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TESTIMONY ON SB744 - POSITION: UNFAVORABLE)
Juvenile Law – Reform

TO: Chair Smith, Vice Chair Waldstreicher, and members of the Judicial Proceedings Committee
FROM: Carol Stern

My name is Carol Stern. I am a resident of District 16. I am submitting this testimony against SB744 - Juvenile Law - Reform. I am a member of Adat Shalom Reconstructionist Congregation. I also provide this testimony as a mother and grandmother.

The Jewish text that shapes my religious and moral conviction that juveniles must be treated as children and not adults is the directive issued in Deuteronomy 16:20, “Tzedek, tzedek tirdof - Justice, justice shall you pursue.” The Jewish sages explain that the word tzedek is repeated not only for emphasis but to teach us that in our pursuit of justice, our means must be as just as our ends. Rabbi Mordecai Kaplan wrote “teach us to respect the integrity of every human soul be it that of a friend or stranger, child or adult.” When we are working to reform our juvenile justice system, we must demand that it operates in accordance with these deeply held Jewish beliefs.

In 2022, I wrote testimony in favor of both the Child Interrogation Protection Act (CIPA) and the Juvenile Justice Reform Act (JJRA). These laws have made a real difference because every day in Maryland, children are entangled in the legal justice system and must be treated fairly. Because of these laws, children do not have to endure the injustice of facing criminal charges, prosecution, and incarceration without their basic due process rights protected.

Unfortunately SB744, will definitely rollback some of the most important key provisions of these two 2022 laws. SB744 if enacted will undermine the JJRA and expands the list of charges that a 10-12 year old can be arrested for. If passed, this bill will likely lead to overcharging in order to make an arrest such as “vehicle misuse” will likely be charged as theft since misuse is not an eligible offense. SB744 requires law enforcement to forward all complaints and citations to DJS for any child taken into custody. **This change would prevent law enforcement from referring a child for immediate services** including local care teams, youth service bureaus, prevention services and law enforcement-based diversion programs.

As a mother of two children and a grandmother of three, the roll back of JJRA’s key provisions is truly troubling. This expansion of juvenile justice reforms must be protected in our state. A child must be treated as a child. Without the reforms in both CIPA and JJRS, the criminalization and incarceration of black and brown youth, who are disproportionately targeted by our justice system, will not be protected.

I respectfully urge this committee to return an unfavorable report on SB744.