



Testimony for the House Judiciary Committee

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SB 744 — Juvenile Law – Reform

UNFAVORABLE

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The ACLU of Maryland (ACLU) opposes SB 744 as introduced and amended. If passed, it would be a giant step backwards for Maryland on the important goal of prioritizing care over cages. We urge the committee to strike the bill entirely, except the portion of the bill that establishes the Commission on Juvenile Justice and Reform and Emerging and Best Practices to address challenges in the juvenile justice system.

As amended, SB 744 would:

- Expand court jurisdiction over elementary school-aged children for firearm violations and third degree sexual assault.
- Expands pre-court detention for children charged with a misdemeanor. This will allow children to be incarcerated before they have even been found guilty, even if they have only been charged with a misdemeanor. And it will lead to more children being handcuffed, strip-searched, and held in a jail cell while they await a court date, even when charged with minor offenses like unlawful use of a telephone.¹
- Extends the length of probation for children and allows the court to extend or restart probation if a child fails to appear at a treatment program without "good cause" a couple of times. As drafted, it doesn't matter if a child missed 2/2 or 2/300 appointments and it will result in punishing a child for circumstances outside of their control, such as not being transported to the appointment by a parent/guardian or if the bus didn't show up that day.

¹ CR, §3-804(a) (Misd. 3 y)

SB 744 is NOT based on proven strategies. In 2019, the House Judiciary Committee and the Maryland General Assembly established the Juvenile Justice Reform Council, which spent two years digging into the data, speaking to experts, researching evidence-based practices, and collaborating with community stakeholders to determine what changes were needed to reform Maryland's troubled juvenile justice system. At the time, Maryland was ranked as one of the worst states in the country in terms of how it treated children charged as delinquent. The council's recommendations were passed in the Juvenile Justice Reform Act (JJRA) in 2022. The aforementioned changes in juvenile law proposed in SB 744 come after just one year, without any facts, data, or evidence to justify it, and without consulting all the experts who worked so hard and relied on best practices, science, and evidence-based approaches that would actually improve public safety for all of us.

SB 744 will lead to more children in detention and poorer outcomes for children. By expanding pre-court detention for misdemeanors, more children — especially those who are Black and Brown — will be arrested, prosecuted, and detained within the Department of Juvenile Services (DJS). According to several studies, incarceration significantly harms the mental well-being of those detained, as it results in separation from family, society, and support networks, loss of independence, a sense of purposelessness, anxiety about victimization, heightened boredom, unpredictable conditions, overcrowding, exposure to violence, and negative interactions with staff, among other adverse circumstances.² Furthermore, studies show that children in detention are 8.5% more likely to be found guilty and two times more likely to reoffend than children who are not detained. Additionally, 60% of children who are detained do not return to school or drop out within five months.³ And 1 in 3 children who are detained who are diagnosed with depression developed the condition after placement in detention.

The JJRA was designed to limit detention and interactions with the legal system, and focus more on diversion and rehabilitating children, which has proven much more effective in changing behavior and reducing recidivism.

For the foregoing reasons, the ACLU urges the committee to give SB 744 an unfavorable report.

² Quandt, Katie Rose and Jones, Alexi. (2021) Research Roundup: Incarceration can cause lasting damage to mental health. *Prison Policy Initiative*. <https://libraryguides.vu.edu.au/apa-referencing/7JournalArticles>

³ The Harms of Juvenile Detention. *National Juvenile Defender Center*. <https://www.defendyouthrights.org/wp-content/uploads/JDA/The-Harms-of-Juvenile-Detention.pdf>