



OFFICE OF THE STATE'S ATTORNEY FOR BALTIMORE CITY

February 08, 2024

The Honorable Luke Clippinger, Chairman  
House Judiciary Committee  
6 Bladen Street, House Office Building  
Annapolis, MD 21401

**RE: Support of HB927 Juvenile Law – Expedited Pretrial Status Hearing**

Dear Chairman Clippinger and Members of the Judiciary Committee:

I am writing to express my support for HB927 Juvenile Law – Expedited Pretrial Status Hearing. Currently, as the only jurisdiction in Maryland to have a 24-hour juvenile intake center, we have seen quite a few discrepancies as it relates to current law and how juvenile offenders are slipping through the cracks of our current system.

Over the past year my office has witnessed countless times when a juvenile charged with a handgun violation, who according to current law is required to be held for a “special” hearing for detention purposes, is instead released by the intake officer at the Department of Juvenile Services within hours of arrest. These incidents are not brought to our attention until days, and in most cases weeks, after the release of the defendant once DJS paper refers the case to our office for charging. And that’s only if they don’t decide to informal the case, at which time we will never even know the case existed.

In 2023, my office has witnessed a 220% increase in the number of motor vehicle theft related cases, whether they be charged as unauthorized use, stolen auto or even carjacking. These offenses have far exceeded any other crime on the books, and have hindered my offices ability to effectively prosecute these crimes due to the time span that exists from the time an officer arrests and charges an individual to the date when my prosecutors are finally afforded the opportunity to review the charges.

Due to current law, the Department of Juvenile Services has upwards of 25-days before having to refer these crimes to my office, at which time there are no actions taken in regards to contacting witnesses or victims of the crime, or any further legal review of the crime and how the report was written. This is very problematic due to the nature of these crimes.



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For instance, unauthorized use of a motor vehicle and stolen auto are very similar in how they are charged, but vastly different in regards to the elements of the crime. Anyone who is occupying a vehicle that is not their own, without the permission of the owner, is guilty of unauthorized use; however, the person driving the car may not have been the person who stole the automobile, and to prove those elements my office must ensure that the officer involved in the case has taken the necessary actions to prove the case charged, including contacting the victim to determine whether it was a carjacking rather than a stolen auto or unauthorized use.

By ensuring that any juvenile defendant charged with a crime of violence, the unlawful possession of a firearm or any motor vehicle theft related cases – the first two already required to be “formalled” and sent to our office for charging – be now brought before a juvenile magistrate or judge within 24-hours of arrest, will ensure that these cases no longer fall through the cracks, and all parties involved including the State’s Attorney’s Office, Department of Juvenile Services, as well as the defense, are all brought to the table and made aware of the case, and each has a say in their thoughts around the detention status, ultimately leaving that decision up to a qualified judge or magistrate.

These decisions should not continue to be left up to unqualified intake officers, who are not attorneys and have no formal legal training to make such determinations. We believe this solution will solve upwards of 85% of the problems we are facing with the juvenile justice system in Baltimore City. And I implore you to consider allowing for such modifications to the current process to ensure public safety remains the first priority of the criminal justice system.

I appreciate the Committee’s consideration in issuing a favorable report on House Bill 927. We look forward to continued conversations regarding juvenile justice reform measures such as this, which advance our shared goal of a safer community.

Sincerely,

*Ivan J. Bates*

Ivan J. Bates  
State’s Attorney for Baltimore City