



SB 744  
Juvenile Law - Reform  
UNFAVORABLE

Dear Chair, Vice Chair, and members of the Committee,

**The Maryland Youth Justice Coalition (MYJC) opposes SB744 as introduced and amended, and asks for an unfavorable report.** MYJC represents a diverse array of local, state and national organizations; we aim to work towards a Maryland dedicated to preventing children and adolescents from becoming involved in the legal system, upholding the highest standards of care when youth do enter the legal system, and ensuring a platform for system-involved youth and their families to be heard. MYJC strives for a Maryland where no children are at risk of system involvement and, if they are involved with the legal system, they and their families receive every possible opportunity to define and live safe, healthy, and fulfilling lives through restorative practices supported by our state and local communities.

MYJC opposes this bill because it ignores everything that 20 years of experience, data, and research tells us – that when it comes to public safety, what’s best for kids is best for everyone. We want the same thing – safe communities, age-appropriate accountability for kids, and accountability for the systems that serve our kids and communities. While SB744 was introduced amid promises of increased support and services to help kids make better choices, achieve better outcomes, and increase public safety, the details of the legislation focus almost exclusively on expanding the net of incarceration – which is known to put kids at heightened risk of personal, sexual, and emotional harm and, according to 20 years of research and experience, results in more recidivism and crime, not less.

MYJC is especially concerned that this legislation will grow the juvenile justice system, placing further personnel and budget strains on the Department of Juvenile Services (DJS).

**On SB744 as amended, MYJC has particular concerns about:**

- 1) Continuing expanded jurisdiction for 10-, 11-, and 12- year- olds: SB744 correctly removes animal cruelty from the bill. However, firearms and third degree sex offenses remain, as in the original bill. The amendment to mandate a Children in Need of Supervision (CINS) petition to be filed for car theft is an improvement; however, MYJC believes DJS should retain discretion to file a petition. DJS should have the option to resolve matters informally, via a CINS referral, so that kids and families can quickly get the services they need. Young children do not have the brain development necessary to understand what is happening in court, or to participate in their defense in any meaningful way, or to make rational decisions about their cases, which is why nearly two-thirds of

the children under 12 that used to be prosecuted in Maryland were found to be incompetent. **MYJC recommends removing expanded jurisdiction for 10-, 11-, and 12- year- olds and asks the committee to strike p. 3, lines 12-20 and p. 8, lines 11-15.**

- 2) Expansion of pre-trial detention: SB744 as introduced, significantly expands pre-trial detention by including misdemeanors and lengthening the period of eligible offenses from 12 months to two years. The amendments in SB744 are an improvement, particularly the exclusion of second degree assault, but this section of the bill will increase the number of kids in detention and “expands the net” of the system. Additionally, these provisions are not supported by data and cannot be shown to improve safety or outcomes for kids. **MYJC strongly opposes expanding pre-trial detention and requests the committee strike p. 12, lines 10-18.**
- 3) Defining “good cause” for missing court ordered treatment programs: Like HB814, SB744 defines “good cause” to include at least two absences from a court ordered treatment program. This is an improvement on the bill as introduced; however, HB814’s language is significantly better as it gives the court discretion to extend probation. SB744 allows the court to **restart** probation, which is not supported by data or research as a positive solution leading to behavior change.<sup>1</sup> **MYJC opposes restarting probation for missed appointments.**
- 4) Extending probation does not set up children for success: SB744 slightly amends the original bill language regarding extended probation periods for misdemeanors and felonies, but these changes are not enough. The JJRC found, based on data and research, that juvenile probation needs to be limited, which is why the JJRC recommended the changes reflected in the current law. These changes have only been in place for roughly 18 months; there have been predictable implementation challenges (as with any reform), especially when it comes to providing sufficient services for kids on probation. The lack of available services means that kids have to wait to receive the services that may be critical to addressing unwanted behavior and helping them succeed. The solution to this problem is to provide more services and target them to the children most in need. Instead, this legislation punishes kids for the failure of the state to provide timely services. **MYJC opposes extending probation periods.**

**MYJC supports the creation of an oversight commission in this legislation.** We cannot make evidence-based decisions without proper data collection. Similar to the Blueprint for Education, the reforms passed in the Juvenile Justice Reform Act (JJRA) need continued oversight to ensure they are being implemented properly, and to address challenges in that process.

Accordingly, we recommend that the commission be tasked with reviewing the provisions in this bill, including changes to the probation system, exemptions to the age of jurisdiction, and expanding detention eligibility, and then recommend what changes are appropriate to the legislature prior to next session. These proposals deserve time and consideration. We also support improving and expanding data

---

<sup>1</sup> Annie E. Casey Foundation (2018), “Transforming Juvenile Probation: A Vision for Getting it Right;” available at <https://www.aecf.org/resources/transforming-juvenile-probation>

collection and reporting by state's attorneys, law enforcement, diversion services, and all of our child-serving agencies.

We can improve public safety and do what's best for kids, but **children should not suffer retribution for the outright failures of the system or the inevitable adjustment period for the public sector that comes from any new law.**

**Unless amended to only a study and commission, MYJC requests an unfavorable vote on SB744.**

ACLU of Maryland  
Advance Maryland  
Baltimore Action Legal Team  
Baltimore Algebra Project  
Baltimore Jewish Council  
BRIDGE Maryland  
CAIR Maryland  
Center for Criminal Justice Reform,  
University of Baltimore School of Law  
Center for Families, Children and the  
Courts, University of Baltimore School  
of Law  
The Choice Program at UMBC  
Citizens Policing Project  
Elizabeth James Foundation  
Free State PTA  
The Gault Center  
Human Rights for Kids  
Jewish Community Relations Council  
(JCRC) of Greater Washington  
Jews United for Justice

Justice Policy Institute  
Juvenile Law Center  
League of Women Voters of Maryland  
Making Changes  
Maryland Catholic Conference  
Maryland Center on Economic Policy  
Mental Health Association of Maryland  
Montgomery County Commission on  
Juvenile Justice  
National Center for Youth Law  
National Youth Justice Network  
Nolef Turns Inc  
Office of the Public Defender  
Public Justice Center  
Racial Justice NOW  
Rights4Girls  
The Sentencing Project  
Youth, Education and Justice Clinic,  
University of Maryland Carey School of  
Law

ADVANCE  
MARYLAND



UNIVERSITY OF  
**BALTIMORE**  
Center for Criminal  
Justice Reform

