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TESTIMONY ON HB96 - POSITION: FAVORABLE
Juvenile Court – Jurisdiction (Youth Equity and Safety Act)

TO: Chair Clippinger, Vice Chair Moon, and members of the Judiciary Committee

FROM: Lisa A. Horowitz, on behalf of Jews United for Justice (JUFJ)

My name is Lisa Horowitz and I am a resident of District 16, in Bethesda. On behalf of Jews United for Justice (JUFJ), I am submitting this testimony in support of HB96, Juvenile Court – Jurisdiction (Youth Equity and Safety Act). JUFJ organizes 6,000 Jewish Marylanders and allies from across the state in support of social, racial, and economic justice campaigns.

Jewish history and values have long recognized the differing capacities of children and adults. *Yetzer harah*, the “evil inclination,” is seen as a drive toward pleasure that can be tempered by *yetzer hatov*, the “good inclination” or moral sense that leads to benefits toward oneself and society. The ability to “tame” the basic instincts, *yetzer harah*, with higher level reasoning, *yetzer hatov*, grows stronger as we mature, warranting different treatment of children and adults.

As a clinical neuropsychologist, I have seen firsthand, while providing cognitive assessments and psychotherapy to clients of all ages, how these rabbinic teachings are supported by cognitive neuroscience. Executive functioning skills are essential for higher level decision making, enabling us to plan, defer action, assess risk, and weigh options and consequences. Current research has established that these skills are the last of our cognitive abilities to develop, and that this development continues until as late as our 20’s. Teens are thus more prone to ill-considered decisions and impulsive behavior. As a society we recognize these distinctions when we set the age for such actions as voting, alcohol consumption, and entering into legal contracts.

My interactions with my clients, as well as my understanding of child development and cognitive neuroscience, have impressed on me the dramatic differences in child and adult thinking and the fallacy in treating children as adult actors with the same neurocognitive development. By treating teens as fully responsible actors and subjecting them to the adult criminal legal system, including adult jails and prisons, we lose critical opportunities for shaping and guiding their thinking and allowing them to become responsible and productive members of our society.

Additionally, children who have experienced poverty, trauma, abuse, and neglect are more likely to suffer from impaired executive functioning, making it even more unjust to further penalize these victims.

In Maryland, we send more young people to adult court based on offense type than any other state per capita except for Alabama. This practice leads to higher rates of recidivism and also fuels the unjust criminalization and incarceration of Black youth, who are disproportionately targeted by our legal system. Eighty percent of the children tried and held in the adult court and prison system are Black. While Maryland has made progress on youth justice issues in recent years, the unjust and racist practice of automatically charging children as adults must end. We should join the 26 other states who have passed laws to treat kids like kids and limit the pathways into adult courts.

On behalf of Jews United for Justice, I respectfully urge this committee to return a favorable report on HB96.