this way, the YES Act gives prosecutors and judges more discretion over serious cases, not less.

Maryland's current system of automatically charging youth as adults sets youth on a lifelong path of justice system involvement. Children who are prosecuted as adults have higher rates of recidivism and are more likely to commit violent crimes later in life than those who are kept in the juvenile system.³ Research indicates that overly punitive treatment as a juvenile severs social ties and postpones educational milestones critical to future success.⁴ Furthermore, adult lock-ups are a physically dangerous environment, with even brief detentions resulting in physical abuse, sexual assault and suicide.⁵

Juveniles charged with serious offenses, including felonies, need to be held accountable. However, accountability need not come at the expense of recognizing the inherent differences between children and adults. Children deserve a juvenile justice system informed by data and evidence, rather than by ideology or politics. That is why it is critical that Maryland stop automatically charging juveniles as adults. This simple change will end an extravagant misuse of government resources and bring the state in alignment with national best practices and the latest scientific evidence on juvenile justice.

Thank you for your time,

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¹ Marcy Mistrett, "National Trends in Charging Children as Adults," The Sentencing Project, July 20, 2021. <http://dls.maryland.gov/pubs/prod/NoPblTabMtg/CmsnJuvRefCncl/Sentencing-Project-National-Trends-in-Charging-Children.pdf>.

² "Juveniles Charged as Adults Data," Maryland Governor's Office of Crime Prevention, Youth, and Victim Services, last accessed Feb. 14, 2023. http://dls.maryland.gov/pubs/prod/NoPblTabMtg/CmsnJuvRefCncl/Juveniles_Charged_as_Adults_Data.pdf.

³ Nicole Scialabba, "Should Juveniles Be Charged as Adults in the Criminal Justice System?," American Bar Association, Oct. 3, 2016. <https://www.americanbar.org/groups/litigation/committees/childrens->



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[rights/articles/2016/should-juveniles-be-charged-as-adults](#); David Myers, “The Recidivism of Violent Youths in Juvenile and Adult Court: A Consideration of Selection Bias,” *Criminology and Criminal Justice Commons* (2003). <https://digitalcommons.newhaven.edu/cgi/viewcontent.cgi?article=1032&context=criminaljustice-facpubs>.

⁴ Richard Mendel, “Why Youth Incarceration Fails: An Updated Review of the Evidence,” The Sentencing Project, Dec. 8, 2022. <https://www.sentencingproject.org/reports/why-youth-incarceration-fails-an-updated-review-of-the-evidence>.

⁵ Richard A. Mendel, “Maltreatment of Youth in U.S. Juvenile Corrections Facilities: An Update,” The Annie E. Casey Foundation, 2015. <https://assets.aecf.org/m/resourcedoc/aecf-maltreatmentyouthuscorrections-2015.pdf>.