



TESTIMONY IN OPPOSITION TO SB 744 BEFORE THE MARYLAND HOUSE JUDICIARY COMMITTEE

March 26, 2024

Dear Chairman Clippinger and Members of the Maryland House Judiciary Committee:

Thank you for the opportunity to share our concerns with you regarding SB 744. While we share many of the concerns expressed by other youth justice advocates and organizations, we will focus our testimony on the expansion of delinquency proceedings for children ages 10 to 12.

The amendments made by the Senate to remove motor vehicle theft from delinquency proceedings and instead mandate that a petition be filed alleging that a child is in need of supervision (CINS) marks an improvement from the provisions in the original version of the bill. However, we believe that the CINS process is a more effective and age-appropriate tool for the other offenses listed in the bill as well.

Through the CINS process, which is already outlined in statute, a court can assess the treatment and supervision needs of the child without the threat of the punitive delinquency process, which can unnecessarily label and harm children, leading to a lack of participation or buy-in from the child.

Children aged 10 to 12 who commit crimes like the ones included in this legislation often do so because of either family neglect or forced criminality, which is a form of human trafficking, where victims are made to commit crimes at the behest of their adult trafficker. Young boys are especially vulnerable to human trafficking by criminal street gangs. Gang leadership is typically composed of men in their mid-20s and 30s, who prey on kids from broken homes seeking protection and belonging. These child trafficking victims usually go unnoticed, as many groups unfairly label them as “juvenile criminals” who should be punished.

The issue of children being coerced to commit crimes is nothing new. While coercion most often is discussed in the context of children forced into prostitution, child victims are forced to commit all kinds of crimes, including weapons possession and motor vehicle theft.

Last fall, this Committee heard testimony from prosecutors and law enforcement around the state concerning the issue of juvenile crime. One witness, Clyde Boatwright, who serves as the President of the Maryland Fraternal Order of Police, brought to light an issue that should concern us all. Responding to a question from Del. Sandy Bartlett on how many children are being coerced into committing crimes like car theft, Sgt. Boatwright estimated that as much as 50% of juvenile car thefts are the result of criminal exploitation by older adults.

These hearings prompted the introduction of SB 744 and its House cross-file, HB 814, to deal with the perceived gaps from the Juvenile Justice Reform Act of 2022 and the increase in certain crimes like car thefts. Tragically, this legislation is targeted at a high percentage of kids identified by Mr. Boatwright as victims of human trafficking.

If a 10- to 12-year-old child commits an offense like the ones included in this legislation, they should receive treatment and services with the supervision of the court through the CINS process. Most of them, after all, are victims of human trafficking or neglect.

It is for these reasons that we strongly encourage the Committee to amend the legislation to use the filing of CINS petitions, rather than delinquency petitions, when 10- to 12-year-old kids commit crimes. This will ensure both the child and their family are supervised by the court while they get the treatment they need.

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