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**BILL NO.:** SB 744

**TITLE:** Juvenile Law - Reform

**SPONSOR:** Senate President Ferguson

**COMMITTEE:** Judicial Proceedings

**POSITION:** **SUPPORT WITH AMENDMENTS**

**DATE:** February 9th, 2024

Baltimore County **SUPPORTS with AMENDMENTS** SB 744- Juvenile Law – Reform.

Baltimore County appreciates the House Judiciary Committee’s focus on issues being raised by local law enforcement, service providers and other stakeholders prior to the 2024 legislation session. We support expanded collaboration and additional resources dedicated to providing juvenile offenders the assessment, treatment, services, and oversight they may need.

In particular we support the restoration of Juvenile Court jurisdiction over 10- to 12-year-olds for several very serious offenses, including crimes involving weapons and firearms, some sexual offenses and motor vehicle theft.

In addition, we would respectfully request the restoration of additional specific offenses to this list: arson and malicious burning, and the threat of mass violence. Requested language is provided at the end of this testimony.

Baltimore County also requests a modification in the bill’s proposed new requirement for certain complaints to be forwarded to the Department of Juvenile Services, so we can keep serving our youth with important diversion programs; and also, so Police are not required to forward unwarranted complaints when investigation determines the youth did not commit the offense.

**Additional Offenses:**

## **1. Arson in the second degree, and Malicious Burning, first or second degree**

Arson in the first degree is currently included for Juvenile Court jurisdiction over youth age 10-12, as part of the list of crime-of-violence offenses in Section 14-101 of the Criminal Law Article. However, arson in the second degree and malicious burning offenses are not included.

It is well established that children who light fires frequently have significant issues that need to be addressed with professional assessments, and interventions or treatment. The same is true for animal abuse, which has already been added by this bill.

In Baltimore County we have had serious fire-starting incidents by youth under age 13 that we were unable to address because of the lack of Juvenile Court jurisdiction. Two examples:

- Two youth under age 13 lit a fire in the basement storage room of an apartment building; the fire was quickly extinguished by firefighters but it could have been a tragic incident. The charge would have been Malicious Burning – second degree; fortunately there was minimal property damage.
- An eleven-year-old youth set a motor vehicle on fire. The charge would have been Arson – second degree.

## **2. Threat of Mass Violence (Criminal Law Section 3-1001)**

The list of crimes of violence in Section 14-101 of the Criminal Law Article does not include the threat of mass violence. That crime is found in Section 3-1001, which expressly incorporates the crimes of violence contained in Section 14-101.

Baltimore County has had an incident where a 12-year-old student made repeated threats to “shoot up” his public middle school, prompting extensive investigation by Police and school authorities. These threats were heard by other children. However, Police were unable to refer the 12-year-old youth to the Department of Juvenile Services and the Juvenile Court for possible compulsory services or intervention.

### **Forwarding Complaints:**

On page 8, the bill adds a requirement for law enforcement officers to forward a written complaint or citation every time a child is taken into custody pursuant to the law of arrest. As written, this new requirement would prevent law enforcement from diverting appropriate cases away from the juvenile justice system. It would also require a complaint or citation to be forwarded even if further investigation determines that the youth did not commit the offense.

Baltimore County is proud of our Police Department’s award-winning and evidence-based Juvenile Offenders In Need of Supervision (JOINS) program, which serves nonviolent threshold offenders by diverting them from the juvenile justice system and providing mentoring and restorative justice. If a youth successfully completes JOINS, their offense is never transmitted to the Department of Juvenile Services.

If the General Assembly believes notifications should be made about children taken into custody, language could be added to require such notifications instead of requiring the forwarding of a complaint or citation.

Accordingly, Baltimore County requests a **FAVORABLE with AMENDMENTS** report on SB 744 from the Senate Judicial Proceedings Committee. For more information, please contact Jenn Aiosa, Director of Government Affairs at [jaiosa@baltimorecountymd.gov](mailto:jaiosa@baltimorecountymd.gov).

**Requested Amendments to SB 744**

**Baltimore County**

On Page 3, line 13, ADD the following:

G. A CRIME INVOLVING ARSON OR MALICIOUS BURNING UNDER § 6- 103, § 6-104, OR § 6-105 OF THE CRIMINAL LAW ARTICLE; OR

H. A CRIME INVOLVING THE THREAT OF MASS VIOLENCE UNDER § 3- 1001 OF THE CRIMINAL LAW ARTICLE; OR

On Page 8, line 26-30, MODIFY to show the following:

(D) IF A CHILD IS TAKEN INTO CUSTODY UNDER THIS SUBTITLE BY A LAW ENFORCEMENT OFFICER PURSUANT TO THE LAW OF ARREST, THE LAW ENFORCEMENT OFFICER SHALL:

(1) COMPLETE AND FORWARD A WRITTEN COMPLAINT OR CITATION TO THE DEPARTMENT OF JUVENILE SERVICES FOR PROCESSING UNDER § 3-8A-10 OF THIS SUBTITLE; OR

(2) FORWARD A WRITTEN NOTIFICATION TO THE DEPARTMENT OF JUVENILE SERVICES THAT SUCH POLICE ACTION OCCURRED