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Judicial Proceedings Committee



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THE SENATE OF MARYLAND  
ANNAPOLIS, MARYLAND 21401

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The Maryland State Senate Judicial Proceedings Committee  
The Honorable William C. Smith, Jr.  
2 East Miller Senate Building  
Annapolis, Maryland 21401

**Re: Senate Bill 792: *Juvenile Law - Juvenile Justice Reform - Juvenile Court Jurisdiction***

Dear Chairman Smith and Members of the Committee,

Under current Maryland law, juvenile courts have exclusive jurisdiction over youth who are 10, 11 and 12 who commit certain violent crimes. Senate Bill 792 would expand the court's jurisdiction to include youth who are 10, 11 or 12 and who are accused of use or possession of a firearm, as well as youth who are 10, 11 or 12 who are accused of any crime so long as they have been arrested two times before.

Senate Bill 792 is necessary legislation.

First, let's deal with youth who commit crimes involving the use or possession of firearms. These are by definition not petty crimes. Using a gun in the commission of a crime risks serious injury or death to the victims of the crime or to other innocent bystanders. A juvenile not yet 13 years old who commits a crime with a gun is in desperate need of help. The juvenile courts are capable of requiring such an offender to accept services designed to put the offender back on the right track. The alternative to such an offender going before a juvenile court is to simply send the offender home without any accountability for his crime. That is just unacceptable and will only facilitate repeat offenses by the juvenile.

Now let's turn our attention to youth who have been arrested on two prior occasions and now are arrested a third time. This Committee has heard extended testimony about the recent uptick in youth under 13 running drugs and committing crimes on behalf of older criminals. It's no surprise that this is occurring because currently there are no real repercussions for someone under 13 who commits these acts. Why would the older criminals take the risk of getting caught, prosecuted, convicted and imprisoned when they can outsource the crime to someone under 13 years old who is practically immune? This bill accords to the juvenile two arrests without consequence, but the third time the youth is arrested, there needs to be a serious attempt to turn the offender around by giving him the sort of services that a juvenile court can require.

I need to emphasize that this bill is not intended to put youths under 13 years of age into incarceration. The purpose of singling out kids who use guns to commit crimes or who

repeatedly commit crimes and making them subject to the jurisdiction of the juvenile court is to ensure that these wayward young people get the services that they so badly need and that the juvenile court can require.

As this Committee is aware, just last week, I introduced a bill to set up a task force to study the sort of services that are assigned by our juvenile courts and to determine how to make sure that these services are effective. This bill is therefore a complement to last week's bill. We not only need to be in a position to render effective services to youthful offenders, we need to identify the young people whose lives are going off track and enable the juvenile courts to make sure that they are given the necessary services. This bill should thus be seen as a complement to my other juvenile bill in order to not only prevent but preempt juvenile criminality.

I appreciate the Committee's consideration of Senate Bill 792 and will be happy to answer any questions the Committee may have.