



Maryland State's Attorneys' Association

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DATE: February 28, 2024

BILL NUMBER: SB 792

POSITION: Favorable with Amendment

The Maryland State's Attorneys' Association (MSAA) supports Senate Bill 792 with the inclusion of a minor amendment to the bill's language that would ensure its uniform application across the state.

Building a better world is an iterative process, and SB 792 refines the juvenile reforms based on our experience with their implementation over the past almost-two years. The bill excludes children aged 10 from the jurisdiction of the juvenile court entirely while expanding the juvenile court's jurisdiction over children aged 11 and 12 to include instances where the child is alleged to have committed a crime involving a firearm, or any crime if the child has been arrested twice before.

These modest adjustments recognize that public safety demands at least the possibility of the involvement of the formal structure of the juvenile court system when a child is illegally carrying a firearm and that, when a child has been arrested on numerous occasions previously, the existing, non-juvenile court measures are evidently inadequate to help correct the child's behavior and set them on the path to successful adolescence and adulthood.

We are not helping children when we fail to give them a constructive and meaningful path forward, and until the effectiveness of non-juvenile court measures increases, it is appropriate to permit juvenile court involvement when children aged 11 and 12 continue to engage in delinquent conduct. In practice, though, some law enforcement agencies will not arrest children that are outside of the jurisdiction of the juvenile court – a child under the age of 13 engaged in repeated criminal conduct that does not qualify for prosecution under MD. CODE ANN., CTS. & JUD. PROC. § 3-8A-03(a)(1) might never be arrested, eluding the jurisdiction of the juvenile court entirely based on local law enforcement practice. Pinning the juvenile court's jurisdiction instead to whether there exists probable cause to believe a child of age 11 or 12 has committed two separate acts previously that would constitute a crime if committed by an adult would solve this issue and ensure the statewide effectiveness of SB 792 regardless of local law enforcement practice.