



**SB 744 - Juvenile Law - Reform
UNFAVORABLE**

Dear Chair Smith, Vice Chair Waldstreicher, and members of the Judicial Proceedings Committee:

My name is Melissa Coretz Goemann and I am a resident of Silver Spring, Maryland, and am submitting this testimony on behalf of the National Youth Justice Network (NYJN). **NYJN opposes SB 744 and asks for an Unfavorable report.** NYJN is a membership organization comprised of 60 state-based organizational members and nearly 100 Youth Justice Leadership Institute (YJLI) members and alumni in 42 states across the country, including Maryland. NYJN works towards our vision of community-based, healing-centered justice.

The Juvenile Justice Reform Act (JJRA), which SB 744 amends, was the product of two years of serious consideration by the Juvenile Justice Reform Council (JJRC). The JJRC was a bipartisan group of legislators, system stakeholders, and subject matter experts, established to make recommendations on ways to increase public safety, reduce recidivism, address racial disparities, and set young people on a path to success. At the time, a 2020 report from Human Rights for Kids described **Maryland's treatment of youth in the legal system as among the "worst in the nation."**¹ The Maryland General Assembly passed the JJRA with significant support by legislators just two years ago. While implementation of the JJRA could be improved through better coordination of resources and services for children and more resources for youth on probation, the Act itself is not in need of amendment.

Unfortunately, the media in Maryland and nationally has whipped up hysteria and misinformation regarding youth crime, particularly in terms of young children. In fact, since the JJRA was passed there have been measurable improvements, including **a four-fold increase in the number of youth referred for Children in Need of Services (CINS) supports and a drop in recidivism among children under age 13 from 32.1 percent (June 2021 – March 2022) to 11.1 percent (June 2022 – March 2023).**² While law enforcement and the media have repeatedly referenced the story of one 11 year old in the state of Maryland that allegedly stole numerous cars, **no data** has been supplied to indicate a marked increase in offending in Maryland by the 10 to 12 year old cohort, overall, or in any of the areas for which this bill would now criminalize these young children – non-violent offenses involving weapons, firearms, animals, sexual offenses, or motor vehicle theft. Current Maryland law provides that young children can already be prosecuted for **any** crime of violence. As Senate President Bill Ferguson stated at the recent press conference for this bill, the bill addresses a "crime perception problem."³ SB

¹ 2022 State Ratings Report: The Roadmap to Change, Human Rights for Kids, p. 2. <https://humanrightsforkids.org/national-state-ratings-report/>.

² Maryland Youth Justice Coalition, "What's Best for Kids is Best for Everyone" (January 2024): 1, https://www.mdoyouthjustice.org/files/ugd/42b2a9_db7a00a63fe74865a401276619ec705b.pdf.

³ <https://www.thebaltimorebanner.com/politics-power/state-government/youth-crime-legislation-NPTU6RZSXFGN7DPEUQNYQA2L3A/>.



744 does not, however, address an actual crime problem, though its impact would harm actual children.

Criminalizing young children is extremely harmful to them and to public safety. Young children do not have the brain development necessary to understand what is happening in court or be able to participate in their defense in any meaningful way, they are unable to fully grasp what it means to break the law or to fully understand the legal and moral implications of their actions, and they face great risk of being physically harmed and emotionally traumatized by the experience. Younger children are at the greatest risk of being victims of violence when in custody – more than one-quarter of youth under 13 years old were victims of some type of violence while confined, compared to nine percent of 20-year-olds.⁴ Furthermore, research has found that adults with a history of child incarceration were disproportionately Black or Hispanic, male, and from lower socio-economic backgrounds, enhancing the racial and ethnic disparities in the youth justice system.⁵

Maryland already disproportionately criminalizes Black and Brown children and this bill would further that disparity. We urge Maryland not to go back to the failed policy of mass incarceration of Black and Brown children by passing this bill which would lead to the further incarceration of young children and teens, disrupt current productive pathways of pre-arrest diversion by law enforcement and prosecutors that have been established, and lead to more children and youth being detained and being held on probation longer. Instead, we recommend that the legislature address areas of concern involving young people through either reconvening the JJRC, or using a Commission like this bill would establish, to get to the root of the problem and determine evidence-based ways to address it successfully and help children develop positively.

The media climate in Maryland, and nationally, has become increasingly more aggressive, and biased when covering stories related to youth and crime. Recently, the new owner of the Baltimore Sun bragged about successfully hounding Maryland’s legislative leaders into changing their stance on juvenile justice reform.⁶ We urge our legislators to stand up to these media tactics and start taking safety seriously by directing investments toward the state’s systems of youth care, healing, and restoration - not more pathways into the carceral system, which is what SB 744 would do. **We urge an unfavorable vote on SB 744.**

Respectfully submitted,
Melissa Coretz Goemann
Senior Policy Counsel

⁴ Melissa Sickmund and Charles Puzzanchera (eds.), “Juvenile Offenders and Victims: 2014 National Report” (Pittsburgh, PA: National Center for Juvenile Justice, 2014): 216, <https://bit.ly/37TiLON>.

⁵ Laura S. Abrams, Elizabeth S. Barnert, Matthew L. Mizel, Antoinette Bedros, Erica Webster, and Isaac Bryan, “When Is a Child Too Young for Juvenile Court? A Comparative Case Study of State Law and Implementation in Six Major Metropolitan Areas,” *Crime & Delinquency* (2019): 26, <https://journals.sagepub.com/doi/abs/10.1177/0011128719839356?journalCode=cadc>.

⁶ Lee O. Sanderlin, Cody Boteler, and Giacomo Bologna, “New Baltimore Sun Owner on Tape Bashing City Schools, Local Politicians, and More,” *Baltimore Sun*, January 18, 2024, <https://www.thebaltimorebanner.com/economy/sun-owner-david-smith-fox-VQKQHEG4EJAIVA6TRKXMKR5EUM/>.