

Testimony *In Opposition to House Bill 814 (Unfavorable)* **Juvenile Law—Reform**

To: Delegate Luke Clippinger, Chair, and Members of the Judiciary Committee

From: Catherine Scott, Student Attorney, Youth, Education and Justice Clinic, University of Maryland Francis King Carey School of Law, 500 W. Baltimore Street, Baltimore, MD 21201 (admitted to practice pursuant to Rule 19-220 of the Maryland Rules Governing Admission to the Bar)

Date: February 6, 2024

I am a student attorney in the Youth, Education and Justice Clinic at the University of Maryland Francis King Carey School of Law (“the Clinic”). We represent children in Maryland who have been pushed out of school via suspension, expulsion, or other means, as well as individuals serving life sentences for crimes committed when they were children or emerging adults. The Clinic requests an unfavorable report from your committee on **HB 814 Juvenile Law—Reform**. Ensuring and promoting the safety of our youth is imperative, and HB 814 would have damaging effects to children across the state.

Among other measures, if passed, HB 814 would expand the jurisdiction of the court system to allow children between 10-12 years old to be charged for certain crimes including auto theft, animal cruelty, firearm possession, and more. These measures directly reverse proactive steps this legislature took in the 2022 session aimed at diverting children away from the court system. In 2022, the Juvenile Justice Reform Act (“JJRA”) set the minimum age of criminal responsibility in Maryland at 13 years of age—meaning that except in narrow circumstances, the juvenile court system did not have jurisdiction over children under 13 years old and could not charge them with a crime.¹ Importantly, the JJRA was the product of the Juvenile Justice Reform Council, comprised of a diverse array of experts who studied the juvenile legal system, examined research and data, and convened public meetings over a two year process. The JJRA was a positive step towards aligning Maryland’s juvenile legal system with the science of adolescent brain development and overall best practices.

¹ LEGISLATION- HB0459, <https://mgaleg.maryland.gov/mgawebsite/Legislation/Details/hb0459/?ys=2022rs> (last visited Feb 4, 2024).

Reversing this law goes against science. The part of the human brain that controls our decision-making including allowing us to make rational, intentional, and thought-out decisions does not fully develop until people are at least 25 years old.² We cannot reasonably expect children under 13 years old to be able to rationalize and understand the long-term effects of their actions. Children are significantly less culpable than adults and do not have the capacity to be criminally culpable. Thus, expanding the jurisdiction of the courts to allow them to be charged for crimes despite not having the culpability necessary is not the answer. The legislature should aim towards finding age-appropriate interventions to address the root causes of behaviors without resorting to criminalization. Furthermore, subjecting children to the criminal legal system has continued long term effects on the child's development. Studies consistently demonstrate that involvement in the juvenile justice system often leads to negative outcomes such as increased risk of mental health issues, disruption of social connections, challenges in educational attainment, as well as loss of future opportunities.³

Our clinic advocates for students facing disciplinary actions in school, many of whom also find themselves entangled in the juvenile legal system due to the same incidents. A significant portion of our clients are susceptible to becoming involved in the juvenile legal system, primarily due to the challenges posed by the school-to-prison pipeline and the tendency to over-criminalize student behavior within educational settings. The school-to-prison pipeline has led to the criminalization of students and has had a disproportionate impact on families in Maryland, especially those of Black students. If HB 814 is passed, it would only further broaden Maryland's already-damaging school-to-prison pipeline and perpetuate the racially disproportionate impacts of both exclusionary school discipline and the juvenile legal system on Maryland's Black children.

Additionally, HB 814 also includes provisions to extend the duration of probation for youth. While the intent to ensure the completion of necessary treatments is notable, there is a need to carefully assess the impact of prolonged probation on the overall well-being and rehabilitation of young individuals. The current law already allows courts to extend probation if there is good cause and doing so is in the child's best interest. If the services are not readily available – even though the child has been placed on probation – the solution should be focused on fixing the services, not extending the punishment for children as they wait for the services to become available.

Finally, reversing a law that was enacted less than two years ago poses a significant threat to legal stability and undermines the principles of a consistent and predictable legal system. The JJRA was crafted with careful consideration of

² Tony Cox, *Brain Maturity Extends Well Beyond Teen Years*, Nat'l Public Radio, Oct. 20, 2011, <https://www.npr.org/templates/story/story.php?storyId=141164708>

³ NAT'L ACADEMICS OF SCIENCES, ENGINEERING, AND MEDICINE, *THE IMPACT OF JUVENILE JUSTICE SYSTEM INVOLVEMENT ON THE HEALTH AND WELL-BEING OF YOUTH, FAMILIES, AND COMMUNITIES OF COLOR: PROCEEDINGS OF A WORKSHOP 19-21* (Steve Olson & Kat Anderson, eds. 2022) https://www.ncbi.nlm.nih.gov/books/NBK586438/pdf/Bookshelf_NBK586438.pdf

societal needs and evolving norms. Abruptly dismantling the JRRA introduces an element of instability that can have far-reaching consequences on children, families, and communities in Maryland, particularly as not enough time has passed to even study its effectiveness.

In short, children deserve to be treated as children. HB 814 is a misguided bill that does not reflect data-backed science, expands the school-to-prison pipeline, creates instability and unpredictability, and, in the long run, will undermine public safety. For these reasons, we ask for an unfavorable report on HB 814.

This written testimony is submitted on behalf of the Youth, Education, and Justice Clinic at the University of Maryland Francis King Carey School of Law and not on behalf of the School of Law or the University of Maryland, Baltimore.