



Maryland Chiefs of Police Association

Maryland Sheriffs' Association



MEMORANDUM

TO: The Honorable Luke Clippinger, Chairman and
Members of the Judiciary Committee

FROM: Darren Popkin, Executive Director, MCPA-MSA Joint Legislative Committee
Andrea Mansfield, Representative, MCPA-MSA Joint Legislative Committee
Natasha Mehu, Representative, MCPA-MSA Joint Legislative Committee

DATE: March 2, 2023

RE: **HB 96 – Juvenile Court - Jurisdiction (Youth Equity & Safety Act)**

POSITION: **OPPOSE**

The Maryland Chiefs of Police Association (MCPA) and the Maryland Sheriffs' Association (MSA) **OPPOSE HB 96**. This bill would give the juvenile court exclusive jurisdiction over extremely serious offenses that currently begin in the adult system.

Currently, Maryland law recognizes that juveniles may engage in behavior that is “juvenile.” Offenses such as vandalism, theft, and fourth degree burglary are appropriately handled in the juvenile system. A juvenile who participates in minor crimes should receive guidance, treatment, and rehabilitation. The juvenile system has the legal authority to provide services until the person turns twenty-one; as a practical matter, the juvenile system’s effectiveness ends at age eighteen.

Maryland law also correctly recognizes that there are some offenses whose consequences are so severe that there needs to be a more forceful response. The adult court has the authority to impose incarceration for up to the maximum sentence and to place the youth on probation for up to five years (or ten years in some cases). The adult court has the ability to accomplish three extremely important goals that the juvenile system cannot: 1) incapacitation; 2) punishment; and 3) long-term supervision and services.

Supporters of HB 96 and similar bills frequently contend that human brains are not fully formed until age twenty five and use euphemisms such as “emerging adults.” They argue that because a juvenile’s brain is not fully developed, they are less responsible for their decisions and should not be held accountable. If their argument is followed to the logical conclusion, every juvenile – and especially every juvenile male – should be removed from society until they turn twenty-five. The reality is that the overwhelming majority of our young do *not* commit murder, do *not* commit rape; do *not* rob or carjack. They are able to control their behavior and avoid harming others.

Another reality is that there are some juveniles who *do* decide to engage in violent, dangerous, and terrorizing acts. A seventeen year old who brings a gun to a parking lot with the intent to rob a sixteen year old who thinks he is simply selling some shoes is not someone acting out of impulse. This is a person who has made adult decisions and should face adult consequences. When that same seventeen year old shoots and kills his victim, the victim’s parents will not find solace in a legal system that says,

“Your son’s killer didn’t know better. That’s why he is not going to prison. But don’t worry, we will watch over him until he turns 21.” The people of Maryland deserve better.

When the juvenile can be charged as an adult, the juvenile can be immediately removed from the community for the protection of the community. The juvenile system does not provide the same guarantee of public safety. The State’s Attorney for Prince George’s County recently told WTOP that adults are already using juveniles to commit violent crimes, including providing them with guns¹. That should surprise no one. There will always be those who take advantage of a system where juveniles receive fewer or no consequences. That has been a result of last session’s Juvenile Reform Act; juveniles under thirteen understand there are *no* consequences for their behavior and our middle schools are suffering because of it.

Over the last few years, every part of Maryland has seen an increase in violent crimes committed by juveniles. Issuing a Juvenile Offense Report and expecting the Department of Juvenile Services and the juvenile court to protect the community and hold the offender accountable is dangerous and misguided.

Our current system is by no means perfect and conversations about how to improve it are vital. Completely removing juveniles who commit dangerous crimes from the adult system is the opposite of an improvement.

For these reasons, MCPA and MSA **OPPOSE HB 96** and urge an **UNFAVORABLE** Committee report.

¹ [Prince George’s Co. prosecutors say carjacking more organized than before - WTOP News](#)