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### POSITION ON PROPOSED LEGISLATION

**BILL:** Senate Bill 73, Department of Juvenile Services – Firearms Offenses – Reporting

**FROM:** Maryland Office of the Public Defender

**POSITION:** Unfavorable

**DATE:** 2/12/2024

The Maryland Office of the Public Defender seeks an unfavorable report on Senate Bill 73, Department of Juvenile Services – Firearms – Reporting. The intention of this bill is unclear as the term "assessments" is undefined. For example "assessments" may refer to the intake decisions DJS makes using its own decision-making tool or it may mean something else. Additionally, no matter the definition of "assessments, this bill is unnecessary as a check on DJS's authority to informally adjust firearms cases through pre-court supervision. According to the DJS Resource Guide for FY 2023, only 0.8% of handgun cases were placed on pre-court supervision. Moreover, under current law, if DJS recommends pre-court supervision for handgun possession or a Crime of Violence, DJS must forward the case to the State's Attorney's Office (SAO) for approval. SAO makes the final determination as to whether the case is handled through pre-court supervision or charged through a delinquency petition.

For these reasons, the Maryland Office of the Public Defender urges this Committee to issue an unfavorable report on SB 73.

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