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POSITION ON PROPOSED LEGISLATION

BILL: HB1437 Juvenile Law – Juvenile Crime Reform

FROM: Maryland Office of the Public Defender

POSITION: Unfavorable

DATE: February 27, 2024

The Maryland Office of the Public Defender respectfully submits this testimony and asks for an unfavorable report from the committee.

House Bill 1437 expands the types of offenses for which 10-12 year olds can be charged in the juvenile justice system. Senate Bill 762 lacks investment in front-end proactive solutions and is centered on punitive measures that have been proven ineffective and are contradicted by best practices, research and data. “A growing body of evidence has found that pre-teens have diminished neurocognitive capacity to be held culpable for their actions; likewise they have little ability to understand delinquency charges against them, their rights and role in an adversarial system, and the role of adults in this system.” Juvenile Justice Reform Council Final Report (2021) at 17, <https://dls.maryland.gov/pubs/prod/NoPblTabMtg/CmsnJuvRefCncl/JJRC-Final-Report.pdf>.

House Bill 1437 allows charging of 10-12 year olds for non-violent misdemeanor offenses. House Bill 1437 implements antiquated and dangerous practices of ensnaring 10-12 year olds into the legal system for additional offenses, rather than mandating immediate service referrals.

Maryland should abandon charging pre-teens with juvenile offenses and focus on evidence-based solutions which support our youth and our communities.

For these reasons, the Maryland Office of the Public Defender urges this Committee to issue an unfavorable report on HB 1437.

Submitted by: Maryland Office of the Public Defender, Government Relations Division.

Authored by: Jeremy Zacker, Assistant Public Defender.