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POSITION ON PROPOSED LEGISLATION

BILL: SB927 Criminal Law – Crime of Violence – Second Degree Assault of a School Employee or Subcontractor

FROM: Maryland Office of the Public Defender

POSITION: Unfavorable

DATE: March 4, 2024

The Maryland Office of the Public Defender respectfully submits this testimony and asks for an unfavorable report from the committee.

Senate Bill 927 is a fairly transparent attempt to bring more 10-12 year olds into the juvenile justice system by expanding the definition of ‘crime of violence’ to include Assault 2nd degree on school employees and subcontractors. Besides unnecessarily bringing more young children into the courts, this bill would have unintended consequences for both children and adults.

Senate Bill 927 lacks investment in front-end proactive solutions and is centered on punitive measures that have been proven ineffective and are contradicted by best practices, research and data. “A growing body of evidence has found that pre-teens have diminished neurocognitive capacity to be held culpable for their actions; likewise they have little ability to understand delinquency charges against them, their rights and role in an adversarial system, and the role of adults in this system.” Juvenile Justice Reform Council Final Report (2021) at 17, <https://dls.maryland.gov/pubs/prod/NoPblTabMtg/CmsnJuvRefCncl/JJRC-Final-Report.pdf>.

Senate Bill 927 would also have other deleterious effects on all those found delinquent or convicted of assaulting a school employee. Crimes of violence are not expungable. *See* MD. CODE ANN., CTS. & JUD. PROC. § 3-8a-27.1(c)(6)(i); MD CRIM PROC. § 101-105(a)(8)(i). Thus, an assault committed against a school employee is a permanent lifetime record even when committed at the age of 10.

Senate Bill 927 does not require that the assault take place on school grounds, nor does it require that the assault be related to any school employment, nor does the assailant need to know the victim is a school employee. If a school subcontractor is assaulted at a sporting event, or even at a family gathering, it is a crime of violence. However, if a non-school employee or subcontractor is a victim of a similar assault, they do not get equal treatment or respect under the law. An assault is an assault regardless of the employment status of the victim.

Maryland should abandon its effort to create more punitive responses to immature and impulsive acts of young children. Maryland should end the unproductive practice of charging pre-teens with juvenile offenses and focus on evidence-based solutions which support our youth and our communities.

For these reasons, the Maryland Office of the Public Defender urges this Committee to issue an unfavorable report on SB 927.

Submitted by: Maryland Office of the Public Defender, Government Relations Division.

Authored by: Jeremy Zacker, Assistant Public Defender.