

HB0814_Juvenile_Law_Reform_MLC_FAV.pdf

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Position: FAV



TESTIMONY FOR HB0814 Juvenile Law - Reform

Bill Sponsor: Speaker

Committee: Judiciary

Organization Submitting: Maryland Legislative Coalition

Person Submitting: Cecilia Plante, co-chair

Position: FAVORABLE

I am submitting this testimony in strong support of HB0814 on behalf of the Maryland Legislative Coalition. The Maryland Legislative Coalition is an association of activists - individuals and grassroots groups in every district in the state. We are unpaid citizen lobbyists and our Coalition supports well over 30,000 members.

There have been many attempts at updating the juvenile laws in Maryland. It is a fraught issue as no one wants to harm children, but those children who have caused harm to others must be punished. This bill, if enacted, would change the law related to charging of minors, specifically those under the age of 10, to include crimes involving firearms, sexual offenses in the third degree, and charges of motor vehicle theft. These are crimes that are being committed more and more by children, especially those involving firearms due to the proliferation of weapons in our society.

Other aspects of change included in this bill include strengthening the communication process between the intake officer and the State's Attorney and the Department of Juvenile Services, and nominating additional members to the Commission on Juvenile Justice Reform and Emerging and Best Practices.

Our members understand and appreciate that it is very hard to ensure that our laws protect the public, especially children, but also take into account that there are children who commit acts which cause harm to others.

We strongly support this bill and recommend a **FAVORABLE** report in committee.

HB 814 MOPD Unfav.docx.pdf

Uploaded by: Elizabeth Hilliard

Position: FAV



NATASHA DARTIGUE
PUBLIC DEFENDER

KEITH LOTRIDGE
DEPUTY PUBLIC DEFENDER

MELISSA ROTHSTEIN
CHIEF OF EXTERNAL AFFAIRS

ELIZABETH HILLIARD
ACTING DIRECTOR OF GOVERNMENT RELATIONS

POSITION ON PROPOSED LEGISLATION

BILL: House Bill 814 Juvenile Law - Reform “Non-Technical Violations of Probation”

FROM: Maryland Office of the Public Defender

POSITION: Unfavorable

DATE: February 8, 2024

The Maryland Office of the Public Defender respectfully requests that the Committee issue an unfavorable report on House Bill 814.

Putting 10, 11, and 12 year old children in the System will not make communities safer.

House Bill 814 seeks to extend jurisdiction of the juvenile court to children under the age of thirteen for certain offenses, page 3, lines 3-12 and page 7, lines 17-20.

In 2022, the Juvenile Justice Reform Council (“JJRC”) recommended that Maryland have a minimum age of jurisdiction, due to the growing body of evidence that 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.¹ The Council recognized that behavior of younger children should be handled by the welfare and mental health systems, not the courts. As a result, the Juvenile justice Reform Act was enacted which, among other things, raised the minimum age to charge children with offenses in juvenile court for the vast majority of offenses, excluding crimes of violence. Those changes have been in effect only since June 1, 2022. Less

¹ Juvenile Justice Reform Council Final Report 17 (January 2021), <https://dls.maryland.gov/pubs/prod/NoPblTabMtg/CmsnJuvRefCncl/JJRC-Final-Report.pdf>.

than two years have passed since this change, and very little has changed for children under the age of thirteen.

The United States is an outlier throughout the world in the practice of trying young children in court. In 2019, the Committee on the Rights of the Child, which monitors the implementation of the United Nations Convention on the Rights of the Child (CRC), issued General Comment No. 24 stating that 14 is the most common minimum age of criminal responsibility internationally, and urging nations to set their minimum age of criminal responsibility to at least 14-years-old.² The United Nations Global Study on Children Deprived of Liberty in its 2019 report also called on countries to set the minimum age of prosecution in juvenile court at 14-years-old.³

Studies have also found notable developmental gaps between youth aged 16 to 18 years old and those 14-years-old and younger, which could impact their ability to understand trial matters.⁴ For many young children, the support, learning, and accountability that their family provides them is the best resource for handling mistakes or misbehavior, and this should be the primary method used. For youth struggling with significant challenges, such as substance abuse, family fragmentation, academic failure, or abuse and neglect, other systems can address the root causes of a child's challenges without the negative impacts of justice system involvement. Alternate child-serving systems can be scaled up through funding investments, including via reallocation of funds from juvenile justice, so that young **children can be healthy and thrive—and can contribute throughout their lifetime to healthier, safer communities.**

² United Nations Convention on the Rights of the Child (CRC), Committee on the Rights of the Child, General Comment No. 24 (2019) on Children's Rights in the Child Justice System (2019): 6, CRC/C/GC/24, <http://tinyurl.com/w78myvky>.

³ United Nations, General Assembly, "Global Study on Children Deprived of Liberty: report of the Independent Expert," A/74/136 (11 July 2019): 20, available at <https://undocs.org/en/A/74/136>.

⁴ Katner, 420, citing National Research Council, *Reforming Juvenile Justice* (Washington, DC: National Academies of Science, 2013), <http://bit.ly/1zhoVmM>.

Moreover, the Juvenile Services Education Program (JSEP), which operates the education programs in DJS facilities, cannot realistically meet the educational needs of youth under 13 years of age who might be detained under this bill. Middle school students currently in DJS facilities struggle to get appropriate education services. There is no consistent direct instruction and youth are generally grouped in classes by housing unit, rather than by age or grade level, making effective access to the grade appropriate curriculum difficult. It is particularly difficult to meet the needs of students with disabilities who we believe make up the majority of students involved in the juvenile justice system.⁵

Advances in neuroscience indicate childhood as a crucial time of brain development – a time at which children’s brains are developing, have normal immaturity, and are unlikely to benefit from or understand processes in the legal system. Young children should be supported by their families, schools, and holistic resources, not handcuffed and sent to detention or court. They do not have the brain development necessary to understand what is happening in court or be able to participate in their defense in any meaningful way. They are further unable to fully grasp what it means to break the law or to fully understand the legal and moral implications of their actions, and they face great risk of being physically harmed and emotionally traumatized by the experience.

Younger children are at the greatest risk of being victims of violence when in custody – more than one-quarter of youth under 13 years old were victims of some type of violence while

⁵ See National Disability Rights Network, *Probation referral: A Model for Diversion of Children and Youth with Disabilities from the Juvenile Justice System* 7 (2019), (“Prevalence studies have found that 65-70 percent of youth in the justice system meet the criteria for a disability, a rate that is more than three times higher than that of the general population.”), https://www.ndrn.org/wp-content/uploads/2019/10/Probation_Referral_Report_FINAL_w_Appendices.pdf

confined, compared to nine percent of 20-year-olds.⁶ Furthermore, justice system processing is a treatment that is disproportionately used for children of color, enhancing the racial and ethnic disparities in the youth justice system.⁷

Part of the rationale for raising the age to thirteen was the fact that the vast majority of children under the age of thirteen are, at least initially, found incompetent to stand trial. A 2021 study found that 82.6% of children under the age of thirteen are likely to be found incompetent to stand trial.⁸ Those same children rated as having a poorer or more guarded prognosis for restoration of competency within a lawful time frame than older adolescents.⁹

When children are found Incompetent to Stand Trial (IST) the only treatment available to them through prosecution is the very limited treatment necessary for them to attain competency. For children under the age of 13, much of the issue is simple developmental maturity, which may take far longer than the constitution allows.

Competency to stand trial is not a mere legal technicality, it is a requirement of both the United States Constitution and Maryland Declaration of Rights. These cases can not be held open indefinitely while we wait for the child to grow and mature in the hope that they will attain competency. Children who have been found IST and who are dangerous cannot be held in a juvenile detention facility, only placed in a Facility for Children operated by the Department of Health— a limited resource. Children found IST can be supervised in the community, but only with conditions necessary to help them become competent because they have not yet been found

⁶ Melissa Sickmund and Charles Puzzanchera (eds.), “Juvenile Offenders and Victims: 2014 National Report” (Pittsburgh, PA: National Center for Juvenile Justice, 2014): 216, <https://bit.ly/37TiLON>.

⁷ M. Sickmund, A. Sladky, and W. Kang, Easy Access to Juvenile Court Statistics: 1985-2018; (National Center for Juvenile Justice, 2020), <https://www.ojjdp.gov/ojstatbb/ezajcs/asp/demo.asp>.

⁸ Patricia C. McCormick , Benjamin Thomas , Stephanie VanHorn, Rose Manguso & Susan Oehler (2021). Five-Year Trends in Juvenile Adjudicative Competency Evaluations: One State’s Consideration of Developmental Immaturity, Age, and Psychopathology, *Journal of Forensic Psychology Research and Practice*, 21:1, 18-39, DOI: 10.1080/24732850.2020.1804306, p. 33

⁹ *Id.* at 34.

involved in a delinquent act. Neither commitment nor supervision can last indefinitely, those conditions can not continue for longer than reasonably necessary to determine whether they will become competent. *Jackson v. Indiana*, 406 U.S. 715 (1972).

When a child is prosecuted DJS only has jurisdiction over a child if they are found delinquent. There can be no delinquency finding unless and until a child is competent to stand trial. This means that if a child needs supervision, therapy, housing stability, or educational assistance, the Department of Juvenile Services *cannot* provide those services unless and until the child has been deemed competent to stand trial. If the child is never deemed competent to stand trial, then they may never receive those services. On the other hand, if a child is referred to DJS and they file a Child In Need of Services (CINS) petition, rather than forward the case to the State's Attorney for prosecution, they can receive all of the same services aimed at treating, guiding, and rehabilitating children. Children do not need to be competent to stand trial to receive services via a CINS petition. In short, prosecuting these young children delays and impedes the delivery of services.

Children need graduated sanctions and positive reinforcement, not jail.

A new proposal in this bill, Cts & Jud Pro § 3-8A-19.6 (a) (5) on page 10 lines 26-27, would mandate that two or more unexcused failures by a child to appear at a treatment program ordered by the court would be a non-technical violation of probation. Meaning, if a child missed two or more visits to a treatment program (which remains undefined and could include daily programming) the child could face detention.

Tying an unexcused absence from a treatment program ordered by the court to a carefully and intentionally limited category of non-technical violations of probation, thereby opening the door to the detention and commitment of a child for placement through the Department of

Juvenile Services, flies in the face of efforts to limit youth incarceration, ignores adolescent development and irrefutable brain science, and would further highlight significant racial and economic disparities among court involved youth.

First and foremost, the proposed statutory language is ambiguous and lacks necessary definition, which even the most reasonable of minds would struggle to collectively define. What constitutes an “unexcused failure”? The language seems to include failure of the child, but it is unclear if it would extend to circumstances beyond a child’s control. A fourteen year old may have no access to or ability to afford the internet for a virtual appointment. A thirteen year old may have no cell phone or laptop to log on to virtual therapy for the day. Under this language, it is not clear whether these may be excusable failures attributed to a parent or guardian, who may be unable or unwilling to assist with the technological aspect, or if the onus falls on the child.

Similarly, a child cannot drive a vehicle, if transportation issues arise or if the parent or guardian does not have the ability to take off work to transport the child to an appointment at a program, it is unclear under this bill whether the child could face detention for failures to appear caused by these issues or if they would be considered excused as they are out of the child’s control.

There are numerous programs that require attendance upwards of 2-3 times per week. Who is obligated to categorize the absence as “excused?” The child, who may be 13 years old and likely lacks the contact information for the program, let alone a phone of their own? The parent, who is not the one on probation? And who, like *all* parents, should be given a pass for a few forgetful moments? Further, failures to appear - whether excused, unexcused, or otherwise - may not be wanton. They may not be willful. Who defines what a failure to appear is?

The proposition that a child, who needs assistance to get to a medical appointment, and cannot even excuse themselves from school for the day, should be subjected to a non-technical violation of probation and potential detention and out of home placement for missing *two* appointments at a treatment program, is bad policy. The number of factors that are completely out of a child's control in this situation are so many that they need not be listed to exhaustion to comprehend why the Office of the Public Defender opposes this provision.

Further, the practical impact of this proposed legislation would result in virtually every single violation of probation proceeding resulting in a contested hearing, likely necessitating the involvement of the treatment program in the court proceeding, and making the treatment program the enemy of the child, rather than the rehabilitative resource and service that it is intended to be. Children are more likely to be successful in their own treatment and rehabilitation if they feel part of the team and included in decision making instead of fearing punishment and detention.

Additionally, this proposed addition to the world of non-technical violations is completely unnecessary, as the current legislation permits a youth's probation to be extended *at least* two times - or more, dependent on the underlying offense - where there is good cause found and where the purpose of extending the probation is to ensure that the child completes a treatment or rehabilitative program or service. Surely all involved parties can agree that the goal in such a situation would be to reintegrate the child into the treatment program and to work to resolve any issues to ensure their attendance. It would be nonsensical to punish a youth for failing to attend an appointment as few as two times. This defeats the entire purpose of the treatment program and is in direct conflict with the rehabilitative nature of juvenile court.

Last, this proposed legislation widens the door to commitment for court-involved youth, particularly low income youth of color. Looking back prior to the implementation of the JJRA, and before the distinction between technical and non-technical violations, there were times in Maryland when nearly 50% of probation violations resulted in placement, with what later became defined as technical violations accounting for 1 in 3 commitments statewide.¹⁰ Youth were more than twice as likely to be committed for a VOP than for a violent felony. It would be irrational to argue that missing two appointments with a court ordered treatment program increases one's level of risk to an extent that would warrant removing that child from their home, detaining them, and committing them for placement.

The indeterminate harm that could result from this proposal lacks justification, clear definition, or any rational reasoning.

Children should not face detention prior to the adjudication of their case.

House Bill 814 seeks to alter Cts & Jud Pro § 3-8a-15(b)(3)(iii), page 10 lines 1-16, to repeal protections for children **accused** of minor crimes. The proposal authorizes children to be detained pre-adjudication, if they were under the supervision of the Department of Juvenile Services at the time of the alleged new offense, when the new alleged offense is only a misdemeanor. Meaning, if a child is placed on probation and is then arrested on a new, minor charge—such as a school fight or petty theft—the Court can detain the child pending trial simply because they were already under supervision when a new alleged offense arises.

If enacted, this provision is harmful and overly punitive. The children captured by this provision are not youth accused of violent offenses; they are children who have already made a

¹⁰ The Annie E. Casey Foundation, Doors to DJS Commitment: What Drives Juvenile Confinement in Maryland? January, 2015, <https://djs.maryland.gov/Documents/publications/AECF%20Assessment%20of%20MD%20Dispositions%20-%20Updated%20March%2016%20-%20Final%20PDE.pdf>.

mistake that brought them to court, who then are accused of a new, misdemeanor offense. This proposal would result in children being detained pretrial for an offense that they could not be detained for if they are found involved (or found guilty). It is illogical that a child who is presumed innocent may be detained for something that they will not be detained for if they are convicted. Moreover, this change exposes children who are merely accused of a new, minor offense to up to 30 days in detention. *See* Cts & Jud Pro § 3-8A-19.6; Cts & Jud Pro § 3-8A-15(d)(6)(i).

The harms of this provision far outweigh any conceivable benefits. To highlight, an extremely common misdemeanor offense for youth to incur are simple assaults, which often appear as school-based incidents. School-based incidents typically lead to disciplinary actions, suspensions, and consequences that are age appropriate. Other examples include small thefts, minor destruction of property charges, and driving without a license. The reforms implemented by the JJRA in 2022 recognized that children and teenagers are prone to making mistakes, and were created with evidence-based principles in mind to address the underlying causes of delinquent behavior. However, this proposed provision removes protections for youth who are learning and growing, and whose delinquent behavior is currently being addressed.

When a youth is placed on probation, the Department of Juvenile Services rolls out services, including counseling, family therapy, victim awareness classes and other programming, as their probation progresses. Like much of life, it takes time for youth and their families to adjust to being under supervision and to acclimate to the services being received. Rehabilitation is fluid; predictably, many youth continue to make minor mistakes before their habits and behaviors improve. The Juvenile Probation system also allows case managers to ramp up sanctions and services depending on the youth's needs, and probation can be extended for good

cause and to complete a rehabilitative program or service. *See* Cts & Jud Pro § 3-8A-19.6. If a youth incurs a new charge, while the child awaits their trial, DJS Case Managers (who operate like probation officers) can impose sanctions while also addressing the child’s identified needs—by putting in place additional counseling, mentorship, or GPS monitoring, among other services. Rather than continuing to address a child’s needs in the community when they receive a new charge, the proposed amendment would disrupt any progress that is being made in the most traumatic of ways.

Being detained and losing one’s liberty, especially as a juvenile, is a life-changing event with unquantifiable collateral consequences. When children are detained, they are removed from their homes, from their parents, from their schools, and from their communities. Detention impacts a youth’s self-esteem, and their social and moral development.

If the goal is deterrence, ample data shows that the end does not justify the means.¹¹ The proposed amendment is also plainly unnecessary. As the law currently stands, if a child commits a new, misdemeanor offense while under the supervision of the Department of Juvenile Services, once found involved (or found guilty), the Court has the discretion to impose sanctions higher than the listed terms of probation, and/or the State’s Attorney’s Office or Department of Juvenile Services can file a Violation of Probation Petition to hold a separate hearing to impose additional consequences after the youth is found involved in the new offense. *See* Cts & Jud Pro § 3-8A-19.6. The law also already allows a youth with multiple findings of involvement from the same year to be detained pretrial on an alleged misdemeanor, and already addresses concerns

¹¹ *See* Simon I. Singer & David McDowall, *Criminalizing Delinquency: The Deterrent Effects of the New York Juvenile Offender Law*, 22 L. & Soc’y Rev. 521, 529-532 (1988) (measuring New York arrest rates before and after change to require prosecution of some adolescents in criminal court); Eric L. Jensen & Linda K. Metsger, *A Test of the Deterrent Effect of Legislative Waiver on Violent Juvenile Crime*, 40 Crime & Delinq. 96, 100-102 (1994) (evaluating deterrent effect of Idaho statute mandating criminal processing as adults of adolescents charged with serious offenses).

about gun offenses. *See* Cts & Jud Pro § 3-8A-15(b)(3)(i) and (b)(3)(ii).

The 2022 General Assembly understood that pretrial detention for children should be used only for the most serious crimes and cases, where the community and public safety are seriously at-risk. We urge the committee not to adopt the proposed amendment to protect children who are still learning and growing from the loss of liberty this amendment sanctions.

Children need swift and certain services, not long periods of probation.

House Bill 814 expands juvenile probation from an initial period of six months to one year for misdemeanors and from one year to two years for felonies, extends the probationary expansion period from three months to four months, and adds an entire year to the total period of probation, including expansions.

The Office of the Public Defender opposes these changes to the probationary periods for two primary reasons: the current law is reflective of data driven recommendations from the JJRC and appropriately allows for probation to be extended when necessary in each individual case, and these changes punish children for the shortcomings of the Department.

The current probationary time limits were put in place in response to the recommendations by the JJRC. After studying data pertaining to juvenile probation in the state of Maryland, as well as a national overview of juvenile probation systems, the JJRC recommended that the initial probation period be 6 months for misdemeanors and 1 year for felonies, with the possibility to extend given the individual child's needs.

The JJRC report stated, "Youth have better safety outcomes when the juvenile justice system helps them set rehabilitation goals and accomplish them, as opposed to merely surveilling them through long periods of probation supervision. In line with these findings, several states

have recently passed legislation to make probation shorter and more goal-oriented.”¹² The time periods recommended by the JJRC were not arbitrary; they were supported by data and were in line with what other states, like Utah, South Dakota and Kentucky, had successfully implemented. The proposed legislation seeks to not only increase these evidence-driven time limits, but to double them, *without* the support of data to support the change.

In addition, the current law allows for probation to be extended for good cause and if the child needs to complete a treatment or rehabilitative program. This provision, in alignment with the individualized juvenile court system, allows for the court to look at individual children and their specific situation to determine if they need more time to complete treatment. This practice is commonly utilized by the courts. However, many youth successfully complete their probation within the initial period of probation. For that significant group of children, the proposed legislation would place them in a probationary period twice as long as necessary. This does not yield a neutral impact on the child, but rather vastly increases their time in the juvenile court system, which research supports can have diminishing returns.¹³

If there are concerns with the Department’s ability to provide all the necessary services within the required time-limits, efforts should be focused on ensuring that the Department works towards seeking more treatment providers, reducing waiting lists, and expediting connecting children to treatment and rehabilitative services. In contrast, placing the burden and onus on children by increasing probation to time-periods unsupported by data is not beneficial to children

¹² Juvenile Justice Reform Council Final Report 20 (January 2021), <https://dls.maryland.gov/pubs/prod/NoPblTabMtg/CmsnJuvRefCncl/JJRC-Final-Report.pdf>.

¹³ Dir, A. L., Magee, L. A., Clifton, R. L., Ouyang, F., Tu, W., Wiehe, S. E., & Aalsma, M. C. (2021). The point of diminishing returns in juvenile probation: Probation requirements and risk of technical probation violations among first-time probation-involved youth. *Psychology, public policy, and law : an official law review of the University of Arizona College of Law and the University of Miami School of Law*, 72(2), 283–291. <https://doi.org/10.1037/law0000282>

and their progress, and is particularly harmful to black and marginalized youth who are disproportionately represented on probation.

For the above reasons, and those explained in our oral testimony, the Maryland Office of the Public Defender urge the committee to issue an unfavorable report on House Bill 814.

HB814 Testimony.pdf

Uploaded by: Ivan Bates

Position: FAV



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 HB814 Juvenile Law – Reform

Dear Chairman Clippinger and Members of the Judiciary Committee:

I am writing to express my unyielding support for HB814 Juvenile Law – Reform. This comprehensive legislation speaks to the very essence of the issues we have raised and seen over the past year as State's Attorneys and law enforcement officers struggling to ensure public safety remains our top priority.

This bill outlines a wide array of solutions to problems that currently exist within the juvenile criminal justice system, and if passed in its entirety, I believe this will be responsible for fixing 95% of the issues we have been facing. Whether it be the extension of probation or the forwarding of cases to the State's Attorney's office for notification in a timely manner, these fixes will help address a glaring hole in existing law that has allowed for juvenile offenders to fall through the cracks for far too long.

In regards to probation, it does a disservice to both public safety as well as to the juvenile offender when a child is given an arbitrary time frame for probation without taking into account the amount of time it takes to accept a child ordered to programming or services, coupled with the time it will take that child to complete said programming. A six-month to one-year minimum for misdemeanor and felony charges, respectively, are simply not enough time to ensure the successful completion of services for that child. The offer to extend this period of time will assist not only those responsible for ensuring these children's rehabilitation, but also help that child fully appreciate the services provided and complete any such program so ordered by the courts.

Reducing the time period in which the Department of Juvenile Services has when referring a case to the Office of the State's Attorney greatly improves the quality of prosecutorial cases brought forth by our offices. And while we would hope for an even quicker turnaround, the 15-days being suggested is far better than the 25-days mandated by current law.



OFFICE OF THE STATE'S ATTORNEY FOR BALTIMORE CITY

As it relates to the provision to ensure that the Department of Juvenile Services forwards cases involving charges that would otherwise be known as felonies for adult violators is important for the integrity of the criminal justice system, as well as for our offices to be able to ensure that the elements of the crime are articulated in the charging documents, and that officers have adequate time to do so. We also feel it extremely important to have a quicker turnaround time for somebody from our offices to have direct contact with witnesses and victims of these crimes, who tend to feel ignored and isolated when they cannot find out what is happening with the circumstances surrounding their case, days and even weeks after the incident.

Given the current law, if DJS decides to divert or "informal" the case, it could take up to ninety days or more. If the juvenile offender is deemed unsuccessful in diversion, then the case could be forwarded to the SAO which takes an additional thirty days. From there, the SAO is tasked with charging a case within thirty days, then an arraignment could take up to four months. In sum, car theft cases often take months to weave their way through the juvenile system. This is to the detriment of both the juvenile offender who is not held to account for their actions in a timely fashion, nor are they able to receive services in a timely manner; not to mention the grief it does to the car theft victim who experiences greatly delayed justice, if at all.

Any crime that rises to the level of a felony should be reviewed by the SAO. As it stands now, a DJS intake officer is responsible for deciding the fate of a felony level case. The intake officer is neither an attorney nor a law enforcement agent and, thereby, are highly unlikely to appreciate the nuances of the felony cases brought to their attention. This DJS review alienates the rights of victims. In felony cases for which DJS is making the final decision, this delays justice for the victims.

In its totality, I believe that House Bill 814 will ensure that all the issues we have raised regarding the juvenile justice system will be addressed in this one piece of legislation. And is for that reason that I wholeheartedly support and urge a favorable recommendation of this bill.

Sincerely,

Ivan J. Bates

Ivan J. Bates
State's Attorney for Baltimore City

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Position: FAV



THE HUMANE SOCIETY OF THE UNITED STATES

February 8, 2024

Judiciary Committee

HB 814

Juvenile Law - Reform

FAVORABLE

The Humane Society of the United States, on behalf of our members and supporters in Maryland, urges a favorable report on HB 814. Specifically, we support the inclusion of crimes against animals in the list of charges that can be brought against a minor between the ages of 10 and 12 years old.

The youth justice reforms passed by this committee are commendable, but when the law decriminalized crimes by minors it had the unintended consequence of leaving cases of animal abuse by a minor in a legal grey area. Sadly, young children do engage in horrific acts of animal abuse. These acts not only put animals in danger but are a cry for help by the youth.

Without the ability to bring criminal charges, Animal Control Officers have little to no recourse available when they suspect animal abuse by a minor. This means that they cannot remove the animal from the home, leaving the animals potentially subject to continued abuse. It also means that they cannot access the support systems that are in place within the juvenile justice system. We know that too often, children who abuse animals are themselves abused. Minors suspected of animal abuse need and deserve social services and supports, and unfortunately those services are at times most efficiently deployed through the justice system.

Maryland is making a concerted effort to move away from felony convictions and to decrease incarceration. But animals, while legally property, are also living creatures; this puts them in a grey area where crimes against them do necessitate a more meaningful response. The HSUS understands the progress made by this committee and does not support efforts to increase penalties for misdemeanor animal crimes. But we do feel strongly that in the most horrific cases – cases of violence against living creatures – crimes against animals should allow for criminal charges and the supports that can be provided to juveniles with those charges.

We are happy to work with this committee to ensure that the goal of this legislation, ensuring that there is accountability for crimes against animals, does not undermine the work done by this committee to reduce incarceration overall. We would not object to narrowing the current language so that minors between the ages of 10 and 12 could only be charged with felony animal crimes.

We thank the committee for its work on this important and difficult issue and urge a favorable report on HB814 with the provisions related to animal crimes included.

*For more information contact Jennifer Bevan-Dangel, Maryland State Director
jbevandangel@humanesociety.org | C 410-303-7954*

hb814.pdf

Uploaded by: Linda Miller

Position: FAV

MARYLAND JUDICIAL CONFERENCE
GOVERNMENT RELATIONS AND PUBLIC AFFAIRS

Hon. Matthew J. Fader
Chief Justice

187 Harry S. Truman Parkway
Annapolis, MD 21401

MEMORANDUM

TO: House Judiciary Committee
FROM: Legislative Committee
Suzanne D. Pelz, Esq.
410-260-1523
RE: House Bill 814
Juvenile Law - Reform
DATE: February 5, 2024
(2/8)
POSITION: Support

The Maryland Judiciary supports House Bill 814.

The Judiciary supports the bill, in particular its expansion of the length of probation which will better enable the juvenile court to identify and secure admission for the child to needed resources. However, the Judiciary notes that the most basic issue affecting the juvenile court is the lack of available and accessible services to children throughout the State. It is simply too difficult to get children into needed resources in a timely fashion. This is particularly true for mental health and substance use resources.

In light of the lack of available resources, the Judiciary suggests that the responsibilities of the Commission on Juvenile Justice Reform and Best Practices be expanded to include an identification of the specific services that are available to children in each county, including the number of available beds or service slots and the waiting time for a child to be accepted into the bed or service slot.

Further, the Judiciary agrees with the provision of information from court records to the Commission on Juvenile Justice Reform and Best Practices under amended § 3-8A-27(b)(1), but is concerned about the breadth of the language, particularly in light of the expanded Commission membership. Some limitation on the release of identifiable information may be appropriate to protect the child and family's privacy.

Finally, the term "treatment program" is not defined in the amendments to § 3-8A-19.6(a) ("technical violation" means a violation of probation that does not involve: . . . (5) two or more unexcused failures to appear at a treatment program ordered by the court."). It is unclear whether the term would mean, e.g., a failure to attend an evening reporting program or refer to failure to attend therapy session or substance abuse treatment.

cc. Hon. Adrienne Jones
Judicial Council
Legislative Committee
Kelley O'Connor

Juvenile Law - Reform - HB 814.pdf

Uploaded by: Lisa Radov

Position: FAV



MARYLAND VOTES FOR ANIMALS

PO Box 10411
BALTIMORE, MD 21209

February 8, 2024

To: House Judiciary Committee

From: Lisa Radov, President and Chair, Maryland Votes for Animals, Inc.

Re: Juvenile Law – Reform – HB 814 -Support

Chair Clippinger, Vice Chair Bartlett, members of the Judiciary Committee, my name is Lisa Radov. I am the President and Chair of Maryland Votes for Animals. We champion humane legislation to improve the lives of animals in Maryland. Speaking for Maryland Votes for Animals, our Board of Directors, and our members across Maryland, I respectfully request that the Judiciary Committee vote favorably for Juvenile Law – Reform – HB 814.

This bill outlines many reforms to our current juvenile laws. Maryland Votes for Animals supports these improvements to the system to allow youths to be held accountable and get the support and rehabilitation that they need after committing a serious crime as outlined in the bill.

As an organization dedicating to improving the lives of animals in Maryland, we want to highlight our support for this bill as it allows 10-12 year olds to be charged with a list of serious crimes *including animal abuse*. We feel that this addition will make not only our animals, but also our communities, safer as these 10-12 year olds who are charged can get the support they need in the form of rehabilitation and go on to lead productive lives.

In closing, I would like to thank The Speaker and Chair Clippinger for their sponsorship of HB 814 and ask the committee to give this bill a favorable report.

HB0814 Juvenile Reform Bill.in.favor.2024.pdf

Uploaded by: Patty Crankshaw-Quimby

Position: FAV



**Maryland's Association of Animal Care and Control
Agencies and Humane Societies**

**PO Box 1143
Easton, Maryland 21601**

**HB0814 Juvenile Law-Reform
Maryland House of Delegates Judiciary Committee**

February 6, 2024

Dear Honorable Chairman Clippinger, Vice-Chair Bartlett, and members of the committee:

Professional Animal Workers of Maryland, the state organization comprised of animal control agencies and humane societies unanimously supports and encourages a favorable report on HB0814. Our support is specifically for the inclusion of crimes against animals in the list of charges that can be brought against a minor between the ages of 10 and 12 years old.

It is an unfortunate truth that young children do engage in acts of aggravated animal abuse. These acts put animals in danger and are a cry for help. Without the ability to bring criminal charges, Animal Control Officers have little to no recourse available when they suspect animal crimes by a minor. This means officers cannot remove the animal from the home, leaving the animals potentially subject to continued abuse. In addition, they cannot access the support systems that are in place within the juvenile justice system for the offender. We know that too often, children who abuse animals are abused themselves. Minors suspected of animal abuse often need help just as much as the animals they abuse. Unfortunately, those services are often only available through the justice system.

Professional Animal Workers of Maryland recognizes the efforts to move away from felony convictions and to decrease incarceration within Maryland. These cases are not frequent occurrences, however when they do occur, they warrant legal recourse. Animals in Maryland are caught in a legal dilemma; they are technically property, but as living creatures that are often severely injured or killed in these cases, crimes against animals should allow for criminal charges and the supports that can be provided to juveniles with those charges.

Professional Animal Workers of Maryland believes the passing of HB0814 is a crucial tool in protecting the animals and people of Maryland.

Please feel free to contact me with any questions or concerns.

Patty Crankshaw-Quimby, CAWA

Executive Director/Chief Animal Control Officer: Talbot Humane/ Talbot County Animal Control

President: Professional Animal Workers of Maryland

HB 814 - Juvenile Law - Reform.pdf

Uploaded by: Scott Shellenberger

Position: FAV

Bill Number: HB 814

**Scott D. Shellenberger, State's Attorney for Baltimore County
Support**

WRITTEN TESTIMONY OF SCOTT D. SHELLENBERGER,
STATE'S ATTORNEY FOR BALTIMORE COUNTY,
IN SUPPORT OF HOUSE BILL 814
JUVENILE LAW - REFORM

I write in support of House Bill 814 which proposes some much needed changes to the Juvenile Justice System. There is no question that the Juvenile Justice System needs improvements. One need only to click open a newspaper online or watch the evening news to see the crime that juveniles are causing. Improving the Juvenile Justice System is important for the well being of all juveniles, and all citizens in the State of Maryland.

In general, what HB 814 does is:

1. Expands the jurisdiction over a child as young as 10 for an expanded category of crimes including weapons offenses, firearms, 3rd degree sex offenses, motor vehicle offenses, and animal cruelty.
2. Shortens the period of time that the Department of Juvenile Services (DJS) has to make a determination as to whether judicial action is appropriate to 15 days. (existing law is 25 days).
3. Expands the category of offenses including multiple hand gun offenses where DJS is not required to conduct an interview as a part of their inquiry before they forward the complaint to State's Attorneys. (See 3-8A-10). This expands the category of offenses that can be sent immediately to the State's Attorney.
4. Mandates intake officers take immediate action after their inquiry. For example, file a petition or propose informal adjustment or refuse to do anything. (See 3-8A-10)
5. All felonies and hand gun offenses now must be forwarded to the SAO for review.
6. Any child under supervision that commits another offense while on supervision the complaint must be forwarded to the SAO regardless of the action recommended by DJS.
7. Requires DJS to authorize either a delinquency petition or CINS petition for any child who commits an offense that results in death under the age of 13.
8. Requires that law enforcement officers who take a child into custody to complete a written complaint or citation.
9. Expands the category of circumstances under which a child who has committed a misdemeanor may be detained.
10. Specifically allows the court and parties to consent to the waiver of a detention hearing one time. Currently those hearings must be held every 14 days.
11. Expands the definition of a non-technical violation to include two unexcused failures to appear at a treatment program.
12. Expands timeframes for the length of probation for both misdemeanors and felonies.
13. Under Criminal Procedures §2-108 law enforcement officers alleging the commission of an act by a child under the age of 13 that results in death must forward the complaint to DJS.

14. Under 9-101 and other related sections the bill establishes a supervisory board to oversee how DJS provides services and disposes of their cases.

These are some much needed changes to the Juvenile Justice System. I want the juvenile system to work and improve the lives of the juvenile, their families and society in general.

I urge a favorable report.

HB 814 Juvenile Law - Reform - Letter of Support -

Uploaded by: Therese Hessler

Position: FAV



February 8, 2024

**Bill: House Bill 814 - Juvenile Reform
House Judiciary Committee**

Position: Support

The City of Gaithersburg writes to express its support for HB 814: Juvenile Law - Reform.

House Bill 814 focuses on accountability for both juveniles as well as the juvenile justice system, and we consider this legislation to be a good start towards realizing sensible adjustments to the Juvenile Justice Reform Act of 2022. We firmly believe that many of the bill's proposed changes, such as decreasing the deadline for Department of Juvenile Services (DJS) intake decisions, increasing staffing within DJS's ankle monitoring unit, increasing probation limits for youth offenders, and allowing those under 13-years-old to be charged with certain crimes, including motor vehicle theft and firearms offenses, will enhance public safety while also holding juveniles accountable for their actions.

We believe that this bill is not only a significant step toward safeguarding our residents of all ages and backgrounds but feel that it also upholds the model of juvenile reform laws as being focused on rehabilitating young offenders rather than simply punishing them. This approach recognizes that juveniles are still developing emotionally, socially, and intellectually, and we agree with the many studies demonstrating that strictly punitive approaches to juvenile justice are often ineffective and can have long-term negative consequences. By providing resources such as education, counseling, and support services, this legislation aims to help reduce the likelihood of juveniles reoffending in the future while further addressing the root causes of delinquent behavior. While we are generally supportive of the positions expressed by the Maryland Chiefs of Police Association and States Attorneys Association, we see areas that could be adjusted further, but this bill is an improvement over what currently exists.

Therefore, we respectfully request a favorable report on House Bill 814. Should you have any questions, please feel free to contact me at 301-466-5350 or our government relations consultant, Therese Hessler, at therese@ashlargr.com. We appreciate your support.

Respectfully submitted,

Jud Ashman, Mayor
City of Gaithersburg

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MAYOR
Jud Ashman

COUNCIL MEMBERS
Neil Harris
Lisa Henderson
Yamil Hernández
Jim McNulty
Robert Wu

CITY MANAGER
Tanisha R. Briley

HB814.JuvieLaw.24.pdf

Uploaded by: Virginia Crespo

Position: FAV



Maryland Retired School Personnel Association

8379 Piney Orchard Parkway, Suite A • Odenton, Maryland 21113
Phone: 410.551.1517 • Email: mrspa@mrspa.org
www.mrspa.org

House Bill 814
In Support of
Juvenile Law – Reform
Judiciary Committee
Hearing: February 8, 2024 – 12:00

Dear Honorable Delegate Clippinger, Chair, Honorable Bartlett, Vice-Chair, and distinguished Judiciary Committee members,

MRSPA supports legislation to reduce crime and violence against Maryland citizens as one of its highest priorities. Maryland citizens are painfully aware of the rise in juvenile crime such as carjacking and assault directed towards both working and retired adults particularly in Baltimore City and Washington D.C.

Commendably, Maryland has in the past pursued a path emphasizing restorative justice in addressing these crimes with the hope of redirecting youthful perpetrators toward a “better vision for the future”. But it is clear to anyone that a measure of accountability is now needed to allow law enforcement to effectively fulfill its mission to protect law abiding citizens by keeping juvenile offenders, once apprehended, off the streets until they are tried and appropriately sentenced by a court of law. Too many juvenile offenders to this point have been arrested and summarily released to prey once again upon vulnerable persons, among them our more elderly.

MRSPA believes it is time to strengthen Juvenile Laws to protect the people of our state from what has become an uncontrolled crime wave by juveniles that has resulted in loss of property, personal injury, and sometimes death to those having the temerity to resist.

On behalf of the 12,000 members of the Maryland Retired School Personnel Association, we urge support of HB 814.

Sincerely,

Handwritten signature of Carla J. Duls in black ink.

Carla J. Duls
President

Handwritten signature of Virginia G. Crespo in blue ink.

Virginia G. Crespo
Legislative Aide

MCPA-MSA_HB 814-Juvenile Law Reform-SWA.pdf

Uploaded by: Andrea Mansfield

Position: FWA



Maryland Chiefs of Police Association

Maryland Sheriffs' Association



MEMORANDUM

TO: The Honorable Luke Clippinger, Chair and
Members of the Judicial Proceedings Committee

FROM: Darren Popkin, Executive Director, MCPA-MSA Joint Legislative Committee
Andrea Mansfield, Representative, MCPA-MSA Joint Legislative Committee
Natasha Mehu, Representative, MCPA-MSA Joint Legislative Committee

DATE: February 8, 2024

RE: **HB 814 – Juvenile Law - Reform**

POSITION: **SUPPORT WITH AMENDMENTS**

The Maryland Chiefs of Police Association (MCPA) and the Maryland Sheriffs' Association (MSA) **SUPPORT HB 814 WITH AMENDMENTS**. This bill makes several changes to the state's juvenile justice system to address juvenile crime, and improve accountability and services offered to youth.

Juvenile crime is a topic of serious concern both to residents and law enforcement. During community meetings, officers routinely hear that crime committed by juveniles tops their list of concerns. Residents regularly express their frustration about a perceived lack of accountability among juvenile offenders. Many of our residents have expressed that they live in fear of getting gas or shopping in the community. There is a growing consensus, not just by law enforcement, but also within the community at large, that there are no consequences for juveniles accused of criminal activity, and that even when they are adjudicated as having participated in a crime, they are not held accountable for their actions. HB 814 implements several changes to address these concerns.

HB 814 expands the crimes to be considered in adult court for juveniles 13 and older to include crimes involving weapons, firearms, animals, sexual offenses, and car jackings; makes several changes to streamline the DJS filing process and create greater accountability within the system; authorizes the State's Attorney's Office to review cases in certain circumstances; and increases the length of probationary periods to provide sufficient for services. The bill also eliminates the State Advisory Board for Juvenile Services and reimagines the Commission on Juvenile Justice Reform and Emerging and Best Practices to bring parties together to review all aspects of the juvenile justice system and make recommendations for improvements. MCPA and MSA support these efforts as they will enable more timely assessments and interventions for youthful offenders, reduce repeat offending, offer youth the services needed, and provide a process for improvement.

532 Baltimore Boulevard, Suite 308
Westminster, Maryland 21157
667-314-3216 / 667-314-3236

MCPA and MSA is concerned with the language on page 8, lines 26-30, that requires law enforcement to complete and forward a written complaint or citation to the Department of Juvenile Services for processing if a child is taken into custody pursuant to the law of arrest. Law enforcement agencies across the state offer positive, supportive and effective programs and services for youth that divert offenders from the juvenile justice system and instead provide mentoring, counseling, and restorative justice. Youth are diverted to these programs prior to a complaint or citation being filed with DJS. Once the filing takes place, youth can no longer be diverted into these programs. MCPA and MSA request the opportunity to work the Committee and other parties to develop amendments to address this concern.

Lastly, MCPA and MSA only have one representative on the Commission on Juvenile Justice Reform and Emerging and Best Practices. MCPA and MSA respectfully requests both organizations serve on the Commission to ensure the views of smaller and larger law enforcement agencies are represented.

For these reasons, MCPA and MSA **SUPPORT HB 814 WITH AMENDMENTS** and respectfully request a **FAVORABLE** report as **AMENDED**.

HB814-AFSCME-FAVAmendment.pdf

Uploaded by: Cindy Smalls

Position: FWA



190 W. Ostend St., #101
Baltimore, MD 21230
Phone: 410-547-1515
Email: info@afscmemd.org

Patrick Moran – President

**HB 814-Juvenile Reform Law
Judiciary Committee
February 8th, 2024**

Favorable with Amendment

Good afternoon, Chair Clippinger and Vic-Chair Bartlett, and members of the Judiciary Committee. Thank you for the opportunity for AFSCME Council 3 to submit testimony in favor of HB814 with an amendment, to the Juvenile Reform Law.

In a time when community leaders and others are demanding a need for public safety, we understand the need for members of the general assembly to address the state's juvenile justice system aiming to combine accountability and rehabilitation. As we move forward to address these much-needed reforms within the juvenile justice system, we ask that we continue to include the experience and expertise of our state workers employed within this system by including workers to the Commission on Juvenile Justice Reform and Emerging and Best Practice.

We are asking the committee to amend the bill to include the following amendments:

Add the following language to Page 19, Line 20, moving all subsequent language down:

(V) two shall be employees of the Department with different job titles, recommended by the President of the American Federation of State, County, and Municipal Employees, Council 3.

Adding worker's voices to these conversations ensures that the perspectives, and concerns of workers are represented in decision-making processes. They also possess expertise and firsthand knowledge about the work which, includes workplace conditions, and challenges. Their expertise can be invaluable when addressing policy issues that affect workers and the people they serve. Lastly, our workers are accustomed to collaborating with diverse stakeholders to address complex challenges. By including them on the commissions, there is an opportunity to foster collaboration between government agencies, and other key stakeholders in finding innovative solutions to pressing issues we face within the juvenile justice system.

Our members have an invested interest in this work and seeing good reforms and decisions are being implemented. We want to be a partner as we have been by serving on the State Advisory Board for Juvenile Service. We ask for the opportunity to do the same on the commission.

We thank the committee for your time, and we respectfully ask for a favor report with amendments to HB 814.



MD Catholic Conference_HB 814_FWA.pdf

Uploaded by: Garrett O'Day

Position: FWA



MARYLAND
CATHOLIC
CONFERENCE

February 8, 2024

**HB 814
Juvenile Law - Reform**

House Judiciary Committee

Position: FAVORABLE w/ AMENDMENT

The Maryland Catholic Conference offers this testimony of favorable with amendment to House Bill 814. The Catholic Conference is the public policy representative of the three (arch)dioceses serving Maryland, which together encompass over one million Marylanders. Statewide, their parishes, schools, hospitals and numerous charities combine to form our state's second largest social service provider network, behind only our state government.

Simply put, House Bill 814 rolls back some of comprehensive work of the Juvenile Justice Reform Council recommendations passed through House Bill 691 just a mere two years ago. Senate Bill 691 makes sweeping changes to several aspects of Maryland's juvenile justice system, including the important step of raising the minimum age for criminal charging to thirteen.

Other changes promulgated by that legislation through the comprehensive study of best practices by the Council, including substantial education by subject matter area experts on both the state and local level were: providing limitations on probation for juvenile offenders, placing limitations on technical violations, and promoting the use of alternative remedies. Each of those important reforms is rolled back in some way through this legislation.

The Conference suggests the attached amendments, removing those rollback provisions prior to additional study. We support the creation of the Commission on Juvenile Justice Reform and Emerging and Best Practices, especially as pertains to its stated goals of reviewing the services and programs provided to system-involved youth, treatments and diversionary practices.

In the pastoral statement *Responsibility, Rehabilitation, and Restoration: A Catholic Perspective on Crime and Criminal Justice* (2000), the United States Conference of Catholic Bishops stated, "We call upon government to redirect the vast amount of public resources away from building more and more prisons and toward better and more effective programs aimed at crime prevention, rehabilitation, education efforts, substance abuse treatment, and programs of probation, parole and reintegration." Additionally, the United States Conference of Catholic Bishops has further stated that "society must never respond to children who have committed crimes as though they are somehow equal to adults fully formed in conscience and fully aware of

their actions.” Moreover, it is well-settled, in many secular, judicial and faith-based circles, that holding youth to the same standards of accountability as a fully-formed adult is plainly unjust. In *Miller v. Alabama*, 132 S. Ct. 2455 (2012), the United States Supreme Court specifically noted that youthful offenders possessed “diminished capacity” and the inability to fully appreciate the risks and consequences of their actions.

In recent years, the MCC has supported various juvenile justice reform proposals. Whether it was increased educational services for incarcerated youths, limitations automatically charging youth as adults, eradicating without parole for juvenile offenders, or ensuring that youth are not housed with adult inmates, all of these efforts were grounded in Church teaching. The Church thus remains a strong advocate for restorative justice, particularly within the juvenile system.

We therefore urge a favorable report on House Bill 814, but at the present time, only as amended.

Proposed Amendments to HB 814

Juvenile Law - Reform

AMENDMENT No. 1

STRIKE “Article” on page 1, line 26 through “DEPARTMENT” on page 17, line 22.

BaltimoreCounty_FAV_HB0814.pdf

Uploaded by: Jenn Aiosa

Position: FWA



JOHN A. OLSZEWSKI, JR.
County Executive

JENNIFER AIOSA
Director of Government Affairs

AMANDA KONTZ CARR
Legislative Officer

WILLIAM J. THORNE
Legislative Associate

BILL NO.: **HB 814**

TITLE: **Juvenile Law - Reform**

SPONSOR: **Speaker Jones and Chair Clippinger**

COMMITTEE: **Judiciary**

POSITION: **SUPPORT with AMENDMENTS**

DATE: **February 8, 2024**

Baltimore County **SUPPORTS with AMENDMENTS** HB 814 - Juvenile Law – Reform.

Baltimore County appreciates the House Judiciary Committee’s focus on issues being raised by local law enforcement, service providers and other stakeholders prior to the 2024 legislation session. We support expanded collaboration and additional resources dedicated to providing juvenile offenders the assessment, treatment, services, and oversight they may need.

In particular we support the restoration of Juvenile Court jurisdiction over 10- to 12-year-olds for several very serious offenses, including crimes involving weapons and firearms, some sexual offenses and motor vehicle theft.

In addition, we would respectfully request the restoration of additional specific offenses to this list: arson and malicious burning, and the threat of mass violence. Requested language is provided at the end of this testimony.

Baltimore County also requests a modification in the bill’s proposed new requirement for certain complaints to be forwarded to the Department of Juvenile Services, so we can keep serving our youth with important diversion programs; and also, so Police are not required to forward unwarranted complaints when investigation determines the youth did not commit the offense.

Additional Offenses:

1. Arson in the second degree, and Malicious Burning, first or second degree

Arson in the first degree is currently included for Juvenile Court jurisdiction over youth age 10-12, as part of the list of crime-of-violence offenses in Section 14-101 of the Criminal Law Article. However, arson in the second degree and malicious burning offenses are not included.

It is well established that children who light fires frequently have significant issues that need to be addressed with professional assessments, and interventions or treatment. The same is true for animal abuse, which has already been added by this bill.

In Baltimore County we have had serious fire-starting incidents by youth under age 13 that we were unable to address because of the lack of Juvenile Court jurisdiction. Two examples:

- Two youth under age 13 lit a fire in the basement storage room of an apartment building; the fire was quickly extinguished by firefighters but it could have been a tragic incident. The charge would have been Malicious Burning – second degree; fortunately there was minimal property damage.
- An eleven-year-old youth set a motor vehicle on fire. The charge would have been Arson – second degree.

2. Threat of Mass Violence (Criminal Law Section 3-1001)

The list of crimes of violence in Section 14-101 of the Criminal Law Article does not include the threat of mass violence. That crime is found in Section 3-1001, which expressly incorporates the crimes of violence contained in Section 14-101.

Baltimore County has had an incident where a 12-year-old student made repeated threats to “shoot up” his public middle school, prompting extensive investigation by Police and school authorities. These threats were heard by other children. However, Police were unable to refer the 12-year-old youth to the Department of Juvenile Services and the Juvenile Court for possible compulsory services or intervention.

Forwarding Complaints:

On page 8, the bill adds a requirement for law enforcement officers to forward a written complaint or citation every time a child is taken into custody pursuant to the law of arrest. As written, this new requirement would prevent law enforcement from diverting appropriate cases away from the juvenile justice system. It would also require a complaint or citation to be forwarded even if further investigation determines that the youth did not commit the offense.

Baltimore County is proud of our Police Department’s award-winning and evidence-based Juvenile Offenders In Need of Supervision (JOINS) program, which serves nonviolent threshold offenders by diverting them from the juvenile justice system and providing mentoring and

restorative justice. If a youth successfully completes JOINS, their offense is never transmitted to the Department of Juvenile Services.

If the General Assembly believes notifications should be made about children taken into custody, language could be added to require such notifications instead of requiring the forwarding of a complaint or citation.

Accordingly, Baltimore County requests a **FAVORABLE with AMENDMENTS** report on HB 814 from the House Judiciary committee. For more information, please contact Jenn Aiosa, Director of Government Affairs at jaiosa@baltimorecountymd.gov.

Requested Amendments to HB814

Baltimore County

On Page 3, line 13, ADD the following:

G. A CRIME INVOLVING ARSON OR MALICIOUS BURNING UNDER § 6-103, § 6-104, OR § 6-105 OF THE CRIMINAL LAW ARTICLE; OR

H. A CRIME INVOLVING THE THREAT OF MASS VIOLENCE UNDER § 3-1001 OF THE CRIMINAL LAW ARTICLE; OR

On Page 8, line 26-30, MODIFY to show the following:

(D) IF A CHILD IS TAKEN INTO CUSTODY UNDER THIS SUBTITLE BY A LAW ENFORCEMENT OFFICER PURSUANT TO THE LAW OF ARREST, THE LAW ENFORCEMENT OFFICER SHALL:

(1) COMPLETE AND FORWARD A WRITTEN COMPLAINT OR CITATION TO THE DEPARTMENT OF JUVENILE SERVICES FOR PROCESSING UNDER § 3-8A-10 OF THIS SUBTITLE; OR

(2) FORWARD A WRITTEN NOTIFICATION TO THE DEPARTMENT OF JUVENILE SERVICES THAT SUCH POLICE ACTION OCCURRED.

Testimony in favor with amendments of HB814.pdf

Uploaded by: Jerry Kickenson

Position: FWA

Testimony in favor with amendments of HB814

Juvenile Law Reform

To: Hon. Luke Clippinger, Chair, Hon. J. Sandy Bartlett, Vice-chair and members of the House Judiciary Committee

From: Jerry Kickenson

Date: February 6, 2024

I am writing in **favor, with amendments, of House Bill 814**, Juvenile Law Reform.

The bill as proposed includes many useful elements, such as expanding jurisdiction to more gun related crimes, more notification of Juvenile Services, allowing longer probation periods where warranted, and more provisions related to the Commission on Juvenile Justice Reform and Emerging and 9 Best Practices.

However, the clauses to “get tougher” on non-serious crimes will not help stem real threats, and may instead harm children. Specifically:

- 3–8A–15.(b)(3)(iii) - “1. THE CHILD WAS UNDER THE SUPERVISION OF THE 4 DEPARTMENT OF JUVENILE SERVICES WHEN THE ALLEGED ACT OCCURRED; AND. 2. THE ALLEGED ACT, IF COMMITTED BY AN ADULT, 6 WOULD BE SUBJECT TO A PENALTY OF IMPRISONMENT OF MORE THAN 90 DAYS.

Children in trouble need more supervision and support, such as juvenile services and if necessary probation. They do not need more detention, which can harm the child and cause more not less criminal behavior later. Especially for non-serious offenses subject to penalties of only 91 days or more. Must we detain a child charged, for instance, with throwing an object at a vehicle, interfering with water utility equipment, or a second charge of trespass in order to maintain public safety?

I respectfully urge you to reach a **favorable** report, amended as described, for HB814.

Respectfully yours,

Jerry Kickenson

1701 Ladd Street

Silver Spring, MD 20902

HB 814_Final .pdf

Uploaded by: Karalyn Aanenson

Position: FWA



DEPARTMENT OF
JUVENILE SERVICES

Aruna Miller
Lt. Governor

Wes Moore
Governor

217 East Redwood Street
Baltimore, MD 21202

Vincent Schiraldi
Secretary

Date: February 8, 2024
Bill Number/Title: HB0814 - Juvenile Law - Reform
Committee: Judiciary
DJS Position: Support with Amendments

The Department of Juvenile Services (DJS) supports the provisions in HB 814 that addresses firearm offenses and creates the Commission on Juvenile Justice Reform and Emerging Best Practices. DJS does not support provisions in HB 814 that alter laws enacted in accordance with the recommendations of the Juvenile Justice Reform Council.

The Juvenile Justice Reform Council (JJRC) was formed during the 2019 session of the Maryland General Assembly, and the council spent the next two years gathering public input, researching best practices regarding the treatment of juveniles who are subject to the criminal and juvenile justice systems, and identifying recommendations to limit or otherwise mitigate risk factors that contribute to juvenile contact with the criminal and juvenile justice systems. The JJRC was intentionally established as a multi-disciplinary stakeholder council that included members of the legislature, the judiciary, prosecutors, defense lawyers, legal experts, state and local child-serving agencies, educators, law enforcement officials, formerly justice-involved youth, and national experts. All of the Council's recommendations focused on non-violent offenses and/or technical probation violations. Nearly all of the recommendations analyzed and discussed by the JJRC received a unanimous favorable vote.

During the 2022 legislative session, the General Assembly adopted the Juvenile Justice Reform Council's recommendations to improve and modernize Maryland's overall approach to juvenile diversion, detention, commitment, supervision, and treatment by enacting provisions that:

- Allow for developmentally appropriate interventions for youth under 13 accused of non-violent offenses;
- Created a results-oriented probation model to help young people meet rehabilitative goals;
- Supported public safety while minimizing use of detention and out-of-home commitments for low-risk youth;
- Expanded opportunities for diversion services for low-risk youth; and,
- Embedded principles of racial equity into all levels of Maryland's juvenile justice system.

DJS recognizes that with large scale legislative changes, there needs to be a significant investment in implementation strategies, and consistent evaluation of outcomes to ensure reforms are achieving intended outcomes for young people and communities. DJS also recognizes that like many other places in our country, Maryland is challenged with increased access to firearms and increased incidents where youth are perpetrators and victims of violence. To this end, DJS supports provisions in HB 814 that ensure the highest level of review and access to the full range of DJS services and interventions when a youth is alleged to engage in acts that involve a firearm. DJS also supports provisions to create an independent commission focused on ensuring Maryland's juvenile justice system operates in alignment with scientific research, evidence based practices, and implements strategies to mitigate the harms of racial and ethnic disparities. It is a commission, like the JJRC and proposed in HB 814, that should review changes and modifications to juvenile law to ensure proposals are rooted in data and achieve positive outcomes for youth, families and our communities.

DJS does not support the statutory changes in HB 814 that modify or repeal provisions enacted in accordance with the Juvenile Justice Reform Council Recommendations, as these amendments to current law diminish access to developmentally appropriate interventions for youth under age 13, remove access to effective law enforcement diversion programs, and unnecessarily remove DJS's discretion to use graduated responses and other evidence based approaches to supporting youth on community supervision/probation.

For these reasons, DJS requests a favorable report on HB 814 with amendments to address firearm offenses and the creation of the Commission on Juvenile Justice Reform and Emerging Best Practices.

Juve Justice Reform - 3d degree SO - house testimo

Uploaded by: Lisae C Jordan

Position: FWA



violence in Maryland

Working to end sexual

P.O. Box 8782
Silver Spring, MD 20907
Phone: 301-565-2277
Fax: 301-565-3619

For more information contact:
Lisae C. Jordan, Esquire
443-995-5544
www.mcasa.org

Testimony Supporting House Bill 814 with Amendments

Lisae C. Jordan, Executive Director & Counsel

February 8, 2024

The Maryland Coalition Against Sexual Assault (MCASA) is a non-profit membership organization that includes the State's seventeen rape crisis centers, law enforcement, mental health and health care providers, attorneys, educators, survivors of sexual violence and other concerned individuals. MCASA includes the Sexual Assault Legal Institute (SALI), a statewide legal services provider for survivors of sexual assault. MCASA represents the unified voice and combined energy of all of its members working to eliminate sexual violence. We urge the Judiciary Committee to report favorably on House Bill 814 with Amendments.

House Bill 814 – Juvenile Justice – 3d Degree Sexual Offense; Juvenile Sex Offenders in Schools

This bill contains a wide range of provisions continuing Maryland's efforts to reform its juvenile justice reform. The majority of these provisions are outside or tangential to MCASA's scope of expertise, however, two issues involve responses to sexual violence. This testimony comments only on those provisions.

- 1) **Third degree Sex Offense.** HB814 provides the court with jurisdiction over 3rd degree sexual offenses. Criminal Law §3-307. Third degree sexual offenses include sexual contact, defined by the code as "an intentional touching of the victim's or actor's genital, anal, or other intimate area for sexual arousal or gratification, or for the abuse of either party" (with certain exceptions) PLUS an aggravating factor such as dangerous weapons or threats of death, suffocation, strangulation, disfigurement, serious physical injury, kidnapping or multiple assailants. These are very violent offenders and jurisdiction is appropriate. Third degree sex offense also includes some age-based crimes, but these are either only applicable to offenders over 21, so juveniles are not involved by definition, or involving children under 14 and offenders at least 4 years older. Again, jurisdiction is appropriate.
- 2) **Suggested Amendments regarding agency coordination – juvenile sex offenders and education.** Current law requires juvenile sex offenders over the age of 14 to be on a separate registry. Registration is only required for offenders found responsible or

convicted of first or second degree rape or third degree sexual offenses involving aggravating factors. Currently, only law enforcement has access to this registry. MCASA respectfully requests that school superintendents also be provided with access to the juvenile sex offender registry so that they may comply with Criminal Procedure §11-722 providing for alternative educational settings for juvenile sex offenders. This will help keep other children safer. Proposed amendments are attached.

**The Maryland Coalition Against Sexual Assault urges the
Judiciary Committee to
report favorably on House Bill 814 with Amendments**

§11–704.1.

(a) In this section, “juvenile registrant” means a person who is required to be included in the registry of juvenile sex offenders under subsection (b) of this section.

(b) A person shall be included in a registry of juvenile sex offenders that is maintained by the Department separately from the sex offender registry if:

(1) the person has been adjudicated delinquent for an act that, if committed by an adult:

(i) would constitute a violation of § 3–303, § 3–304, or § 3–307(a)(1) or (2) of the Criminal Law Article; or

(ii) would constitute a violation of § 3–305 or § 3–306(a)(1) or (2) of the Criminal Law Article as the sections existed before October 1, 2017; and

(2) the person was a minor who was at least [14] 10 years old at the time the delinquent act was committed.

(c) The registry of juvenile sex offenders shall be accessible only by

(1) law enforcement personnel for law enforcement purposes; AND

(2) THE SUPERINTENDENT OF SCHOOLS WHERE THE JUVENILE REGISTRANT ATTENDS SCHOOL FOR PURPOSES OF COMPLIANCE WITH §11-722 OF THIS ARTICLE.

(d) When the juvenile court’s jurisdiction over a juvenile registrant terminates under § 3–8A–07 of the Courts Article, the juvenile registrant shall be removed from the registry.

(e) A juvenile registrant shall appear in person at a location designated by the Department of Juvenile Services every 3 months to:

(1) update and verify with the Department of Juvenile Services the information included in the registry of juvenile sex offenders under this section; and

(2) allow the Department of Juvenile Services to take a digital image of the juvenile registrant.

For reference

§11–722.

(a) (1) In this section the following words have the meanings indicated.

(2) “County board” has the meaning stated in § 1–101 of the Education Article.

(3) “State Board” has the meaning stated in § 1–101 of the Education Article.

(b) This section does not apply to a registrant who enters real property:

(1) where the registrant’s child is a student or receives child care, if:

(i) within the past year the registrant has been given the specific written permission of the Superintendent of Schools, the local school board, the principal of the school, or the owner or operator of the registered family child care home, licensed child care home, or licensed child care institution, as applicable; and

(ii) the registrant promptly notifies an agent or employee of the school, home, or institution of the registrant’s presence and purpose of visit; or

(2) for the purpose of voting at a school on an election day in the State if the registrant is properly registered to vote and the registrant’s polling place is at the school.

(c) Except as provided in subsection (e) of this section, a registrant may not knowingly enter onto real property:

(1) that is used for public or nonpublic elementary or secondary education; or

(2) on which is located:

(i) a family child care home registered under Title 5, Subtitle 5 of the Family Law Article;

(ii) a child care home or a child care institution licensed under Title 5, Subtitle 5 of the Family Law Article; or

(iii) a home where informal child care, as defined in child care subsidy regulations adopted under Title 13A of the Code of Maryland Regulations, is being provided or will be provided to a child who does not reside there.

(d) A person who enters into a contract with a county board or a nonpublic school may not knowingly employ an individual to work at a school if the individual is a registrant.

(e) (1) A registrant who is a student may receive an education in accordance with State law in any of the following locations:

(i) a location other than a public or nonpublic elementary or secondary school, including by:

1. participating in the Home and Hospital Teaching Program for Students; or
2. participating in or attending a program approved by a county board under paragraph (2) of this subsection;

(ii) a Regional Institute for Children and Adolescents; or

(iii) a nonpublic educational program as provided by § 8–406 of the Education Article if:

1. the registrant has notified an agent or employee of the nonpublic educational program that the registrant is required to register under this subtitle; and

2. the registrant has been given specific written permission by an agent or employee of the nonpublic educational program to attend the nonpublic educational program.

(2) Each county board shall develop and adopt a policy that enables a registrant who is a student to receive an education as described under paragraph (1) of this subsection.

(3) The State Board shall develop and adopt guidelines and a model policy to assist a county board with the development of a policy under paragraph (2) of this subsection.

(f) A person who violates subsection (c) or (d) of this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 5 years or a fine not exceeding \$5,000 or both.

Sign On - MYJC Testimony.pdf

Uploaded by: Alice Wilkerson

Position: UNF



HB 814
Juvenile Law - Reform
UNFAVORABLE

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

The Maryland Youth Justice Coalition (MYJC) opposes HB814 as written, 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.

While HB814 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.

At its core, this bill exacerbates racial disparities, ignores evidence-based best practices for improving public safety, and does not provide policy solutions or services that will improve youth behavior. The goal of the juvenile justice system is to hold youth accountable – which means taking responsibility, learning to improve behavior, and making amends. Data and research concludes that access to services and individualized treatment plans are the best ways to do this, and that incarceration and detention leads to worse long term outcomes for kids and public safety. Many of the provisions in this bill undermine the Juvenile Justice Reform Act of 2022 (JJRA) and return Maryland to youth justice policies that contribute to the over incarceration of Black and brown kids. We need to fund and provide more services so kids can access them at the start of supervision or probation when they are most effective; and create more, not less diversion programs outside of the Department of Juvenile Services (DJS) so kids can be kept out of the legal justice system.

This bill does not address the majority of the concerns brought up over the last year. The media, legislators, and the public have concerns over violent and other crime. This bill targets 10-12 year olds and misdemeanors, not the primary drivers of actual crime. The authors of this bill have conceded the bill addresses a “crime perception problem.”

We implore the committee to look at each provision and ask:

- “How will this improve safety?”
- “Is this an evidence-based solution?”
- “What is the racial impact?”
- “Will this lead to positive behavioral change?”

When it comes to kids, detention should always be a last resort and should be reserved for kids involved in the most serious situations.

Extending probation does not set up children for success. The JJRC found that juvenile probation needs to be limited and made the recommendations 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.** For many, it doubles their time on probation (without guaranteeing the child has services available to support them), and then holds them -- but not the state -- accountable for the state’s failures. How can we expect kids to improve their behavior if we are not providing them with the help they need to succeed? This is not the right approach. MYJC has similar concerns about increasing penalties that will send kids to detention for probation violations.

This bill does not correspond with the data and research. The JJRA was the result of a two-year intensive process, highlighted by community and other public meetings steeped in objective research and data that sought to align Maryland’s juvenile justice system with best practices for long-term public safety improvements. We understand there are serious implementation concerns about the JJRA, but the focus must be on holding our entire public safety system accountable to address these failures and identify ways to improve the system, and the solutions should focus on all of Maryland’s child-serving agencies. 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.

An oversight commission is a right step forward. MYJC supports the creation of an oversight commission in this legislation. Similar to the Blueprint for Education, the reforms passed in the JJRA need continued oversight to ensure they are being implemented properly, and to address challenges in that process. We recommend that the commission be tasked with reviewing the provisions in this bill including changes to the probation system, lowering 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 collection and reporting by state’s attorneys, law enforcement, diversion services, and all of our child-serving agencies. We cannot make evidence-based decisions without proper data collection.

We can improve public safety and do what’s best for everyone. MYJC wants to be a part of the solution, but we strenuously oppose legislation that punishes children for the failures of government systems.

Given the extremely short amount of time (less than one week) between the bill text being available and testimony being due, we are not able to provide a line-by-line bill analysis, alternative solutions or suggested improvements at this time, but we urge the committee to hold public workgroup sessions and seek public input beyond this hearing.

This bill was drafted without the input of the kinds of national or local experts who appeared by invitation at the JJRC (and certainly not those most impacted by the justice system). The process comparison between the Juvenile Justice Reform Act and this bill -- which abruptly abandons it -- could not be more clear.

We hope that the legislature is willing to take a whole of government approach to solving these complex issues, and will consult not only with legal system entities (law enforcement, state's attorney's, public defenders and DJS), but also with our child-serving agencies and the vast array of child development and youth justice experts who are eager to collaborate. MYJC's members include child development professionals, legal and policy experts, service providers, youth mentors, community organizations, religious leaders and more.

For all of these reasons, MYJC requests an unfavorable vote on HB 814.

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
Free State PTA
The Gault Center
Human Rights for Kids
Jewish Community Relations Council
(JCRC) of Greater Washington
Jews United for Justice
Juvenile Law Center
League of Women Voters of Maryland

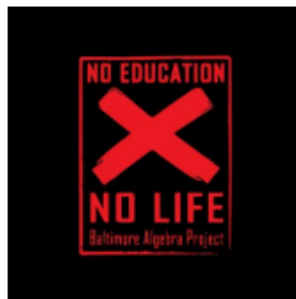
Maryland Catholic Conference
Maryland Center on Economic Policy
Mental Health Association of Maryland
National Center for Youth Law
National Youth Justice Network
Nolef Turns Inc
Office of the Public Defender
Public Justice Center
Rights4Girls
The Sentencing Project
Youth, Education and Justice Clinic,
University of Maryland Carey School of
Law



rights4girls



Council on American-Islamic Relations



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HB0814_AndrewMiller_UNFAV.pdf

Uploaded by: Andrew Miller

Position: UNF

2/8/2024

Andrew J. Miller

Baltimore, MD 21209

TESTIMONY ON HB0814
POSITION: UNFAVORABLE
Juvenile Law - Reform

TO: Chair Clippinger, Vice Chair Bartlett, and members of the Judiciary Committee

FROM: Andrew J. Miller

My name is Andrew Miller. I am a resident of District 11. I am submitting this testimony in opposition to HB0814, Juvenile Law - Reform..

I am chair of the Social Justice Advocacy Committee of Chizuk Amuno Congregation, a large Conservative synagogue in Stevenson, MD; a member of the Baltimore Leadership Council of Jews United for Justice (JUFJ); and co-chair of the Synagogue Social Justice Roundtable which has representatives from 13 synagogue communities in Baltimore and Columbia. For me it is a religious obligation, rooted in Jewish texts and teachings, to speak out in opposition to injustice in our community and our state, and to support measures to remedy injustice.

When it comes to juvenile justice, Maryland has a worse record by some measures than any state in the U.S. other than Alabama. In our state, police officers have been recorded placing 5-year-olds and 8, 9, and 10-year-olds in handcuffs for acting out in elementary school. We put teenagers as young as 14 into adult prisons, and then to “protect” them from the adult prisoners we place them in solitary confinement for 23 hours a day. Overuse of solitary confinement in Maryland prisons violates international standards against torture. And there are enormous racial disparities in who gets this treatment, even for the same offense.

In 2022, we and our partners helped pass the Child Interrogation Protection Act (CIPA) and the Juvenile Justice Restoration Act (JJRA), modest but important steps toward protecting the rights of children in Maryland. Less than six months later, the media onslaught to undermine these laws began to churn, resulting in bills like HB0184. There was no wait for reforms to take effect before rolling them back. Sinclair Broadcasting CEO David Smith and prosecutors around the state have been casting children as the enemies of the state rather than the victims of unjust treatment so they can overturn these critical protections for young people. Smith was recorded telling reporters at the Baltimore Sun that he could force the House Speaker and Senate President to reverse their positions on juvenile justice and predicted they would do so less than two weeks before this new bill was proposed. At the press conference on

January 31, President Ferguson stated that “While youth offenders account for less than 10% of the crimes committed... they have become the largest part of the **crime perception challenge.**” Against the backdrop of an overall long-term decrease in crime and in juvenile crime, there has been a spike in carjackings and in handgun violations by youth in the last two years. Yes, that has to be dealt with, but we already know that cracking down on children between 10 and 17 does not fix the problem but makes it worse. Instead of increasing maximum probation periods for 10-12-year-old kids by 1-2 years – an eternity in the life of a 10-year-old - the state needs to prioritize getting them the treatment they need before they hit those existing time limits.

The leaders of our state have taken a 26-page bill and are rushing it through hearings within a few days of releasing it without allowing enough time for scrutiny, claiming HB0184 would result in positive changes. Yet the data shows differently. If we want to do right by our kids, we will ensure they have the chance to bounce back and atone for their mistakes by fully funding and implementing programs that help them do so. HB0814 will do nothing but punish kids and continue a cycle of violence..

For these and other reasons we **respectfully urge this committee to return an unfavorable report on HB0814.**

HB0814_MHAMD_Unfav.pdf

Uploaded by: Ann Geddes

Position: UNF

House Bill 814 Juvenile Law - Reform

House Judiciary Committee

February 8, 2024

Position: OPPOSE

Mental Health Association of Maryland (MHAMD) is a nonprofit education and advocacy organization that brings together consumers, families, clinicians, advocates and concerned citizens for unified action in all aspects of mental health and substance use disorders (collectively referred to as behavioral health). We appreciate this opportunity to present testimony in opposition to House Bill 814.

HB 814 proposes changes to current juvenile law, changes that would cause more children to come into the criminal court system, increase detention of youth, and impede diversion. These measures run contrary to the many studies that have shown that diversion and the delivery of community-based services produce better outcomes in youth and decrease recidivism.¹

Any juvenile law reform effort must include the provision of services to youth on the front end, particularly behavioral health services, since 65–70 percent of youth involved with the juvenile justice system have a diagnosable behavioral health condition. More than 60 percent meet the criteria for three or more diagnoses, and 61 percent of those with a mental health diagnosis also meet the criteria for a substance use disorder.² Most of these youth have experienced trauma, which disproportionately impacts youth living in poverty and youth of color. That, along with systemic racism, results in black and brown youth being disproportionately negatively impacted by “tough on crime” policies. We must do better and provide these youth with the services they need. We must take a proactive, rather than a reactive, approach.

Over the last decade in Maryland, the system of care for children and youth with behavioral health needs has crumbled. Intensive community-based services, such as high-fidelity wraparound, were terminated. Therapeutic group homes and treatment foster care all but vanished, and the capacity of psychiatric residential treatment centers was slashed. Instead, children now are ending up in emergency departments, stuck in hospital psychiatric inpatient units, or coming into contact with the juvenile justice system. This result is a failure of the system to address children’s needs early and effectively.

¹ Underwood, Lee and Aryssa Washington. Mental Illness and Juvenile Offenders. International Journal of Environmental and Public Health 13(2). 2016. <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4772248/#> Accessed February 5, 2024.

² Shufelt, J.S. & Cocozza. J.C. Youth with Mental Health Disorders in the Juvenile Justice System: Results from a Multi-state, Multi-system Prevalence Study. National Center for Mental Health and Juvenile Justice. (2006) <https://www.ojp.gov/ncjrs/virtual-library/abstracts/youth-mental-health-disorders-juvenile-justice-system-results-multi>. Accessed February 5, 2024.

When DJS held listening sessions across the state in 2020, families, county administrators, school staff, and other concerned citizens repeatedly said that youth need intervention services, early, when they first come to the attention of juvenile services. Mental health and substance use treatment were frequently called out as critical needs. These community voices must be heeded.

Youth who are arrested and come to the attention of DJS should receive timely and accurate screening for mental health or substance use conditions, and in most cases, should be diverted from the juvenile justice system and provided with needed community-based services. There are numerous evidence-based practices designed to address the behavioral health needs of young people who engage in delinquent acts. They include Cognitive Behavioral Therapy, Integrated Co-occurring Treatment, Functional Family Therapy, Multisystemic Therapy, and High-fidelity Wraparound. We know what works. We also know what doesn't work: detaining more and younger children is not the solution.

We recognize that the proposed changes, which roll back reforms enacted in 2022, are a response to youth crime that has caused harm in communities and created a climate of fear among those who have been directly and indirectly impacted. Our criminal justice system exists to enforce our laws and ensure public safety. We urge you to ensure an appropriate response that upholds these goals, by offering solutions that are most likely to achieve them.

For these reasons MHAMD opposes HB 814 and asks for an unfavorable report.

HB0814-2024 Omnibus Juv Justice.pdf

Uploaded by: ANNA RUBIN

Position: UNF

HB0814 AnnaRubin_UNFAV

Feb. 8, 2024

Anna Rubin

Columbia, MD 21045

TESTIMONY ON HB0814 - POSITION: UNFAVORABLE

Juvenile Law - Reform

TO: Chair Clippinger, Vice Chair Bartlett, and members of the Judiciary Committee

FROM: Dr. Anna Rubin

My name is Anna Rubin. I am a resident of District 13. I am submitting this testimony against HB0814, Juvenile Law-Reform. I am a member of Columbia Jewish Congregation and act as the co-chair of its Social Action Committee and a member of the CJC Standing for Racial Justice Committee. I am also co-chair of the Indivisible Howard County Immigration Action Team.

I am opposed to HB0814 because the proposed changes do not enhance community safety. This bill undermines several important provisions of the Juvenile Justice Restoration Act and ignores over 20 years of research and data on the most effective ways to hold kids accountable and improve safety. Instead of investing in programming and services that are proven to change behavior, this legislation will make us less safe by punishing children who need support and giving a pass to our state's dysfunctional law enforcement and juvenile justice systems.

I am so grateful my own adopted Latino son has been spared from any experience with detention. When he was 12, he was involved with starting a small fire in our area. But his case was diverted to his doing community service and counseling. That this method was effective is proven by his having had no further incidents in the ensuing 20 years.

Jewish tradition focuses a great deal on nurturing, educating and caring for children. We are taught that the Divine encompasses both justice and mercy, but some prosecutors and lawmakers scapegoat Black children rather than nurture them as the divine beings we know all children are.

I am very concerned that the proposed changes steamroll intake, may lead to overcharging, and prevent law enforcement from referring a kid for immediate services including local care teams, youth service bureaus, prevention services and law enforcement-based diversion programs. Neither does it It doesn't allocate more funds for support for youth.

I respectfully urge this committee to return an unfavorable report on HB#0814.

Sincerely,

Dr. Anna Rubin

HB814_ArielleJuberg_Unfav.pdf

Uploaded by: Arielle Juberg

Position: UNF

Dear Chair Clippinger and members of the House Judiciary Committee,

I am a resident of District 8. I am testifying in opposition to HB814, Juvenile Law – Reform.

This bill is not right for Maryland. Children are not adults – their reasoning, analytic skills, and impulse control are developing as they age. Some Maryland leaders and media outlets are stoking fears about children, using age-old stereotypes about dangerous and violent youth. This bill undermines several important parts of the Juvenile Justice Restoration Act and ignores over 20 years of research and data on the most effective ways to hold kids accountable and improve safety.

This legislation will make us less safe by punishing children who need support while overlooking important updates that could be made to our state's law enforcement and juvenile justice systems. This legislation will see thousands more children incarcerated every year, particularly Black and brown children, exacerbating already serious racial disparities in the juvenile justice system.

Instead of HB814, we should be investing in programming and services that are proven to change behavior.

It is for these reasons that I am encouraging you to vote **in opposition to** HB814. Thank you for your time, service, and consideration.

Sincerely,

Arielle Juberg
3411 Upton Road
Baltimore, MD 21234

HB814 testimony.pdf

Uploaded by: Carlos Childs

Position: UNF

Testimony for the House Judiciary Committee

Tuesday, February 6, 2024

HB 814 - Juvenile Law - Reform

Unfavorable

Hello Chair Clippinger, Vice-Chair Bartlett, and committee members,

We write to you to express our unwavering opposition to House Bill 185 (HB 185), on behalf of the Prince George's County Police Accountability Coalition. We are a grassroots coalition of directly impacted Maryland residents, police accountability organizations, and economic justice community groups.

The passage of HB 814 would take away key provisions of the Juvenile Justice Reform and Child Interrogation Protection Acts, which ensured children are not just aware of their rights but can exercise them confidently and created wraparound services that provide programs to prevent kids from committing crimes and reduce recidivism rates.

In Maryland, our children are our most precious and vulnerable population, as young as ten years old they can be ensnared by the legal system, which can have devastating effects on their development. In order to systematically address public safety we must focus on policies that work such as; improving schools, expanding affordable housing, bolstering treatment for mental health and drug addiction, creating well-paying jobs, and more. The General Assembly should also take measures to increase the use of the Child in Need of Supervision (CINS) system. After twenty years of research, the data has shown that age-appropriate support systems and services are more effective at keeping kids out of trouble and without prioritizing incarceration.

Maryland cannot continue to prioritize incarcerating children when the data has shown, this does not reduce crime, it in fact has lasting consequences such as; delaying the child's psychological maturity, increasing trauma, exposing them to physical, emotional, and mental violence, and other horrific experiences. For these reasons and more our coalition urges this committee to oppose HB 814 and take immediate action to strengthen and pass legislation to support Maryland kids everywhere.

Respectfully,

Just Us Initiative

Concerned Citizens for Bail Reform
Families United For Justice Network
Baltimore Algebra Project
Schools Not Jails

YEJ Clinic - Testimony In Opposition to HB814 (Unf

Uploaded by: Catherine Scott

Position: UNF

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.

Written Testimony - House Bill 814 Senate Bill 744

Uploaded by: Chrissy Thornton

Position: UNF



House Bill 814/Senate Bill 744

****OPPOSED****

February 5, 2024

SUBMITTED BY:

Chrissy M. Thornton
President and CEO
Associated Black Charities
Village of Cross Keys
2 Hamill Road
Suite 302 EAST
Baltimore, MD 21210

Honorable Members of the Maryland Legislature,

I submit this testimony IN OPPOSITION and urge an unfavorable report.

I relocated to Maryland in 1993, at age 17, to attend Morgan State University on a full academic scholarship. Just two years later, I found myself in the middle of the night face down in the gravel on North Avenue in Baltimore City. I, along with three Black friends (two other female, and one male), had been traveling in a vehicle after returning to the city from a Morgan State University Choir trip, was pulled out of the car and held at gunpoint by Baltimore City Police Officers.

We were interrogated, cursed at, threatened, searched, and irreparably harmed. You see, at age 19, I didn't have the competencies necessary to navigate the scenario, which turned out to be steeped in mistaken identity, as the Officers were actually looking for three Black men and a white woman. The actual suspects were apprehended later that evening. When the multiple police cars drove away, my friends and I, barely having reached the legal age of adulthood, gathered our things from the road, got back into our vehicle, and never spoke of the incident again.

We didn't report it to the authorities. We didn't tell our parents. In fact, it wasn't until the murder of George Floyd brought forward unresolved trauma over 25 years later, that we told our story. That moment, on that evening, and the distress that followed, could have negatively impacted the trajectory of my life. And, if this was my experience at age 19, I can only imagine the lasting effects of the disproportionate policing and prosecution of Black children in Maryland today.

I am Chrissy M. Thornton, President and CEO of Associated Black Charities, and I write to you today in strong opposition to House Bill 814/ Senate Bill 744 and in fervent support of the protection of juveniles, particularly Black youth, in the state of Maryland. It is imperative that we address the alarming attempts by proponents of this legislation to further marginalize communities, particularly Black communities, through what can only be described as a continuation of a perceived war on Black people and Black lives in Maryland.

Associated Black Charities (ABC), a racial equity organization, works to eliminate the barriers created by structural racism in areas that have kept Black individuals from thriving and achieving success. Certainly, juvenile justice is of utmost importance to ABC, as well as the discriminatory and dehumanizing laws that perpetuate cycles of harm for Black children, families, and communities.

Approximately two years ago, the General Assembly, under the commendable leadership of Senate President Ferguson and Madame Speaker Jones, took a historic step to correct Maryland's standing as one of the worst human rights

offenders for children in the criminal legal system. The Juvenile Justice Reform Act (JJRA), informed by data, research, and the science of youth development, was a beacon of hope for combating juvenile crime by addressing racial disparities and poor outcomes resulting from overly punitive approaches. Yet, less than a year and a half into the JJRA's enactment, it is disheartening to witness leadership seeking to revert Maryland to policies and theories that have long failed our communities, and Black children.

House Bill 814 and its counterpart SB 744 aim to bring children as young as 10-12 years old into the juvenile court system, remove discretion in diverting children from arrest and prosecution, and increase reliance on probation and detention. These proposals, if enacted, will undoubtedly result in the incarceration of more children, particularly Black and brown children who are statistically overrepresented in the juvenile and adult criminal legal systems.

It is troubling that despite overwhelming evidence indicating that community services and protective measures are the most effective tools for changing behavior, State's Attorneys and law enforcement continue to advocate for the extensive imprisonment of children for not only delinquent behavior, but for behaviors that are often exacerbated by the structural racism that Maryland has yet to break down in systems. The reforms of 2022 recognized the need to shift from punitive-centered approaches, understanding that a return to outdated "tough on crime" measures will not make communities safer when underlying causes of crime remain unaddressed.

Communities concerned about making Maryland safer and more equitable do not want to see elementary and middle school-aged children subjected to responses that are not age-appropriate, denied access to rehabilitative services and educational opportunities, and stripped of their support systems for months or even years to come. We must focus our efforts on proactive measures to address the root causes of such behaviors rather than filling detention facilities with our children.

The data is clear: incarcerating children only increases the likelihood of them being arrested for new offenses. House Bill 814 and SB 744, if passed, will disproportionately impact Black and brown communities, supporting a cycle of injustice that Maryland cannot afford to continue, and one that I (nor Associated Black Charities) am willing to sit silently, and watch happen.

Furthermore, it is essential to recognize that, just like me in 1994 at age 19, children lack the competencies to navigate a flawed criminal justice system that seeks to adultify them. Placing the burden of navigating complex legal processes on children as young as 10-12 years old, instead of holding our institutions to higher levels of accountability, not only denies them their childhood but can also forever alter the trajectory of their lives. Rather than subjecting our youth to a system designed for adults, we must prioritize their development, rehabilitation, and reintegration into society through compassionate and age-appropriate interventions.

Therefore, I urge you to consider building upon the progress made by the Juvenile Justice Reform Council that drafted the 2022 laws. Maryland cannot afford to continue its legacy as a national outlier in sentencing practices for children or to continue to perpetuate the generations-long harm to Black communities. It is time for us to prioritize the well-being and futures of all our children, particularly those who have long borne the burden of our societal and systemic failings.

Again, I submit this testimony IN OPPOSITION and urge an unfavorable report.

Thank you for your attention to this crucial matter.

Sincerely,



Chrissy M. Thornton
President and CEO
Associated Black Charities

HB814_DanielBurg_UNFAV.pdf

Uploaded by: Daniel Burg

Position: UNF

2/08/2024

Rabbi Daniel Cotzin Burg
Baltimore, Maryland



TESTIMONY ON HB814/SB744 - UNFAVORABLE
Juvenile Justice - Reform

TO: Chair Clippinger, Vice Chair Bartlett, and members of the Judiciary Committee

FROM: Rabbi Daniel Cotzin Burg

My name is Rabbi Daniel Burg. I am a resident of District 40. I am submitting this testimony opposing HB814/SB744, Juvenile Justice - Reform, on behalf of Jews United for Justice (JUFJ). JUFJ organizes 6,000 Jewish Marylanders and allies from across the state in support of social, racial, and economic justice campaigns.

The Hebrew prophets predict that in better times, "Your sons and daughters shall prophesy. Your old shall dream dreams and your youth shall see visions" (Joel 3:1). Young people's lives are filled with vision and possibility. Children need patience and understanding to grow through mistakes and, research shows, for their brains to fully develop. Our children deserve their childhood. A better future for our state demands we do better for our children. HB814/SB744 does not do better for our children.

When the leadership unveiled HB814/SB744, Senate President Bill Ferguson said that, "While youth offenders account for less than 10% of the crimes committed, unfortunately, it is clear that they become the largest part of the crime perception challenge in Maryland." Which to my mind begs a question: if the problem is crime perception, if the problem is how we think about our youth, wouldn't courageous leadership in this moment challenge these false assumptions, to help Maryland residents change their perceptions to match reality?

Instead, HB814/SB744 doubles down on failed policies by criminalizing children as young as ten years old. It rolls back key provisions of the Juvenile Justice Reform Act, undoing hard-won progress made by the General Assembly. There are ways to help make our community safer, but we know from 20 years of research and experience that the reactionary policies in HB814/SB744 are not the solution. **I respectfully urge this committee to return an unfavorable report on HB814/SB744.**

HB814_DavidFriedman_UNFAV.pdf

Uploaded by: David Friedman

Position: UNF

February 8, 2024
David M. Friedman
Silver Spring, MD 20905

TESTIMONY ON HB814 - POSITION: UNFAVORABLE
Juvenile Law - Reform

TO: Chair Clippinger, Vice Chair Bartlett, and members of the Judiciary Committee

FROM: David M. Friedman

My name is David Friedman. I am a resident of District 14 in Colesville/Cloverly. I am submitting this testimony against HB814, Juvenile Law - Reform.

I am an active member of Oseh Shalom, a Jewish Reconstructionist congregation located in Laurel, MD. Jewish tradition emphasizes that the Divine encompasses both justice and mercy and that all of us deserve a life with dignity, respect and safety. I also closely followed the testimony, compelling stories, and research that resulted in passing the Juvenile Justice Reform Act (JIRA) in 2021, which used an informed approach to combat juvenile crime by addressing the racial disparities and poor outcomes of overly punitive approaches. Thus, I find it very alarming that, only 18 months after JIRA's enactment, leadership seeks to return Maryland to failed policies and disproved theories, responding to fear stoked by conservative media outlets rather than over 20 years of research and data on the most effective ways to hold kids accountable and improve safety.

While the proposed creation of a new Commission on Juvenile Reform and Emerging and Best Practices would build on the Juvenile Justice Reform Council created by JIRA, the overarching themes of HB814 are to bring young children into the juvenile court system rather than invest in programming and services that are proven to change behavior. The impact of HB814 will be to incarcerate more children, especially Black and brown children who are statistically moved into Maryland's juvenile justice system more than other children. I believe that communities do not want Maryland's resources focused on filling detention facilities when proactive efforts to address the underlying causes of these behaviors are more effective. A bill more serious about enhancing public safety in Maryland would allow the new Commission to build on progress made since enactment of JIRA and promote safety over punishment.

I recognize the intent of leadership to hold our public safety system accountable, but the proposed legislation places most of the burden on kids in the system rather on the system itself. **I respectfully urge this committee to return an unfavorable report on HB814.**

HRFK HB 814 2024 OPPOSE.pdf

Uploaded by: Emily Virgin

Position: UNF



TESTIMONY IN OPPOSITION TO HB 814 BEFORE THE MARYLAND HOUSE JUDICIARY COMMITTEE

February 8, 2024

Dear Chairman Clippinger and Members of the Maryland House Judiciary Committee:

Thank you for the opportunity to share our concerns with you regarding HB 814. While we share many of the concerns shared with you by other youth justice advocates and organizations, we want to draw your attention specifically to one portion of the bill that is of particular concern to us.

With the passage of the Juvenile Justice Reform Act (JJRA) in 2022, the General Assembly drew a bright line by ending the prosecution of children under the age of 10. However, the new language in HB 814 on page 7, lines 17 through 20, **would negate the minimum age of prosecution Maryland set less than two years ago** by allowing the filing of a delinquency petition against a child under the age of 13 for an act that results in the death of a victim. This new language does not maintain the current age of 10 as the minimum age of prosecution regardless of the act committed.

In the 2022 edition of our State Ratings Report, HRFK honored Maryland as the “most improved state” after the General Assembly’s passage of important juvenile justice reform measures, including the Juvenile Justice Reform Act. If HB 814 is passed and signed by the Governor in its current form, Maryland would take a step backwards and lose credit in HRFK’s State Ratings Report because of the rollback of protections against prosecuting young children.

Protecting Young Children from Prosecution is a Human Rights Issue

Human Rights for Kids, through our State Ratings Report and Model Legislation, is rooted in international human rights standards. Specifically, we are informed by the Convention on the Rights of the Child and the International Covenant on Civil and Political Rights. One of the central pillars of human rights protections for children in the justice system is the establishment of a minimum age of culpability.

Even for young children who commit acts that could be prosecuted as serious crimes, **international human rights standards call for the establishment of a minimum age of prosecution without exceptions.** In 2019, the United Nations Committee on the Rights of the Child issued a general comment stating:

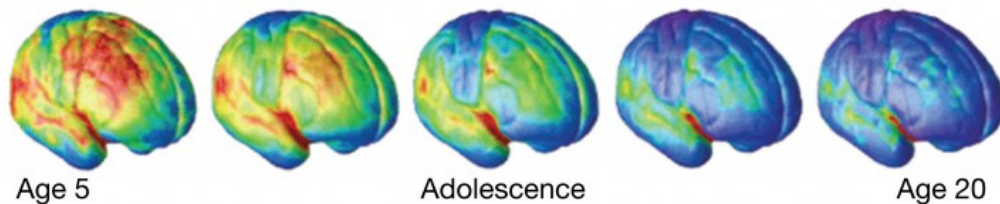
*“The Committee wishes to express its concern about the practice of allowing exceptions to a minimum age of criminal responsibility, which permit the use of a lower minimum age of criminal responsibility in cases where the child, for example, is accused of committing a serious offence or where the child is considered mature enough to be held criminally responsible. **The Committee strongly recommends that States parties set a minimum age of criminal responsibility that does not allow, by way of exception, the use of a lower age.**”*

Child Brain & Behavioral Development Science

This committee is well aware of the brain science surrounding the development of children, but it bears repeating here because of HB 814’s impact on the prosecution of young children.

Studies have shown that children’s brains are not fully developed. The pre-frontal cortex, which is responsible for temporal organization of behavior, speech, and reasoning continues to develop into early adulthood. As a result, children rely on a more primitive part of the brain known as the amygdala when making decisions. Children’s underdeveloped brains and proclivity for irrational decision-making is why society does not allow children to vote, enter into contracts, work in certain industries, get married, join the military, or use alcohol or tobacco products. These policies recognize that children are impulsive, immature, and lack solid decision-making abilities. This is especially true for young children under the age of 10 who often lack a basic understanding of the legal process and are too young to be held criminally liable for their actions.

Dynamic mapping of human cortical development



Source: "Dynamic mapping of human cortical development during childhood through early adulthood," Nitin Gogtay et al., Proceedings of the National Academy of Sciences, May 25, 2004; California Institute of Technology.

Adverse Childhood Experiences – We Must Address Childhood Trauma

In the vast majority of cases, children who come into conflict with the law are contending with early childhood trauma and unmitigated adverse childhood experiences (ACEs), including psychological, physical, or sexual abuse; witnessing domestic violence; living with family members who are substance abusers, suffer from mental illness or are suicidal, or are formerly incarcerated. Studies have shown that approximately 90% of children in the juvenile justice system have experienced at least 2 ACEs, and 48% have experienced at least 4 ACEs.

Young children who engage in behavior that leads to involvement in the criminal justice system simply are not well served by punishment, and neither is the public. The best outcomes for

children under the age of 10 involve treatment and services to address and overcome childhood trauma, not incarceration.

It is important to note that children under the age of 10 who commit an act that leads to the death of a victim could still be deemed a Child in Need of Supervision (CINS) without the filing of a delinquency petition. The CINS process could address the needs of the child in a developmentally appropriate, trauma-informed way, while also preventing further involvement with the criminal justice system.

Bi-partisan Support and National Momentum

In 2018, the American Legislative Exchange Council (ALEC) passed a resolution encouraging states to establish a minimum age of at least 10 before a child could be adjudicated delinquent. Several states across the country, liberal and conservative, have set a minimum age of at least 10 years old with no exceptions, including **Colorado, Connecticut, Kansas, Louisiana, Massachusetts, Minnesota, Mississippi, Nebraska, North Dakota, Pennsylvania, South Dakota, Texas, and Wisconsin**. While the protection against prosecuting children under 10 was an important step taken by Maryland through the JJRA, it is by no means an outlier when compared to other states around the country.

Conclusion

When children under the age of 10 commit serious crimes, a response is needed. However, that response, if its intent is to rehabilitate the child and improve public safety, should not be rooted in a punitive system. Because children under the age of 10 are too young to form the criminal intent to be prosecuted, responses from the state should be rooted in developmentally appropriate, trauma-informed measures. **Children under the age of 10 simply cannot understand the consequences of their actions, cannot assist in their own defense, and would not be well-served by a punitive system that was not built to serve children who are young enough to still believe in Santa Claus.**

Submitted by:

Emily Virgin

Director of Advocacy & Government Relations

evirgin@humanrightsforkids.org



Proposed Amendments

HB 814 – Juvenile Law – Reform

AMENDMENT No. 1

On page 7, line 18 after “CHILD” insert “AT LEAST 10 YEARS OF AGE BUT”

AMENDMENT No. 2

On Page 8, line 30 after “SUBTITLE” insert “EXCEPT THAT THE OFFICER MAY ELECT TO DIVERT THE CHILD TO A LAW ENFORCEMENT LED DIVERSION PROGRAM AT THEIR DISCRETION.”

HB814_EvanSerpick_UNFAV - Google Docs.pdf

Uploaded by: Evan Serpick

Position: UNF

Feb. 8, 2024

Evan Serpick
Baltimore, Maryland 21209

TESTIMONY ON HB814 - UNFAVORABLE
Juvenile Law - Reform

TO: Chair Clippinger, Vice Chair Bartlett, and members of the Judiciary Committee

FROM: Evan Serpick

My name is Evan Serpick. I am a resident of District 41. I am submitting this testimony against SB744, Juvenile Law-Reform.

I am the chair of the Social Action Committee at Beth Am Synagogue in Baltimore City and an Ambassador for Baltimore Peace Movement, and I have been a journalist and communications professional for 25 years. As an obsessive media-watcher, I have noticed that policymakers sometimes respond more to media-driven perceptions and narrative than to reality. When they do, they may advance laws that are counter-productive, often exacerbating problems they are trying to address rather than solve them. I fear that's exactly what's happening with the juvenile justice legislation being proposed here.

At the press conference announcing this legislation, Senate President Bill Ferguson said, "While youth account for less than 10% of the crimes committed, unfortunately, it is clear that they've become the largest part of the crime perception challenge in Maryland."

Rabbi Daniel Burg referenced this comment during a sermon at Beth Am Synagogue on Feb. 3, saying, "To my mind it begs a question: If the problem is crime perception, if the problem is how we think about our youth, wouldn't courageous leadership in this moment challenge those false assumptions, to help Maryland residents recalibrate perceptions to match reality?"

At the press conference announcing this legislation, Governor Wes Moore More emphasized the need for "more funding for programs that uplift our kids," but this legislation offers no additional support or funding for programming, services, or even positive incentives for children in the system. Rather, it is simply a return to pro-carceral, law-enforcement-dependent measures where the onus and the only "accountability" falls on the shoulders of children as young as 10, or even younger.

All the evidence shows that incarcerating children makes them more likely to be arrested for new offenses, not less. Yet this legislation will see thousands more kids incarcerated every year, particularly Black and Brown children, exacerbating the already serious racial disparities in

Maryland's juvenile justice system. And as a result, this legislation will make Marylanders less safe, not more.

I urge you to have the courage to act out of reason and wisdom, not in response to acknowledged false media-driven narratives. **I respectfully urge this committee to return an unfavorable report on HB814.**

HB0814_Jeffrey Rubin_UNFAV.pdf

Uploaded by: Jeffrey Rubin

Position: UNF

February 8, 2024

Dr. Jeffrey S. Rubin
Potomac, MD 20854

TESTIMONY ON HB0814 – UNFAVORABLE
Juvenile Law – Reform

TO: Chair Luke Clippinger, Vice-Chair J. Sandy Bartlett, and members of the Judiciary Committee

FROM: Dr. Jeffrey S. Rubin

My name is Jeffrey S. Rubin and I am a resident of District 15, in Potomac. **I am submitting this Testimony in opposition to HB0814, Juvenile Law – Reform.**

Maryland has a regrettable legacy of being among the worst states in our nation when it comes to how we treat children in the criminal legal system. In 2022, steps were taken to diminish a reliance on overly punitive measures and adopt practices based on data, research, and the science of youth development. HB0814 would have us return to failed policies with flawed rationales.

Rather than making better use of social services, the provisions in this bill would lead to the incarceration of more children. The tough on crime theme has again become popular among some law enforcement officials, despite the evidence strongly indicating that community services and protective measures are more effective ways to change behavior. Contrary to the reasoning behind this legislation, policies that promote the incarceration of youth will increase recidivism and decrease public safety.

Filling detention facilities is a costly, counterproductive approach that fails to address the underlying causes of behavioral problems. More attention should be devoted to dealing with the root causes of problematic behavior, and best practices in caring for youth on an individual basis. Resorting to more punishment is not the way to bring about greater public safety.

I respectfully urge this committee to issue an unfavorable report on HB0814.

HB0814_JoShifrin_Unfavorable.pdf

Uploaded by: Jo Shifrin

Position: UNF

HB0814_JoShifrin_UNFAV

Date of Hearing: February 8, 2024

Jo Shifrin

Bethesda, MD 20817

TESTIMONY ON HB0814 POSITION: UNFAVORABLE

Juvenile Law - Reform

TO: Chair Clippinger, Vice Chair Bartlett, and members of the Judiciary Committee

FROM: Jo Shifrin

My name is Jo Shifrin. I am a resident of District 16. I am submitting this testimony against HB0814, Juvenile Law Reform.

I am Jewish, a retiree, and a Bethesda resident for the past 10 years. My Jewish values tell me that all of us deserve a life with dignity, respect, and safety. Jewish tradition teaches that the Divine encompasses both justice and mercy.

Maryland made great strides when it previously passed the Juvenile Justice Restoration Act. But this proposed legislation undermines several provisions of that law and ignores more than 20 years of research and data on the most effective way to hold children accountable and improve safety in our community.

Real safety comes from solutions that prevent crime from occurring in the first place. Policy makers should fully fund things that are proven to create safe communities and improve people's quality of life, like good schools, treatment for mental health and drug addiction, community-led gun violence prevention and gun violence interruption programs, affordable and stable housing, and training programs and internships.

As written, HB0814 will make our communities less safe by punishing children who need support. This will see many more children incarcerated every year, and this will fall hardest on Black and brown children, exacerbating the existing racial disparities in the juvenile justice system.

I respectfully urge this committee to return an unfavorable report on HB0814.

OTE: Rebutting opposition arguments draws attention away from our coalitions' messages and can inadvertently amplify the opposition. We suggest you keep your testimony focused on our coalition's talking points and not focus on rebutting the opposition's talking points.

The closing paragraph should reiterate your position on the bill. Explain why you think the bill will be effective/ineffective, outcomes that the bill will achieve, etc. This does not need to be long. End with: **I respectfully urge this committee to return a (favorable/favorable with amendments/unfavorable) report on HB#/SB#.**

HB0814 Juvenile Law Reform Opposal 02.08.24.pdf

Uploaded by: John Burton

Position: UNF



February 8, 2024

House Bill 0814 Juvenile Law- Reform
Position: OPPOSE

Judiciary Committee,

My name is Jack Burton, I am the executive director of a non-profit, Tender Bridge, and I am writing to express my opposition to HB0814, Juvenile Law- Reform. Tender Bridge engages youth and young adults ages 5-25 from the most marginalized neighborhoods in East Baltimore. We see the youth in our family and community as dealing with two major challenges 1) un-attended-to trauma, and 2) un-attended-to potential, often in unfathomably extreme cases. The confluence of these challenges is a critical problem in our city that we see and aim to solve daily, through many types of meaningful engagement; sports, adventures, mentorship, group support, access to life sustaining needs, and education- and career-support among other things.

While acknowledging the increase in youth involvement in crime and the need to seek resolution, I've seen first-hand the damages brought upon youth by the penal system and I am confident the proposed reform would hurt, not help, the crisis before us. Intake and incarceration for youth in these challenged circumstances is demoralizing, traumatizing, and debilitating. The "need for correction" or "need to hold youth accountable" addressed in the proposed reform does not help positively change the trajectory of the ailing, marginalized, and preadolescent youth that would be affected by this bill. This reform puts molding minds at risk of compound trauma, families at risk of heart break, hopes at risk of extinction and recidivism at risk of elevation. I firmly believe there is a need to address the challenges before us, both the challenges youth face and the challenges that youth are bringing upon our society. I am confident this is not the solution and I urge you to practice empathy and vote unfavorably on HB0814.

Sincerely Yours,

A handwritten signature in black ink that reads "Jack Burton".

Jack Burton,
Executive Director

The Sentencing Project opposes HB814 Maryland 2024

Uploaded by: Josh Rovner

Position: UNF



Testimony of Josh Rovner
Director of Youth Justice
The Sentencing Project

In opposition to HB814
Before the Maryland House Committee on the Judiciary
Feb. 8, 2024

Established in 1986, The Sentencing Project advocates for effective and humane responses to crime that minimize imprisonment and criminalization of youth and adults by promoting racial, ethnic, economic, and gender justice. This bill would hastily reverse evidence-based recommendations from the Juvenile Justice Reform Council.

As discussed below, interventions like arrest, detention, and probation are generally harmful for youth when compared with alternatives. For those youth who are part of the system, contacts should be as brief as possible, referring youth to community-based service providers and avoiding lengthy contact with the court. This bill widens the net for system involvement, an approach more likely to backfire from its authors' stated goals of reducing youth offending and overall violence.

The Sentencing Project's opposition to HB 814 is rooted in its process and content. We oppose the way this bill is being rushed through the legislature, and we oppose the secretive process by which this bill was drafted.

More importantly, we oppose the substance of this bill.

- *More detention is likely to harm public safety.*
- *Diversion is beneficial for most children and adolescents, and this bill would restrict its use.*
- *This bill doubles terms of probation for most youth on probation.*
- *Arresting more 10-, 11- and 12-year olds will not ensure their access to services, only their access to court.*

The legislation is likely to harm all our children, but particularly youth of color.

HB814 is not beneficial to children and adolescents or for public safety.

More detention is likely to harm youth well-being and public safety.

Unless charged with a handgun violation, current law does not allow detention of youth charged with misdemeanors. The current policy is the right one since research consistently shows that detention increases the likelihood of subsequent offending:

- A 2020 large-scale examination of Washington state's juvenile cases found that detention was associated with a 33% increase in felony recidivism.¹
- A 2013 study of more than 35,000 youth in the juvenile system of Cook County (Chicago), Illinois, found that incarceration in a locked juvenile detention facility resulted in a 22-26% increase in the likelihood of subsequent incarceration in an adult jail or prison.²
- A 2022 report in Michigan found that confinement in a juvenile detention center as a youth resulted in a 39% increase in adult arrests for violent offenses and a 40% increase in adult arrests for all felony offenses.³

Detention should only be reserved for youth who pose an immediate threat to public safety, not those who have been accused of misdemeanors. Another provision removes detention reviews that

¹ Walker, S. C., & Herting, J. R. (2020). The impact of pretrial juvenile detention on 12-month recidivism: A matched comparison study. *Crime & Delinquency*, 66(13-14), 1865-1887.

² Aizer, A., & Doyle Jr, J. J. (2013). Juvenile Incarceration. *Human Capital and Future Crime: Evidence from Randomly-Assigned Judges*. NBER Working Paper No. 19102.

³ Baron, J.B., Jacob, B. & Ryan, J.P. (2022). Pretrial Juvenile Detention. NBER Working Paper No. 29861.

determine which youth should return home. This is a recipe for overcrowded facilities and for worse outcomes for youth and for public safety.

Diversion is beneficial for most children, and this bill would restrict its availability.

The proposal mandates all cases be forwarded to DJS for formal processing, eliminating even police-run diversion programs that refer youth to local care teams, youth service bureaus, prevention services and law enforcement-based diversion programs. The Sentencing Project strongly objects to this harmful and thoughtless provision. Diverting more youth from formal court involvement would improve outcomes, and this bill restricts it.

As we report in a 2022 study of diversion, “Clear evidence shows that getting arrested in adolescence or having a delinquency case filed in juvenile court damages young people’s futures and increases their subsequent involvement in the justice system. Compared with youth who are diverted, youth who are arrested and formally petitioned in court have far higher likelihood of subsequent arrests and school failure. Pre-arrest and pre-court diversion can avert these bad outcomes.”⁴

It is possible that this provision is intended as a data collection measure, but the impact of the bill will be to clog the courts with children and adolescents who are best served elsewhere. This seems to be one of several provisions that would have benefited from public discussion.

Doubling terms of probation punishes youth for the government’s failures.

Legislative leaders argue that youth on probation occasionally time out of supervision without completing their services, often due to delays in finding appropriate and available providers. (Please note that the bill does not address this lack of providers.) In other words, youth would serve more time on probation not because of their own mistakes, but because of the government’s failure to find and fund appropriate services and then act promptly.

To be clear: current law *already* allows courts to extend probation if there is good cause to extend the probation and the purpose of the extension is to ensure the child completes a treatment or rehabilitative program or service.

That said, longer terms of probation are not likely to help youth thrive. The Office of Juvenile Justice and Delinquency Prevention has found the majority (63%) of youth nationwide referred to juvenile court are “one and done”: their first referral will be their only referral. On the other hand, the small proportion (14%) of youth who return to juvenile court more than four times generate almost half (45%) of all cases.⁵ For all the deserved attention on this latter group, the majority of youth who are

⁴ Mendel, R.A. (2022). Why Youth Incarceration Fails: An Updated Review of the Evidence. The Sentencing Project.

⁵ Puzzanchera, C. and Hockenberry, S. (2022). Patterns of Juvenile Court Referrals of Youth Born in 2000. Office of Juvenile Justice and Delinquency Prevention.

referred to juvenile courts will not return, especially those diverted from formal court involvement entirely.⁶

Finding the correct response for referred youth is no easy task; practitioners cannot predict the future. However, for those youth who are referred to probation and are not re-arrested, no prediction is necessary: they are presently on a better path. A longer probation period is a recipe for catching more violations of probation, which are not criminal acts. And more violations means more surveillance of youth who are not committing crimes. This provision encapsulates the abrupt abandonment of the JJRC's mission. Instead of finding the youth most in need of supervision and services, the legislature now intends to more closely monitor those at the lowest risk of reoffending.

Surveillance-based probation is not benign, and thus our goal should not be to hold onto these youths for as long as possible. Studies strongly suggest that probation doesn't work -- with especially poor results for those youth with the lowest risk of rearrest.⁷

Instead of punishing youth with additional supervision for the government's failure to act swiftly, DJS should make sure the appropriate programs exist and ensure speedy placement of children and adolescents. The proposal on the table is an escape hatch for public-sector incompetence that punishes teenagers instead of holding DJS accountable.

Arresting more 10-, 11- and 12-year olds will not ensure their access to services, only their access to court.

For 10 years, between FY11 and FY20, 19,000 young children were referred to Maryland's juvenile courts. Formal complaints were filed in 6,000 of these cases. Half of the formally processed cases were dismissed, withdrawn, or otherwise did not proceed. In short: a decade of data revealed nearly 20,000 young children were arrested in order to adjudicate 3,000 of them, roughly 750 of whom were assigned to probation and 100 of whom were committed to DJS custody.⁸

The JJRC heard clearly how damaging this was and decided Maryland should stop arresting children who have not been accused of crimes of violence. Young children are not capable of meaningful participation in the judicial process. The responses to their behavior must take place outside of the courts.

...

While we await a racial impact statement, we fear this bill will disproportionately impact and harm youth of color. Prior to the JJRC -- FY2019 -- more than 60 percent of Maryland youth referred to court were Black, with disproportionality growing at each subsequent point of contact.⁹ Shrinking contact with the system meant better outcomes for all youth, but particularly for youth of color. The legislature cannot return to the superpredator era, wherein Black youth were targeted by law

⁶ Mendel, R.A. (2022). Diversion: A Hidden Key to Combating Racial and Ethnic Disparities in Juvenile Justice. The Sentencing Project.

⁷ Annie E. Casey Foundation (2018). Transforming Juvenile Probation: A Vision for Getting It Right.

⁸ TSP analysis of Data Resource Guides published by the Department of Juvenile Services.

⁹ TSP analysis of 2019 Data Resource Guide published by the Department of Juvenile Services

enforcement, prosecution and the courts leading to more than 100,000 youth locked up on a typical day at the turn of the last century.¹⁰

We oppose the way this bill is being rushed through the legislature

The text of HB814/SB744 was released to the public late in the afternoon on Wednesday, January 31. This hearing was announced the next day, and the Senate Judiciary Committee's hearing was announced the day after that. The General Assembly has conspired to rush the bill forward before the public can understand its likely impact. There is neither a fiscal analysis nor a racial impact statement to consider, though we do have recent data showing crime -- contrary to public perception -- is trending downward.¹¹

It is obvious what has happened here. As Senate President Ferguson revealed at the press conference, this bill is about a "crime perception challenge in Maryland"¹² (emphasis added) but not about what is actually best for our children, adolescents, families, and communities.

We oppose the secretive process by which this bill was drafted.

In 2019, this legislature passed and Governor Hogan signed SB856/HB606, which created the Juvenile Justice Reform Council (JJRC). The JJRC held several community listening sessions. It invited local and national experts to share expertise about ways to right-size this state's juvenile justice system. It put forward recommendations -- less reliance on detention and commitment, shorter terms of probation, more diversion from formal court involvement.. It voted on and overwhelmingly passed those recommendations. The recommendations shaped a bill, the Juvenile Justice Reform Act (JJRA), that passed the House and stalled in the Senate in 2021. In 2022, having had a full year to consider that failed bill, the JJRA then passed the General Assembly by overwhelming majorities.

This bill, on the other hand, was not drafted with the input of those same national or local experts who appeared by invitation at the JJRC (and certainly not those most impacted by the justice system) and without running drafts past the Department of Juvenile Services or the Office of Public Defender. The Maryland Youth Justice Coalition, of which we are a member, was kept in the dark. It is hard to believe that the Committee could write this bill without asking the Juvenile Justice Strategy Group at the Annie E. Casey Foundation -- based in Baltimore and an invited witness for this Committee's briefings -- how its provisions compare with other states.

The process comparison between the Juvenile Justice Reform Act and this bill -- which abruptly abandons it -- could not be more clear. The bill's recommendations are not backed by evidence.

We urge the Committee to return to the deliberative process by which the JJRA was passed. This bill must be defeated.

¹⁰ Rovner, J. (2023). Youth Justice by the Numbers. The Sentencing Project.

¹¹ Archibald, R. (2024, Feb. 2). "Banner analysis: Homicides and shootings are trending further down in 2024." [Baltimore Banner](#).

¹² Wintrobe, B. and Wood, P. (2024, Jan. 31.) "Lawmakers' crime plan expands probation, would mean more children face charges." [Baltimore Banner](#).

Choice HB 814 2024.pdf

Uploaded by: Kelly Quinn

Position: UNF



THE CHOICE PROGRAM AT UMBC

THE SHRIVER CENTER

**Judiciary Committee
House Bill 814 - Juvenile Law Reform**

DATE: February 8, 2024

POSITION: OPPOSE

The Choice Program at UMBC respectfully opposes House Bill 814: Juvenile Law Reform primarily on the grounds that the proposed legislation will increase the court's jurisdiction over young people, dramatically expanding detention and probation. These changes will further entangle children and young people in the youth legal system. This will inevitably result in further racial and ethnic disparities, disproportionately adversely affecting the life chances of Black and Latine Marylanders. We believe that with proper community-based support and resources, all youth have the ability to succeed.

We are concerned that fear—not facts—is guiding efforts to improve public safety. The Annie E. Casey Foundation recently commissioned Fenton and The Harris Poll to measure public perceptions of crime. They found 7 in 10 Americans think crime overall and crime committed by youth in the U.S. has increased, but this is factually incorrect.¹ Youth crime is down in most categories.² We depend on legislators to be guided by research when crafting public policies.

This moment reminds us of the 1990s when criminologists promoted theories about Black men as superpredators. These scholars later disavowed and distanced themselves from these myths, not before legislators embraced the notions and passed public policies. Punitive laws led to over-policing and mass incarceration of Black men, women, and children in addition to low-wealth and other marginalized people. Such expensive policies did not make communities safer. They are a failed strategy. The American tradition of punishment has diminished our collective imagination about alternatives to detention. Evidence has demonstrated that most young people age out of criminal behavior. Successful interventions are community-based.

¹ *Talking about Youth Probation, Diversion, and Restorative Justice*, Annie E. Casey Foundation, (2022) Fenton and The Harris Poll <https://assets.aecf.org/m/blogdoc/aecf-talkingyouthprobation-2022.pdf>

² *Crime in the United States*, FBI, (2020)

<https://www.fbi.gov/news/press-releases/fbi-releases-2020-crime-statistics>

The Choice Program has served Maryland youth who are systems-involved for more than 35 years. Presently, Choice works with young people and their families in Baltimore City as well as Baltimore, Howard, Prince George's, and Montgomery Counties. Young people often remind us that their past trauma—and worst mistakes—should not define them. Choice serves as an alternative to the school-to-prison pipeline. Our primary goal is to reduce the number of Black and Latine young people who are ensnared in the youth legal system. Our model seeks to dismantle racist structures and, instead, employs strengths-based approaches focused on positive relationships and youth agency. We hold high expectations for youth and parents as well as high levels of support. These guiding principles are essential in addressing racial inequities at an individual and systemic level.

As direct service providers with young people and their families, we know firsthand the many barriers that children and young adults must overcome to participate in rehabilitative services. This is why we are especially troubled by the provision to create a technical violation of probation for two or more unexcused absences at a treatment program ordered by the court. Transportation is one key example. Technical violations and detention will remove them from the very community-based services they were unable to access, doing further harm. This will also have a disproportionate impact on low-income youth and families who experience more challenges accessing reliable transportation than more affluent children and young adults. We believe that we are all better served when we hold young people accountable for breaking laws, not rules.

We call upon our elected officials to recognize that the youth who are demonized in our current public discourse are humans who deserve supportive services. We maintain community repair and wellbeing depends on a vision of public safety that rejects the impulse to punish with detention, confinement, and longer probation periods.

This session offers the chance to reform our youth legal system, to dismantle the school-to-prison pipeline, and to reduce racial and ethnic disparities especially for children and young adults. We urge greater investment in positive youth development.

For these reasons, The Choice Program urges an unfavorable report on HB 817

HB 814 CRSD oppose.pdf

Uploaded by: Kelly Quinn

Position: UNF

Judiciary Committee House Bill 814 - Juvenile Law Reform

Date: February 8, 2024

Position: Oppose

The Maryland Coalition to Reform School Discipline (CRSD) brings together advocates, service providers, and community members dedicated to transforming school discipline practices within Maryland's public school systems. CRSD is committed to the fair and equitable treatment of ALL students, including pregnant or parenting students, regardless of race, ethnicity, gender, gender identity, sexual orientation, disability, religion, and socio-economic status, and reducing barriers to learning for ALL students. CRSD is dedicated to dismantling the school-to-prison pipeline. The proposed legislation will increase the court's jurisdiction over young people and dramatically expand detention and probation. These changes will further ensnare Maryland's students in the youth legal system, separating them from community-based public school systems that are best suited to provide instruction.

We are alarmed by HB 814's expansion of court jurisdiction over youth as young as 10 years old. As a reminder, the Juvenile Justice Reform Council recommended that Maryland have a minimal age of jurisdiction due to the growing body of evidence that "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."¹ The Council recognized that behavior of younger children should be handled by the welfare and mental health systems, not the courts. Moreover, the Juvenile Services Education Program (JSEP), which operates the education programs in Department of Juvenile Services (DJS) facilities, cannot realistically meet the educational needs of youth under 13 years of age who might be detained under this bill. Middle school students currently in DJS facilities struggle to get appropriate education services. There is no consistent direct instruction and students are generally grouped in classes by housing unit, rather than by age, grade level, or even course, making effective access to the grade appropriate curriculum difficult.

We also strongly oppose the provision that allows for a violation of probation for "two or more unexcused failures to appear at a treatment program ordered by the court." *See* HB 814, page 10, Line 26-27. This severe provision fails to recognize the many variables that affect children's participation in services such as transportation. Children must rely on adults in their lives to help carry out much that may be ordered by the court. House Bill 814 fails to recognize this reality while increasing the risk of detention unnecessarily.

CRSD recognizes that schools provide the greatest protective factor for healthy adolescent development. Judge Steven Teske, the presiding juvenile court judge in Clayton County, Georgia, explained the connection at a United States Senate subcommittee hearing on school discipline in 2012: "[I]t should come to no one's surprise that the more students we arrested, suspended, and expelled from our school

¹ Juvenile Justice Reform Council Final Report 17 (January 2021), <https://dls.maryland.gov/pubs/prod/NoPblTabMtg/CmsnJuvRefCncl/JJRC-Final-Report.pdf>.

system, the juvenile crime rate in the community significantly increased. These kids lost one of the greatest protective buffers against delinquency—school connectedness.”²

We need policies that promote greater connection to public schools, not fewer. It is in young people, families, and communities’ best interest to keep students in their regular community-based schools and on track for a successful future. As the Council of State Governments Justice Center recently observed, “Multiple studies have shown that an arrest and/or court involvement has a substantial negative impact on young people’s school attendance, grade retention, high school completion, and even college enrollment.”³

Students who are entangled in the youth legal system face barriers to completing their education while they are held in facilities (and once they are released). This may be why the majority of youth – 66 percent – do not return to school after release from secure custody.⁴ Our current educational system often does a poor job of enabling youth to return to school after placement into detention or correctional facilities.⁵ Simply put, we lose too many students. Therefore, Maryland’s juvenile justice system should continue to limit its jurisdiction rather than pull more and even younger children into a system that can be traumatizing and does not meet the needs of students, the majority of whom have a disability or a mental health diagnosis.⁶

We urge the Maryland General Assembly to reject the impulse to dismantle gains made under the Juvenile Justice Reform Act. Instead, we demand public policies that ensure age-appropriate educational support and services that can improve long term outcomes for Maryland’s public school students. Ultimately, this will make everyone safer.

For these reasons, CRSD urges an unfavorable report on HB 814.

For more information contact:

² The Hon. Steven Teske, Testimony before the Senate Subcommittee on the Constitution, Civil Rights, and Human Rights, Subcommittee Hearing on “Ending the School to Prison Pipeline” 2 (Dec. 12, 2012), <https://www.judiciary.senate.gov/imo/media/doc/12-12-12TeskeTestimony.pdf>.

³ *Rethinking the Role of the Juvenile Justice System: Improving Youth’s School Attendance and Educational Outcomes*, The Council of State Governments Justice Center, September 16, 2020, <https://csgjusticecenter.org/publications/rethinking-the-role-of-the-juvenile-justice-system-improving-youths-school-attendance-and-educational-outcomes/>;

⁴ National Juvenile Justice Network, *Improving Educational Opportunities For Youth In The Juvenile Justice System* (2016), <https://www.njjn.org/our-work/improving-education-for-youth-in-juvenile-justice-snapshot>; Federal Interagency Reentry Council, *Reentry MythBuster About Youth Access to Education Upon Reentry: Youth Involved in the Juvenile Justice System Face Many Barriers that Reduce their Access to Education* (2017), <https://www.jjeducationblueprint.org/examples/reentry-mythbuster-about-youth-access-education-upon-reentry-youth-involved-juvenile>.

⁵ *Id.*; Suitts, S., Dunn, K., & Sabree, N., *Just Learning: The Imperative to Transform Juvenile Justice Systems Into Effective Educational Systems*, Southern Education Foundation (2014), <https://southerneducation.org/publications/justlearning/>; Mozaffar, N., Burdick, K., McInerney, M., Moon, K., Dunn, K., Burke, S.C., & Goldstein, N.E., *Credit Overdue: How States Can Mitigate Academic Credit Transfer Problems For Youth In The Juvenile Justice System*. Juvenile Law Center (2020).

⁶ See National Disability Rights Network, *Probation referral: A Model for Diversion of Children and Youth with Disabilities from the Juvenile Justice System* 7 (2019), (“Prevalence studies have found that 65-70 percent of youth in the justice system meet the criteria for a disability, a rate that is more than three times higher than that of the general population.”), https://www.ndrn.org/wp-content/uploads/2019/10/Probation_Referral_Report_FINAL_w_Appendices.pdf.

Maryland Coalition to Reform School Discipline
CRSDMaryland@gmail.com

CRSD Members

The Choice Program at UMBC

Camila Reynolds-Dominguez, FreeState Justice

Spencer M. Hall, Esq.

Sayra and Neil Meyerhoff Center for Families, Children and the Courts, University of Baltimore School of Law

The Maryland Office of the Public Defender

League of Women Voters of Maryland

Disability Rights Maryland

Project HEAL (Health, Education, Advocacy, and Law) at Kennedy Krieger

Public Justice Center, Education Stability Project

ACLU of Maryland

House Bill 0814 Juvenile Law - Reform OPPOSE.pdf

Uploaded by: Kimberly Burton

Position: UNF

House Bill 0814 Juvenile Law - Reform

Judiciary Committee, February 7, 2024

Position: **OPPOSE**

Members of the Judiciary Committee, we are unable to testify in person and greatly appreciate the opportunity to express our opposition to HB0814, Juvenile Law – Reform with this written testimony.

We volunteer for a non-profit organization in Baltimore City that founded an ice hockey program called the Baltimore Banners. Our two hockey teams are made up of resilient boys and young men, hurdling unimaginable challenges in their lives. In our years of learning from and serving these youth, we have witnessed many instances where the juvenile “justice” system has brought devastating consequences to kids and their families. We clearly see that to reduce crime, Maryland must invest in services necessary to address the multiple injustices undermining a child’s ability to learn, thrive and reach their great potential.

The Banners Hockey program is comprised of Black youth from historically marginalized communities. We have lost players to death from violence and several have experienced incarceration. Their needs are varied, complex and urgent. If you could see deeply into their lives, you would learn that offending behaviors stem from traumatic circumstances and not malice. Young offenders need help, support and opportunities not banishment from society and supportive loved ones. The detention of a child has community-wide reverberations that predict adverse life experiences and perpetuate generational trauma for many.

In 2020, Maryland was named among the worst human rights offenders *in the country* for its treatment of children in the criminal legal system. In 2022, the Maryland General Assembly passed the bipartisan Juvenile Justice Reform Act (JJRA) to address some of the worst aspects of Maryland's dangerously punitive juvenile justice system. Academics and professionals provided solid evidence about the harm of Maryland’s processes of intake, detention and probation on young kids. The promising passage of JJRA is now threatened by HB0814 with provisions that walk back the hope for positive systemic reform.

HB0814 will not help children nor keep communities safer. On the contrary, HB0814 will bring more 10–12-year-olds into the criminal court system and youth jails. HB0814 removes several avenues of diversion, and elevates a child’s risk for dangerous life experiences, future incarceration and lost potential.

We urge the kids in our program to speak up about their experiences. Most of them do not trust their government. Very few of them register to vote when they turn 18. In soliciting their opinion about HB0814, twelve-year-old Quantez Newton, a Banners hockey player and resident of Baltimore City, asked that his text to a coach-mentor be shared with you. We hope you will heed the message he sent in the below text:

“Kids the age of 10-12 shouldn’t go to jail even if they do something bad just discipline them they shouldn’t go to jail they sending them to jail to make them worse then what they are making them depressed and do more bad things we should live our life and continue to do great things to make us better people we need to live our life as children and be children” (Quantez Newton, age 12)

We respectfully urge your unfavorable vote on HB0814.

Kim Burton, Baltimore County resident

Laura Classick, Baltimore County resident

Jennifer Salerno, Baltimore County resident

Ashton Taylor, Baltimore County resident

(Contact: Kim Burton, 12911 Gent Rd. Reisterstown, MD 21136, kscburton@gmail.com or 410- 598-4002)

Against HB 814_SB 744 Testimony .pdf

Uploaded by: Linnie Girdner

Position: UNF

February 6, 2024

Dear Senators and Delegates,

My name is Linda Girdner, I am a resident of District 33A. I am a retired mental health professional who spent some years treating children in a community mental health facility in Lanham, MD. I am submitting this testimony against Juvenile Law - Reform (HB 814/SB 744). This is an anti-youth justice bill. I am urging you to vote against Juvenile Law - Reform HB 814/SB 744.

There has actually been a decrease in crime. A report by WJZ-TV about a month ago said that law enforcement officials reported that there had been a reduction in crime in Baltimore City, for example. But now many who work in the criminal justice system are trying to say the opposite. As we have seen, perception and untruths repeated enough times lead people away from reality and into fear, suspicion, and bills like this.

This legislation proposes changes in law that rollback elements of the progress made with the 2022 Juvenile Justice Reform Act and it is out of step with what data show are effective juvenile justice policies. Ultimately, the impact of these proposals will be to incarcerate thousands more children, particularly Black and Brown children. Black people in Maryland already are incarcerated at a rate 5.3 times higher than white people.

Will the taxpayers have to pay for more prisons? How does being in a cell help children, their families, or their communities? Let's put our tax dollars to work to provide services to these children and their families, so that they can be assets to their communities.

Pass bills that increase services for children before they commit crimes. Governor Moore just created an Office for Children and an Office of Crime Prevention and Policy (see [Governor Moore Signs Executive Order Establishing the Governor's Office for Children and Governor's Office of Crime Prevention and Policy](#)). In this press release, it says that

"The Governor's Office for Children will lead statewide efforts to build a comprehensive network of supports, programs, and services for children and their families to promote social and emotional well-being; reduce food insecurity; combat youth homelessness; expand access to health services; improve education outcomes and job readiness; expand access to good jobs; and increase economic opportunity in sustainable ways.

This is exactly what we should be doing for children, who through no fault of their own, have meager support systems and resources. The Juvenile Law - Reform bills would be doing the opposite: spending all of our resources on crime and punishment, which DOES NOT WORK! Instead we know that investing in programming and services that are proven to change behavior is what works. Let's move away from the unsuccessful punishment model of earlier centuries.

I agree with the solution proposed by Natasha M. Dartigue, Maryland Office of the Public Defender. She said

"The solution lies in establishing a Commission on Juvenile Justice Reform and Emerging and Best Practices, which with the proper balance of stakeholders is the logical continuation of the Juvenile Justice Reform Council that drafted the 2022 laws. Those serious about safety must allow such a commission to build on the progress

made, identify where resources can be reallocated to reduce incarceration, and promote positive adjustment, rather than be forced to examine a continuing record of Maryland refusing to care for its children...”

It is for all of these reasons that I respectfully urge you to return an unfavorable report on Juvenile Law - Reform (HB 814/SB 744).

Sincerely,

Linda Girdner, Ph.D.
Gambrills, MD

HB 814 House Judiciary Testimony - Logan Seacrest.

Uploaded by: Logan Seacrest

Position: UNF



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Testimony from:

Logan Seacrest, Resident Fellow, Criminal Justice and Civil Liberties, R Street Institute

Testimony in Opposition to HB 814, "An Act Concerning Juvenile Law-Reform"

February 8, 2024

Maryland House Judiciary Committee

Chairman Clippinger and members of the committee,

My name is Logan Seacrest, and I am a fellow in the Criminal Justice and Civil Liberties program at the R Street Institute, a nonprofit, nonpartisan public policy research organization. Our mission is to engage in policy research and outreach to promote free markets and limited, effective government. This is why the juvenile justice provisions in HB 814 are of special interest to us.

We believe HB 814 may have consequences this committee does not intend. In particular, page 8, section D, lines 26-30 are written in a manner that could require police to deliver minors directly to the Department of Juvenile Services (DJS) upon arrest, bypassing Maryland's many police-led diversion programs intended to keep kids out of DJS in the first place. According to an R Street policy paper from 2021, police-led diversion programs successfully divert thousands of kids in Maryland every year.¹ For example:

- In Anne Arundel County, more than 80 percent of young people diverted by the sheriff's office had no further law enforcement involvement within a year. When police connect youth with mental health and addiction services at the same time, that number jumps up to 98 percent.
- The Calvert County Sheriff's Office's Diversion program has helped drive down the number of youth on DJS probation in the county from 70 each year to less than ten.

¹ Casey Witte and Emily Mooney, "The Front Line: A Scan of Law Enforcement-Driven Youth Diversion Programs in Maryland," R Street Institute, February, 2021.

<https://www.rstreet.org/wp-content/uploads/2021/02/Final-No.-221-MD-diversion-programs.pdf>



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- According to the Howard County Police Department’s Diversion Coordinator, of their 911 diversion referrals between 2015-2019, the recidivism rate was only 12 percent.

Requiring officers who take children into custody to “complete and forward a written complaint or citation to the Department of Juvenile Services for processing,” as stated in the bill, risks putting a stop to many of these successful diversion programs.

Such a change would likely increase the number of youth referred to DJS for relatively minor infractions, which is already high in Maryland compared to other states.² In 2020, 77 percent of the juvenile complaints referred to DJS were done so for citations, ordinance violations, and misdemeanors.³ These low-level referrals drain time and attention away from youth with more serious needs. In addition, the majority of these complaints are either dismissed or handled informally before resulting in a petition to the State’s Attorney.⁴ In other words, most of the young people referred to DJS have no need to be there in the first place.

Even if diversion would still be offered through DJS or prosecutors’ offices, delaying enrollment is less effective than letting police take the lead.⁵ For example, diversion after an arrest may still burden a youth with a record that can be used to deny college admission, military service, housing access, and even serve as grounds for employment termination. Youth formally processed in the juvenile justice system are at an increased risk of both dropping out of high school and being arrested as an adult compared to youth who undergo pre-arrest diversion.⁶ The earlier diversion programs can engage youth, the greater the benefit to public safety.

In addition, page 10, subsection A5, lines 26 and 27 would make two or more unexcused absences from a court-ordered treatment program a probation violation. Two absences constitute a low bar for minors,

² Office of Juvenile Justice and Delinquency Prevention Statistical Briefing Book, “Offense Profile of Committed Youth in Residential Placement by State, 2021 Technical Violations,” U.S. Department of Justice Office of Justice Programs, August 28, 2023. <https://www.ojjdp.gov/ojstatbb/corrections/qa08306.asp?qaDate=2021&text=no&maplink=link5>

³ Witte and Mooney, 2021.

⁴ Ibid.

⁵ Logan Seacrest, “Data-Driven Deflection: A Systems Approach to Reducing Juvenile Arrests,” R Street Institute, June 8, 2023. <https://www.rstreet.org/research/data-driven-deflection-a-systems-approach-to-reducing-juvenile-arrests/>

⁶ Anna Aizer and Joseph Doyle, “Juvenile Incarceration, Human Capital, and Future Crime: Evidence from Randomly Assigned Judges,” *Quarterly Journal of Economics* 130:2, Massachusetts Institute of Technology, February 2, 2015. <https://dspace.mit.edu/handle/1721.1/97380>



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who are often not in charge of their own transportation and could be impacted by circumstances beyond their control. When youth wind up in detention for violating probation, it not only cuts off access to community service and support, it also costs more than keeping them at home.⁷ In fact, one of the Council of State Governments' primary juvenile justice recommendations is repealing statutes that criminalize technical violations, such as unexcused absences.⁸

At present, law enforcement agencies across Maryland are doing their best to keep kids who have made minor mistakes out of the system by providing rehabilitative alternatives. However, as drafted, this legislation threatens those efforts, potentially putting more Maryland youth on a lifelong path of justice system involvement. Such a change to the law would represent a significant expansion of government, an exorbitant use of state resources, and a departure from the latest developmental science. We respectfully ask the committee to consider amending this legislation before advancing it.

Thank you for your time,

Logan Seacrest
Resident Fellow
Criminal Justice and Civil Liberties
R Street Institute
lseacrest@rstreet.org

⁷ Richard Mendel, "Why Youth Incarceration Fails: An Updated Review of the Evidence," The Sentencing Project, March 1, 2023. <https://www.sentencingproject.org/reports/why-youth-incarceration-fails-an-updated-review-of-the-evidence/>

⁸ Josh Weber, Michael Umpierre, and Shay Bilchik, "Transforming Juvenile Justice Systems to Improve Public Safety and Youth Outcomes, Georgetown University Center for Juvenile Justice Reform, May, 2018. <https://csgjusticecenter.org/wp-content/uploads/2020/02/Transforming-Juvenile-Justice-Systems.pdf>

Written Testimony HB 814 Non-Technical VOPS.docx (

Uploaded by: Lucy Portera

Position: UNF



NATASHA DARTIGUE
PUBLIC DEFENDER

KEITH LOTRIDGE
DEPUTY PUBLIC DEFENDER

MELISSA ROTHSTEIN
CHIEF OF EXTERNAL AFFAIRS

ELIZABETH HILLIARD
ACTING DIRECTOR OF GOVERNMENT RELATIONS

POSITION ON PROPOSED LEGISLATION

BILL: House Bill 814 Juvenile Law - Reform “Non-Technical Violations of Probation”

FROM: Maryland Office of the Public Defender

POSITION: Unfavorable

DATE: February 6, 2024

The Maryland Office of the Public Defender respectfully requests that the Committee issue an unfavorable report on House Bill 814, which proposes making two or more unexcused failures to appear at a treatment program ordered by the court a non-technical violation of probation.

Tying an unexcused failure to appear at a treatment program ordered by the court to a carefully and intentionally limited category of non-technical violations of probation, opening the door to the detention and commitment of a child for placement through the Department of Juvenile Services, ignores adolescent development and irrefutable brain science, and would further highlight significant racial and economic disparities among court involved youth.

First and foremost, the proposed statutory language is ambiguous and lacks necessary definition, which even the most reasonable of minds would struggle to collectively define. What constitutes an “unexcused failure”? Is that the failure of the child? Who may have no access to or ability to afford the internet for a virtual appointment? No cell phone or laptop to log in with? Is it the failure of a parent? Who is unable or unwilling to assist with the technological aspect? Who may lack a vehicle or the ability to take off of work to transport the child to an appointment at a program? And what about programs that require attendance upwards of 2-3 times per week? Who is obligated to categorize the absence as “excused?” The child, who may be 13 years old and likely lacks the contact information for the program, let alone a phone of their own? The parent, who is not the one on probation? And who, like *all* parents, should be forgiven for a few forgetful moments? Further, failures to appear - whether excused, unexcused, or otherwise - may not be wanton. They may not be willful. Who defines what a failure to appear is?

The proposition that a child, who is not old enough to either consent to or refuse medical treatment, needs assistance to get to a medical appointment, let alone a treatment program, and who cannot even excuse themselves from school for the day, should be subjected to a non-technical violation of probation and potential detention and out of home placement for missing two appointments at a treatment program, is absurd. The number of factors that are completely out of

a child's control in this situation are so many that they need not be listed to exhaustion. Further, the practical impact of this proposed legislation would result in virtually every single violation of probation proceeding resulting in a contested hearing, likely necessitating the involvement of the treatment program in the court proceeding, and making the treatment program the enemy of the child, rather than the rehabilitative resource and service that it is intended to be.

Additionally, this proposed addition to the world of non-technical violations is completely unnecessary, as the current legislation permits a youth's probation to be extended *at least* two times - or more, dependent on the underlying offense - where there is good cause found and where the purpose of extending the probation is to ensure that the child completes a treatment or rehabilitative program or service. Surely all involved parties can agree that the goal in such a situation would be to reintegrate the child into the treatment program and to work to resolve any issues to ensure their attendance. It would be nonsensical to punish a youth for failing to attend an appointment as few as two times. This defeats the entire purpose of the treatment program and is in direct conflict with the rehabilitative nature of juvenile court.

Last, this proposed legislation widens the door to commitment for court-involved youth, particularly low income youth of color. Looking back prior to the implementation of the JJRA, and before the distinction between technical and non-technical violations, there were times in Maryland when nearly 50% of probation violations resulted in placement, with what later became defined as technical violations accounting for 1 in 3 commitments statewide.¹ Youth were more than twice as likely to be committed for a VOP than for a violent felony. It would be irrational to argue that missing two appointments with a court ordered treatment program increases one's level of risk to an extent that would warrant removing that child from their home, detaining them, and committing them for placement.

The indeterminate harm that could result from this proposed amendment lacks justification, clear definition, or any rational reasoning.

For these reasons, the Maryland Office of the Public Defender urges this Committee to issue an unfavorable report on HB 814.

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

Authored by: Lucy Portera, Assistant Public Defender, lucy.portera@maryland.gov

¹ The Annie E. Casey Foundation, *Doors to DJS Commitment: What Drives Juvenile Confinement in Maryland?* January, 2015.

Testimony Against Juvenile Law - Reform HB 814_SB

Uploaded by: Lynda Davis

Position: UNF

February 6, 2024

Dear Senators and Delegates,

My name is Lynda Davis. I am a resident of District 12B. I am submitting this testimony against Juvenile Law - Reform (HB 814/SB 744) as a private individual and not as a representative of any group or organization. I am deeply disappointed in the Governor, the leadership of the Maryland General Assembly and all of you for proposing and supporting this anti-youth justice legislation (HB 814/SB 744). I am urging you to vote against Juvenile Law - Reform HB 814/SB 744.

My testimony includes information from statements made by the Maryland Youth Justice Coalition (MYJC); Natasha M. Dartigue, Maryland Office of the Public Defender; and Jews United for Justice.

I believe these bills were put forward because of a *perception*, not the reality, of an increase in crime. This legislation proposes changes in law which rollback elements of the progress made with the 2022 Juvenile Justice Reform Act and it is out of step with what data shows are effective juvenile justice policies. Ultimately, the impact of these proposals will be to incarcerate thousands more children, specifically Black and Brown children who statistically are put into the juvenile and adult criminal legal systems more than white children. I had just heard people decrying that Maryland incarcerates the most Black people than any other state in the United States. These bills would increase that number. Is this what we want Maryland to continue to be known for? More to the point is this what we want to do to our **children**?

Why not pass bills that increase services for children before they commit crimes? Governor Moore just created an Office for Children and an Office of Crime Prevention and Policy (see [Governor Moore Signs Executive Order Establishing the Governor's Office for Children and Governor's Office of Crime Prevention and Policy](#)). He said language matters and he did not want children associated with crime as they were in the previous title for the Governor's Office for Crime Prevention, Youth, and Victim Services. In this press release, it says that

“The Governor's Office for Children will lead statewide efforts to build a comprehensive network of supports, programs, and services for children and their families to promote social and emotional well-being; reduce food insecurity; combat youth homelessness; expand access to health services; improve education outcomes and job readiness; expand access to good jobs; and increase economic opportunity in sustainable ways. The office will drive a holistic, coordinated approach within state government and across public and private sectors at the federal, state, and local levels.”

This is exactly what we should be doing for all of our children. The Juvenile Law - Reform bills would be doing the opposite: spending all of our resources on crime and punishment.

The Juvenile Law - Reform bills undermine several important provisions of the 2022 Juvenile Justice Restoration Act and ignore over 20 years of research and data on the most effective ways to hold children accountable and improve safety. Instead of investing in programming and services that are proven to change behavior, this legislation will make us less safe by punishing children who need support and giving a pass to our state's dysfunctional law enforcement and juvenile justice systems. Rather than focusing on restorative measures or addressing the root causes of crime, this legislation reverts back to some of the pre- juvenile justice reform act changes and includes various punitive provisions that would entangle kids further in the justice

system. The 2022 reforms recognized the need to shift from punitive-centered approaches. A return to outdated “tough on crime” measures will not make communities safer especially where the underlying causes of crime remain unaddressed. Communities and individuals like me do not want to see Maryland’s resources focused on filling detention facilities when proactive efforts to address the underlying causes of these behaviors are more effective, responsible, and humane.

I agree with the solution proposed by Natasha M. Dartigue, Maryland Office of the Public Defender. She said

“The solution lies in establishing a Commission on Juvenile Justice Reform and Emerging and Best Practices, which with the proper balance of stakeholders is the logical continuation of the Juvenile Justice Reform Council that drafted the 2022 laws. Those serious about safety must allow such a commission to build on the progress made, identify where resources can be reallocated to reduce incarceration, and promote positive adjustment, rather than be forced to examine a continuing record of Maryland refusing to care for its children...”

It is for all of these reasons that I respectfully urge you to return an unfavorable report on Juvenile Law - Reform (HB 814/SB 744).

Sincerely,

Lynda Davis
Linthicum, MD

HB814MTsiongasTestimony.pdf

Uploaded by: Magdalena Tsiongas

Position: UNF

HB 814
Juvenile Law - Reform
UNFAVORABLE

Submitted by: Magdalena Tsiongas, MPH

Dear Chair Clippinger, Vice Chair Barlett, and members of the Judiciary Committee,

I, Magdalena Tsiongas, oppose HB814 as written, and ask for an unfavorable report.

Having worked in public schools in Baltimore for years, I know the importance of investment in our children through education, recreational programs and workforce development. I also know the importance of treating children like children, even when they make mistakes. This is why I work in diversion, diverting kids from criminal prosecution and why I lead restorative justice circles to support those harmed in reaching accountability. Unfortunately, while HB814 was introduced amid promises of increased support and services to help kids make better choices, 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.

For almost 20 years, since he was 19, my own family member has been incarcerated in a Maryland prison. I know too well what criminalization, over investment in community diversion looks like, particularly for Black families in Maryland.

At its core, HB814 exacerbates racial disparities, ignores evidence-based best practices for improving public safety, and does not provide policy solutions or services that will improve youth behavior. Instead, this bill targets 10-12 year olds and misdemeanors, not the primary drivers of actual crime. The authors of this bill have conceded the bill addresses a “crime perception problem.” It also extends probation, which does not set up children for success.

Black children should not be the scapegoats for fearmongering in the press. Communities need investment in crime PREVENTION through restorative justice, mediation, mental health supports and more, not increased supervision and punishment after the fact.

For these reasons, I urge an unfavorable vote on HB 814.

HB0814_MaraGreengrass_UNFAV.pdf

Uploaded by: Mara Greengrass

Position: UNF

February 8, 2024

Mara R. Greengrass
Rockville, MD 20852

TESTIMONY ON HB0814 - POSITION: (UNFAVORABLE)
Juvenile Law - Reform

TO: Chair Clippinger, Vice Chair Bartlett, and members of the Judiciary Committee

FROM: Mara Greengrass

My name is Mara Greengrass. I am a resident of District 18. I am submitting this testimony against HB0814, Juvenile Law - Reform.

Among other things, I'm a mother of two children, one at Northwood High School and one at UMBC. Over the last 19 years, I've watched my children and their neighborhood peers navigate a complicated and changing world with more grace than I think I would have managed in their shoes. It's just plain hard to be a kid, more now than ever.

Which is why I am severely disappointed that this esteemed body would seek to undermine the advances of the Juvenile Justice Restoration Act, using fear of *children* as a political motivation. This legislation will see thousands more children incarcerated every year, particularly Black and brown children, exacerbating already serious racial disparities in the juvenile justice system.

Although the intent of some provisions of this bill may be to hold the system accountable, what it would do in practice is place unfair burdens on children. For example, it's ridiculous to punish a child who misses more than two sessions of a treatment program, when most children have little control over transportation and attendance.

HB0814 would punish the children who most need our help and support. It would push children into detention more often and with greater speed. It would make it less likely that children would receive the services they need—services that might alter the course of their life away from the crime they're accused of.

My Jewish values call me to embrace both justice and mercy, but neither justice nor mercy are served by forcing more Black and brown children into the legal system with less oversight from the adults most knowledgeable about juvenile justice. **I respectfully urge this committee to return an unfavorable report on HB0814.**

2024 Testimony Written HB814 Opposed_BridgeMD Inc.

Uploaded by: Marlon Tilghman

Position: UNF



VISION - *BRIDGE Maryland sees the state challenged by a history of inequity but engaged in community organizing for a more just tomorrow.*

MISSION - *BRIDGE Maryland uses intentional relationship building, organizing, and intensive leadership development in order to strengthen congregations and faith leaders to demonstrate and advance justice in the world.*

HB 814

Juvenile Law - Reform

UNFAVORABLE

Dear Chair Clippinger, Vice Chair Bartlett, and members of the Judiciary Committee,

BRIDGE Maryland, Inc. opposes HB814 as written, and asks for an unfavorable report. BRIDGE Maryland, Inc. is an interfaith organization with laity and religious leaders who identify and address community issues by building power to pursue equity and opportunity for all Marylanders. HB814 begs the question, has our society failed our children so poorly that they are unredeemable, so punitive measures are the immediate solution? Are we saying that we'll deal with poverty later which is the true culprit and the attack on public safety? Well, if you read HB814, most of the bill is a reaction to fear that has been disproven by facts presented to this committee by DJS, advocacy groups, mental health experts, and others.

What is most disturbing about this bill is that groups like MYJC were not invited to help draft this bill after all the rhetoric about inclusion, accountability, and community engagement. From what I read, can this committee say it has earnestly consulted with their spiritual advisor or sacred text that reminds them that children are of sacred worth and that adults are responsible for their well-being and care? Some children are immature, perhaps compulsive, and/or bored but they're not ignorant. I read little if any words in this bill that suggest that they consulted with children. I see no evidence in this bill that you've consulted with a mental health professional on child brain development or considered the research that punishment does not produce positive child development—only love does that. Have we succumbed to fear over facts to find solutions to poverty and public safety? *God has not given us a spirit of fear, but of power and of love and of a sound mind.*

May I suggest to all lawmakers a way forward? Decades of working with families and mentoring youth have concluded that Child crimes are committed by bored immature children or desperate people needing food and shelter. Employers need good employees. How about funding job readiness programs and asking employers to invest as well, as a win-win for everyone? How about reopening the Police Athletic League (PAL) Centers that built relationships with the police instead of them being seen as adversaries, thus giving OUR adolescents a positive outlet? How about providing more mental health professionals in our schools so that school resource officers can help our children get to school safely instead of putting them in the legal system which is a recipe for recidivism? These are OUR children, but this bill reads like the writers see no way forward for the children who are crying for help in the only way they know how, and that is by getting your attention which sometimes involves bad decisions. I believe my spiritual mentor and brother said it best, *“Let the little children come to Me, and do not forbid them; for of such is the kingdom of heaven.”* In other words, listen to the children and care for them and they will tell you what heaven on earth looks and feels like.

Respectfully,

Marlon Tilghman

Rev. Dr. Marlon Tilghman
Criminal Justice Task Force, Co-Chair
BRIDGE Maryland, Inc.
Parent, Grandparent, Mentor, Pastor

NYJN Testimony HB 814-Unfav.pdf

Uploaded by: Melissa Goemann

Position: UNF



**HB 814 - Juvenile Law - Reform
UNFAVORABLE**

Dear Chair Clippinger, Vice Chair Bartlett, and members of the Judiciary Committee:

My name is Melissa Coretz Goemann and I am a resident of Silver Spring, Maryland, and am submitting this testimony on behalf of the National Youth Justice Network (NYJN). **NYJN opposes HB 814 and asks for an Unfavorable report.** NYJN is a membership organization comprised of 60 state-based organizational members and nearly 100 Youth Justice Leadership Institute (YJLI) members and alumni in 42 states across the country, including Maryland. NYJN works towards our vision of community-based, healing-centered justice.

The Juvenile Justice Reform Act (JJRA), which HB 814 amends, was the product of two years of serious consideration by the Juvenile Justice Reform Council (JJRC). The JJRC was a bipartisan group of legislators, system stakeholders, and subject matter experts, established to make recommendations on ways to increase public safety, reduce recidivism, address racial disparities, and set young people on a path to success. At the time, a 2020 report from Human Rights for Kids described **Maryland's treatment of youth in the legal system as among the "worst in the nation."**¹ The Maryland General Assembly passed the JJRA with significant support by legislators just two years ago. While implementation of the JJRA could be improved through better coordination of resources and services for children and more resources for youth on probation, the Act itself is not in need of amendment.

Unfortunately, the media in Maryland and nationally has whipped up hysteria and misinformation regarding youth crime, particularly in terms of young children. In fact, since the JJRA was passed there have been measurable improvements, including **a four-fold increase in the number of youth referred for Children in Need of Services (CINS) supports and a drop in recidivism among children under age 13 from 32.1 percent (June 2021 – March 2022) to 11.1 percent (June 2022 – March 2023).**² While law enforcement and the media have repeatedly referenced the story of one 11 year old in the state of Maryland that allegedly stole numerous cars, **no data** has been supplied to indicate a marked increase in offending in Maryland by the 10 to 12 year old cohort, overall, or in any of the areas for which this bill would now criminalize these young children – non-violent offenses involving weapons, firearms, animals, sexual offenses, or motor vehicle theft. Current Maryland law provides that young children can already be prosecuted for **any** crime of violence. As Senate President Bill Ferguson stated at the recent press conference for this bill, the bill addresses a "crime perception problem."³ HB 814 does not, however, address an actual crime problem, though its impact would harm actual children.

¹ 2022 State Ratings Report: The Roadmap to Change, Human Rights for Kids, p. 2. <https://humanrightsforkids.org/national-state-ratings-report/>.

² Maryland Youth Justice Coalition, "What's Best for Kids is Best for Everyone" (January 2024): 1, https://www.mdoyouthjustice.org/files/ugd/42b2a9_db7a00a63fe74865a401276619ec705b.pdf.

³ <https://www.thebaltimorebanner.com/politics-power/state-government/youth-crime-legislation-NPTU6RZSXFGN7DPEUQNYQA2L3A/>.



Criminalizing young children is extremely harmful to them and to public safety. Young children do not have the brain development necessary to understand what is happening in court or be able to participate in their defense in any meaningful way, they are unable to fully grasp what it means to break the law or to fully understand the legal and moral implications of their actions, and they face great risk of being physically harmed and emotionally traumatized by the experience. Younger children are at the greatest risk of being victims of violence when in custody – more than one-quarter of youth under 13 years old were victims of some type of violence while confined, compared to nine percent of 20-year-olds.⁴ Furthermore, research has found that adults with a history of child incarceration were disproportionately Black or Hispanic, male, and from lower socio-economic backgrounds, enhancing the racial and ethnic disparities in the youth justice system.⁵

Maryland already disproportionately criminalizes Black and Brown children and this bill would further that disparity. We urge Maryland not to go back to the failed policy of mass incarceration of Black and Brown children by passing this bill which would lead to the further incarceration of young children and teens, disrupt current productive pathways of pre-arrest diversion by law enforcement and prosecutors that have been established, and lead to more children and youth being detained and being held on probation longer. Instead, we recommend that the legislature address the areas where there have been increases in offending by young people through reconvening the JJRC to get to the root of the problem and determine evidence-based ways to address it successfully in coordination with the Department of Juvenile Services and Governor Moore’s new Office for Children.

The media climate in Maryland, and nationally, has become increasingly more aggressive, and biased when covering stories related to youth and crime. Recently, the new owner of the Baltimore Sun bragged about successfully hounding Maryland’s legislative leaders into changing their stance on juvenile justice reform.⁶ We urge our legislators to stand up to these media tactics and start taking safety seriously by directing investments toward the state’s systems of youth care, healing, and restoration - not more pathways into the carceral system, which is what HB 814 would do. **We urge an unfavorable vote on HB 814.**

Respectfully submitted,
Melissa Coretz Goemann
Senior Policy Counsel

⁴ Melissa Sickmund and Charles Puzanzchera (eds.), “Juvenile Offenders and Victims: 2014 National Report” (Pittsburgh, PA: National Center for Juvenile Justice, 2014): 216, <https://bit.ly/37TiLON>.

⁵ Laura S. Abrams, Elizabeth S. Barnert, Matthew L. Mize, Antoinette Bedros, Erica Webster, and Isaac Bryan, “When Is a Child Too Young for Juvenile Court? A Comparative Case Study of State Law and Implementation in Six Major Metropolitan Areas,” *Crime & Delinquency* (2019): 26, <https://journals.sagepub.com/doi/abs/10.1177/0011128719839356?journalCode=cadc>.

⁶ Lee O. Sanderlin, Cody Boteler, and Giacomo Bologna, “New Baltimore Sun Owner on Tape Bashing City Schools, Local Politicians, and More,” *Baltimore Sun*, January 18, 2024, <https://www.thebaltimorebanner.com/economy/sun-owner-david-smith-fox-VQKQHEG4EJAIVA6TRKXMKR5EUM/>.

HB814-Unfav OPD.docx.pdf

Uploaded by: Michelle Kim

Position: UNF



BILL: House Bill 814 - Juvenile Justice Restoration Act of 2024
FROM: Maryland Office of the Public Defender
POSITION: Unfavorable
DATE: February 8, 2024

“I think the best we can do is give our young people a chance to make the best decisions possible by providing them with the information and the tools and the support they need.”

Wes Moore, *The Other Wes Moore: One Name, Two Fates*

Leaders in the Maryland General Assembly have consistently expressed their commitment to providing rehabilitative supports to children in crisis and at risk as soon as practicable, and yet this bill does the opposite. It erects unnecessary barriers for timely interventions, it narrows the eligibility of proven diversion programs to the youth who could most benefit from them, and it exacerbates racial disparities between children who get to access non-carceral and non-punitive options to address their harmful behavior and the Black and brown children who are denied those opportunities. To prevent the rollback of diversion opportunities for children who will benefit and succeed from them, the Maryland Office of the Public Defender respectfully requests that the Committee issue an unfavorable report on House Bill 814.

Diversion works incredibly well at reducing recidivism and providing immediate implementation of services for kids and families who need them most. According to the Department of Juvenile Services 2023 Data Resource Guide, 92.4 % of children whose cases were diverted in FY 2021 had no new sustained offense within a year, and approximately 80% of young people who participate in diversion services successfully complete them. However, rather than expanding on these undeniably successful programs and empowering intake officers to connect children with services from the outset, HB 814 severely undermines these efforts.

HB 814 reinforces a bureaucratic hurdle that requires that DJS forward all complaints of non-violent felonies to the State’s Attorney for approval of informal adjustment. It also adds an additional barrier to diversion by requiring DJS forward all complaints, no matter how minor, to the State’s Attorney if the child is under DJS supervision. This effectively vests the State’s Attorney with all decision-making authority regarding diversion options for these cases—agencies that have little to no information regarding the child’s background or needs, and no proactive services to offer of their own. Ironically, it also means that fewer children will receive actual services or supervision: in FY19, 46% of all juvenile cases forwarded to the State’s Attorney for petitioning of formal charges did not result in court ordered probationary or commitment services, mostly due to dismissal, nolle pros, or stet of the cases. As a result, the window of opportunity to intervene and redirect their path towards positive outcomes narrows, increasing

the likelihood of further entrenchment in delinquent behavior or involvement with the justice system.

Finally and fundamentally, HB 814 exacerbates the wide racial gulf in which children we deem “worthy” of receiving non-punitive and rehabilitative support, and those we deem only suited to formal (and long-lasting) embedding in the criminal justice system. According to DJS, youth of color were well over twice as likely to have their cases referred to DJS, 50% more likely to have their cases petitioned with formal charges, and over 30% less likely to have their cases referred to diversion. Black youth were the least likely to receive diversion for low-level offenses. This less-discussed but still robust pipeline unquestionably contributes to the stark racial disparities throughout the criminal justice system.

For these reasons, the Maryland Office of the Public Defender urges this Committee to issue an unfavorable report on HB 814.

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

Authored by: Michelle Kim, Assistant Public Defender: MichelleM.Kim@maryland.gov

Juvenile Justice Bills HB0814 & SB0744.pdf

Uploaded by: Miner Brown

Position: UNF

Bill# SB0744/HB0814 Miner L. Brown Unfavorable

Position: Unfavorable

Member or supporter of CASA Allies, JUFJ & Leaders of a Beautiful Struggle

Senate Sponsor: Senator President Ferguson and Senator Will Smith

Senate Committee Vice-Chair: Senator Jeff Waldstreicher

Senate Committee: Judicial Proceedings Committee/ House Judicial Committee

House Sponsor: House Speaker Jones and Delegate Clippinger

I and many knowledgeable community leaders are OPPOSED to this proposed legislation. Why is Key State leadership in such a hurry to undue a justice for youth by returning to the past with no firm evidence to do so? This Bill, with its mis-leading name and regressive direction on being rushed through the Legislature, will only bring more harm to our community's most precious possessions- our youth. The facts show that the current law developed by a large diverse membership of well- respected local/ State experts, effective in 2022, is working!

Juvenile arrests are down from pre-Covid, and the required over-worked members of the Juvenile Division of the MD Office of Public Defender are being responsive to the youth's real needs. Legislators should be spending their time, and our tax dollars, passing proactive measures at the "front end" of helping youth and their families, not spending their political time responding to inaccurate, hate-filled "sensationalized" biases, coming from such places as **FOX 45**. Returning to the ineffective "old way of controlling them" by increasing the jailed population of youth only increases our tax-payers expense at almost \$150,000 per year, per youth. This is crazy! Put the money in various diversion programs where it can do some positive good for our youth, families, and community.

Thank you.

Miner L. Brown

Member, District 11 for over 34 years

ACLU juvenile crime bill HB 814 2024.pdf

Uploaded by: Philip Ateto

Position: UNF

Hello,

I am writing to express my opposition to House Bill 814 (HB 814), the Juvenile Law Reform legislation which seeks to roll back the progress we have made in this state through the passage of the Juvenile Justice Reform and Child Interrogation Protection Act.

Children are our most vulnerable population that needs to be protected, especially within the legal system. In Maryland, children as young as seven years old can be ensnared in the legal system. In order to systematically address public safety we must focus on policies that work such as; improving schools, expanding affordable housing, bolstering treatment for mental health and drug addiction, and creating well-paying jobs. These are real solutions. The General Assembly should also take measures to increase the use of the CINS (Child in Need of Supervision) system. After twenty years of research, the data has shown that age-appropriate support systems and services are more effective at keeping kids out of trouble and without prioritizing incarceration.

HB 814 is harmful to Maryland children because it focuses on criminalization rather than investing in services that focus on the restoration, healing, and support that is needed, which data has shown is the most effective, to reduce crime. This bill would remove important provisions from the Juvenile Justice Reform Act such as preventing law enforcement from referring a child for immediate services including: local care teams, youth service bureaus' prevention services, and law enforcement based diversion programs. This provision goes far beyond data collection and prevents critical services from being provided. If the goal is to reduce youth crime, this committee should be working to uphold and pass new legislation to bolster wraparound, preventative services that support children before crimes are committed. We need to be serious about safety and ending the school to prison pipeline, which means focusing on policies that work.

Respectfully,

Philip Ateto

HB 814 - Juvenile Law - Reform.pdf

Uploaded by: Ralph Watkins

Position: UNF



TESTIMONY TO THE HOUSE JUDICIARY COMMITTEE

HB 814 – Juvenile Law – Reform

POSITION: Unfavorable

BY: Linda Kohn, President

Date: February 8, 2024

The League of Women Voters of Maryland supports the use of specialized judges, counseling services, and coordination of programs and services provided by the state agencies in the administration of juvenile cases. To be effective, these programs and services must be geared to working with the families of the juveniles involved. Juveniles are in a critical stage of development, with still-developing decision-making abilities and impulse control. An effective justice system will recognize their greater potential for rehabilitation, offering opportunities for support and intervention to address the root causes of delinquent behavior.

Our principal concern is the provision reducing the minimum age of children who may be subject to the jurisdiction of the juvenile court. These very young children would understand any court proceedings only with the guidance of an adult, which points to the need to work with the adults in the child's environment to have a meaningful impact. The proposed addition of cases would strain an already overburdened juvenile justice system. Larger investments in programs that can intervene at early stages of a child's life will be far more effective in reducing juveniles' involvement in crime than the prospect of punishment after a crime has already been committed.

The proposed increase in the maximum length of probation will create an increased workload for those providing services to juveniles under supervision. Unless additional resources are provided to ensure that appropriate support can be provided to juveniles and their families, this provision will not be effective.

Further, we encourage the committee to assess the potential impact of each of the proposed changes on racial disparities within the juvenile justice system. Ensuring that these changes do not disproportionately affect youth of color should be a priority.

We urge an unfavorable report on HB 814.

Eckel Opposition HB814.pdf

Uploaded by: Rianna Eckel

Position: UNF

Dear Members of the Judiciary Committee,

My name is Rianna Eckel, I live in the 43rd district, and I was arrested when I was 15. Diversion court in Washington State, where my family lived at the time, ensured I was treated like a kid and helped me thrive without the stigma attached to juvenile offenders. All kids deserve the same opportunity. I am submitting this testimony as a member of Showing Up for Racial Justice Baltimore, a group of individuals working to move white folks as part of a multi-racial movement for equity and racial justice in Baltimore City and Baltimore County. **I am testifying in opposition to HB814.**



Showing Up for Racial Justice

All of us deserve a life with dignity, respect, and safety. But here in Maryland, some elected officials try to make us fear children so they can score political points, keeping us divided and distracted so we won't demand what our families truly need. These prosecutors and lawmakers scapegoat Black children rather than nurture them and provide them with the resources they need to thrive.

Children need stable housing, access to healthy food, good schools, parks to play in, access to health care, and more. They also need to believe that they have people supporting them, and good opportunities available for them. They need to have hope for the future. Rather than criminalizing children, you should spend your time and power to make Maryland a better state for kids. You can't incarcerate your way out of the obvious problem that children aren't having their needs met. Please stop wasting our tax dollars on the carceral system, and get to the root of the problems.

This bill undermines several important provisions of the Juvenile Justice Restoration Act and ignores over 20 years of research and data on the most effective ways to hold kids accountable and improve safety. Instead of investing in programming and services that are proven to change behavior, this legislation will make us less safe by punishing children who need support and giving a pass to our state's dysfunctional law enforcement and juvenile justice systems.

This legislation will see thousands more children incarcerated every year, particularly Black and brown children, exacerbating already serious racial disparities in the juvenile justice system. It is for these reasons that I am encouraging you to vote against **HB814**.

Thank you for your time, service, and consideration.

Sincerely,
Rianna Eckel
2300 Hunter St, Baltimore MD 21218
Showing Up for Racial Justice Baltimore

FINAL HB 814 House Judiciary Testimony - Logan Sea

Uploaded by: Robert Melvin

Position: UNF



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Testimony from:

Logan Seacrest, Resident Fellow, Criminal Justice and Civil Liberties, R Street Institute

Testimony in Opposition to HB 814, “An Act Concerning Juvenile Law-Reform”

February 8, 2024

Maryland House Judiciary Committee

Chairman Clippinger and members of the committee,

My name is Logan Seacrest, and I am a fellow in the Criminal Justice and Civil Liberties program at the R Street Institute, a nonprofit, nonpartisan public policy research organization. Our mission is to engage in policy research and outreach to promote free markets and limited, effective government. This is why the juvenile justice provisions in HB 814 are of special interest to us.

We believe HB 814 may have consequences this committee does not intend. In particular, page 8, section D, lines 26-30 are written in a manner that could require police to deliver minors directly to the Department of Juvenile Services (DJS) upon arrest, bypassing Maryland’s many police-led diversion programs intended to keep kids out of DJS in the first place. According to an R Street policy paper from 2021, Maryland’s police-led diversion programs successfully divert thousands of kids every year.¹ For example:

- In Anne Arundel County, more than 80 percent of young people diverted by the sheriff’s office had no further law enforcement involvement within a year. When police connect youth with mental health and addiction services at the same time, that number jumps up to 98 percent.
- The Calvert County Sheriff’s Office’s Diversion program has helped drive down the number of youth on DJS probation in the county from 70 each year to less than ten.

¹ Casey Witte and Emily Mooney, “The Front Line: A Scan of Law Enforcement-Driven Youth Diversion Programs in Maryland,” R Street Institute, February, 2021. <https://www.rstreet.org/wp-content/uploads/2021/02/Final-No.-221-MD-diversion-programs.pdf>



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- According to the Howard County Police Department’s Diversion Coordinator, of their 911 diversion referrals between 2015-2019, the recidivism rate was only 12 percent.

Requiring officers who take children into custody to “complete and forward a written complaint or citation to the Department of Juvenile Services for processing,” as stated in the bill, risks putting a stop to many of these successful diversion programs.

Such a change would likely increase the number of youth referred to DJS for relatively minor infractions, which is already high in Maryland as compared to other states.² In 2020, 77 percent of the juvenile complaints referred to DJS were done so for citations, ordinance violations, and misdemeanors.³ These low-level referrals drain time and attention away from youth with more serious needs. In addition, the majority of these complaints are either dismissed or handled informally before resulting in a petition to the State’s Attorney.⁴ In other words, most of the young people referred to DJS have no need to be there in the first place.

Even if diversion would still be offered through DJS or prosecutors’ offices, delaying enrollment is less effective than letting police take the lead.⁵ For example, diversion after an arrest may still burden a youth with a record that can be used to deny college admission, military service, housing access, and even serve as grounds for employment termination. Youth formally processed in the juvenile justice system are at an increased risk of both dropping out of high school and being arrested as an adult compared to youth who undergo pre-arrest diversion.⁶ The earlier diversion programs can engage youth, the greater the benefit to public safety.

In addition, page 10, subsection A5, lines 26 and 27 would make two or more unexcused absences from a court-ordered treatment program a probation violation. Two absences constitute a low bar for minors,

² Office of Juvenile Justice and Delinquency Prevention Statistical Briefing Book, “Offense Profile of Committed Youth in Residential Placement by State, 2021 Technical Violations,” U.S. Department of Justice Office of Justice Programs, August 28, 2023. <https://www.ojjdp.gov/ojstatbb/corrections/qa08306.asp?qaDate=2021&text=no&maplink=link5>

³ Witte and Mooney, 2021.

⁴ Ibid.

⁵ Logan Seacrest, “Data-Driven Deflection: A Systems Approach to Reducing Juvenile Arrests,” R Street Institute, June 8, 2023. <https://www.rstreet.org/research/data-driven-deflection-a-systems-approach-to-reducing-juvenile-arrests/>

⁶ Anna Aizer and Joseph Doyle, “Juvenile Incarceration, Human Capital, and Future Crime: Evidence from Randomly Assigned Judges,” *Quarterly Journal of Economics* 130:2, Massachusetts Institute of Technology, February 2, 2015. <https://dspace.mit.edu/handle/1721.1/97380>



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who are often not in charge of their own transportation and could be impacted by circumstances beyond their control. When youth wind up in detention for violating probation, it not only cuts off access to community service and support, it also costs more than keeping them at home.⁷ In fact, one of the Council of State Governments' primary juvenile justice recommendations is repealing statutes that criminalize technical violations, such as unexcused absences.⁸

At present, law enforcement agencies across Maryland are doing their best to keep kids who have made minor mistakes out of the system by providing rehabilitative alternatives. However, as drafted, this legislation threatens those efforts, potentially putting more Maryland youth on a lifelong path of justice system involvement. Such a change to the law would represent a significant expansion of government, an exorbitant use of state resources, and a departure from the latest developmental science. We respectfully ask the committee to consider amending this legislation before advancing it.

Thank you for your time,

Logan Seacrest
Resident Fellow
Criminal Justice and Civil Liberties
R Street Institute
lseacrest@rstreet.org

⁷ Richard Mendel, "Why Youth Incarceration Fails: An Updated Review of the Evidence," The Sentencing Project, March 1, 2023. <https://www.sentencingproject.org/reports/why-youth-incarceration-fails-an-updated-review-of-the-evidence/>

⁸ Josh Weber, Michael Umpierre, and Shay Bilchik, "Transforming Juvenile Justice Systems to Improve Public Safety and Youth Outcomes, Georgetown University Center for Juvenile Justice Reform, May, 2018. <https://csgjusticecenter.org/wp-content/uploads/2020/02/Transforming-Juvenile-Justice-Systems.pdf>

Juv Law Written Testimony - SA.UNFav.pdf

Uploaded by: Stephanie Asplundh

Position: UNF



NATASHA DARTIGUE
PUBLIC DEFENDER

KEITH LOTRIDGE
DEPUTY PUBLIC DEFENDER

MELISSA ROTHSTEIN
CHIEF OF EXTERNAL AFFAIRS

ELIZABETH HILLIARD
ACTING DIRECTOR OF GOVERNMENT RELATIONS

POSITION ON PROPOSED LEGISLATION

BILL: HB 134, 483, 814 & Senate Bill 744 —Juvenile Court Jurisdiction — Age of Child

FROM: Maryland Office of the Public Defender

POSITION: Unfavorable

DATE: 02/06/2024

The Maryland Office of the Public Defender asks this Committee to issue an unfavorable report on House Bills 134, 483, 814, and Senate Bill 744, which seek to lower the minimum age of juvenile court jurisdiction and expand the number of offenses with which ten- to twelve-year-old children may be charged in juvenile court.

During my four and a half years at the Maryland Office of the Public Defender, I have focused my practice on representing children. The youngest child that I represented was eight years old. He was found incompetent and incapable of attaining competency before his case could proceed to adjudication.

Following the enactment of the Juvenile Justice Reform Act (JJRA) on June 1, 2022, I have represented several children between the ages of ten and twelve, whose appellate arguments have focused on whether the children should be in juvenile court under the new jurisdictional age limit.

One of my clients was twelve when he pushed a classmate twice on the playground at his middle school, resulting in the classmate's broken arm. My client immediately apologized and said he did not mean to hurt the other child. A police report recommended charging my client with second-degree assault. The State instead used its discretion to charge him with first-degree assault, which under the JJRA established juvenile court jurisdiction over my twelve-year-old client for a common playground incident. He ultimately pled guilty to the lesser offense of second-degree assault, and the State nol prossed the first-degree assault.

As we litigated whether my client was properly in juvenile court, my client volunteered to complete the probation terms recommended by the Department of Juvenile Services (DJS) and successfully completed them. He has not gotten himself into any more trouble. He is still attending school, participating in sports, and playing the saxophone.

These are the types of cases that come to juvenile court when ten- to twelve-year-old children are charged: middle school playground incidents. They should not be charged at all.

I am the only lawyer in my family, let alone the only public defender. When they asked me about my cases over the holidays, I talked about this case, and they—men and women, old and young, Democrats and Republicans—were universally horrified. Why would the State have an interest in prosecuting this child? Why would the law allow it?

I saw a man with whom I'd grown up visibly tense at the discussion and remembered the times he'd landed himself in detention because he—a big and clumsy boy—had knocked someone over on the middle school playground. Perhaps because he attended a school without school resource officers, perhaps because he attended school in another state, perhaps because he is white, he was never charged in juvenile court. *See* S.B. 691 (2022), Dep't of Legislative Servs., Racial Equity Impact Note, 7-8 (“Black juveniles under age 13 will benefit to the greatest extent under the bill [the JJRA] given that they are disproportionately and disparately impacted by DJS intakes, dispositions, and placements.”). It was not because he'd never injured a classmate on the playground.

The fact that ten- to twelve-year-olds in Maryland can be brought into juvenile court in this way should concern anyone with a son, a brother, a boy in their lives.

The jurisdictional age limits to juvenile court—established by the JJRA which passed with broad and strong support in the House (forty-three favorable testimonies, one informational, three unfavorable) and Senate (twenty-six favorable testimonies, one informational, three unfavorable)—are a step in the right direction. Even with these age limits, cases like my twelve-year-old client's continue to be brought into juvenile court.

Expanding the number of offenses with which ten- to twelve-year-olds can be charged will encourage prosecutors to do what the prosecutor did in that case: to overcharge, to stretch the facts

to bring more children into juvenile court jurisdiction, at great cost to the child and our community. This cost would be incurred without an increase in public safety because there's simply no evidence that charging ten- to twelve-year-old children leads to better outcomes for the alleged offenders or deters other children from misbehaving.

In fact, the Juvenile Justice Reform Council (JJRC) found the opposite to be true: that it is less court involvement for young children (not more) that increases public safety. *See* Md. Dep't of Juvenile Justice Servs., "Juvenile Justice Reform Council," <https://djs.maryland.gov/Pages/Juvenile-Justice-Reform-Council.aspx> (noting the legislature charged the JJRC with, among other things, "using a data-driven approach to develop a statewide framework of policies to invest in strategies to increase public safety and reduce recidivism of youth offenders"); Md. Juvenile Justice Reform Council, Final Report, 24, 33 (Jan. 2021), <http://dls.maryland.gov/pubs/prod/NoPblTabMtg/CmsnJuvRefCncl/JJRC-Final-Report.pdf> (finding for most children interventions through the delinquency system can cause more harm than good and increase recidivism).

For these reasons, the Maryland Office of the Public Defender urges this Committee to issue an unfavorable report on House Bills 134, 483, 814, and Senate Bill 744.

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

**Authored by: Stephanie Asplundh, Assistant Public Defender, Appellate Division,
stephanie.asplundh@maryland.gov**

2024 Juvenile Law - Reform Testimony).pdf

Uploaded by: Steven Asin

Position: UNF

February 7, 2024

Steven G. Asin
Bethesda, MD 20817

TESTIMONY ON SB0744/HB0814 - POSITION: UNFAVORABLE
Juvenile Justice - Reform

TO: Chair Clippinger, Vice Chair Bartlett, and members of the Judiciary Committee

FROM: Steven G. Asin

My name is Steven G. Asin. I am a resident of District 16. I am submitting this testimony in opposition to SB0744/HB0814, Juvenile Justice Reform

I am a 73-year-old attorney whose career and retirement have been devoted to providing representation to persons charged with or convicted of crimes who cannot afford to retain a lawyer to represent them. My experience has shown me that real and lasting criminal justice reform requires a change in the way criminal legal system actors view the individuals whose fates they determine. They need to see them as more than the worst thing they have ever done, and as fully human as their own sons and daughters, nieces and nephews, and close friends and relatives. This is especially true when it comes to responding to children who commit acts that, if perpetrated by adults, would be criminal.

This bill undermines several important provisions of the Juvenile Justice Restoration Act and ignores over 20 years of research and data on the most effective ways to provide accountability and improve safety while changing the negative life trajectory of the children whose conduct has compelled the intervention of law enforcement. Instead of investing in programming and services that are proven to change behavior, this legislation will make us less safe by punishing children who need support and giving a pass to our state's dysfunctional law enforcement and juvenile justice systems. This legislation will see thousands more children incarcerated every year, particularly Black and brown children, exacerbating already serious racial disparities in the juvenile justice system.

I respectfully urge this committee to return an UNFAVORABLE report on SB0134/HB0297.

HB814_Tyler Dratch_Unfavorable.pdf

Uploaded by: Tyler Dratch

Position: UNF

February 8th 2023

Rabbi Tyler Dratch
Baltimore, MD 21211

TESTIMONY ON HB814 - POSITION: UNFAVORABLE
Juvenile Law- Reform

TO: Delegate Luke Clippinger, Delegate J. Sandy Bartlett, and members of the House Judiciary

FROM: Rabbi Tyler Dratch, Assistant Rabbi, Beth Am Synagogue

My name is Rabbi Tyler Dratch. I am a resident of District 40, and I am submitting this testimony against HB814, Juvenile Law- Reform.

I serve as a rabbi at Beth Am Synagogue, a congregation of 425 families in the Reservoir Hill neighborhood of Baltimore City. In my role at the synagogue, I run spiritual and educational programming for over 100 children who are affiliated with the synagogue. I also interact regularly with children affiliated with our partner organizations and residents of our neighborhood. Inspired by my faith, the Jewish textual tradition, and my deep work with youth in our community, I am strongly opposed to HB 814 and any efforts to roll back important reforms that provide evidence-based accountability processes for our youth.

I believe that the greatest assets of our communities across Maryland are our children. They are the ones who will continue to improve our state for generations; they have the unique ability to see a more just future for all of us. As children, their minds and their life trajectories are deeply malleable, and it is up to the adults to provide meaningful structures and opportunities for them to grow and thrive.

As an educator I understand that holding our children accountable when they fall short is essential. We are responsible for helping them take responsibility for their actions, and to guide them toward ways to repair harm that they have caused. I also know that punitive measures and excessive incarceration do not allow for this kind of accountability. At our synagogue and in Reservoir Hill, we know that accountability comes when children are able to acknowledge their wrong and get the support that they need to become healthy adults. Incarcerating more children for longer sentences diverts important funding from programs that are proven to change behavior, and increases racial disparities in our youth incarceration

system. Our current system of incarceration also increases youth recidivism making us all less safe.

We have an opportunity to create holistic programs that not only increase youth accountability when they do commit crimes, but also provide children the help that they need to become the kinds of adults that we expect and need them to be. It takes a full community to raise a child, and this legislation ignores not only that sacred responsibility, but also twenty years of research on effective ways to hold children accountable and reduce safety.

Judaism asks each human to engage daily in a process of accountability and return, called *teshuvah* in hebrew. The practice asks us to name specifically where they have fallen short, and then to return back to our communities and the best version of ourselves. Repealing these important youth justice reforms, as the current legislation directs, will make it harder for youth to take accountability. It will continue to subject them to some of the most horrific effects of our current juvenile justice system, making it incredibly challenging for them to receive the services they need and to return to our communities ready to continue the path toward healthy adulthood.

For all of these reasons I respectfully urge this committee to return an unfavorable report on HB814.

HB814_Berger_UNFAV.pdf

Uploaded by: Zackary Berger

Position: UNF

HB814_Berger_UNFAV

February 8, 2024

Zackary Berger

2736 N Calvert St

Baltimore, MD 21218

TESTIMONY ON HB814 - POSITION: UNFAVORABLE
Juvenile Law - Reform

TO: Chair Clippinger, Vice Chair Bartlett, and members of the Judiciary Committee

FROM: Zackary Berger, MD, PhD

I am Zackary Berger, a resident of District 43A and a supporter of a Baltimore, and Maryland, which seeks a better life for all its residents through supportive services, not wasteful and oppressive carceral systems that we know to be ineffective. As a public health expert, I can tell you that putting more adolescents in jail does not work.

The passage of juvenile justice reform measures last year was a success for the Maryland legislature and demonstrated that we do not have to be in the company of regressive states when it comes to helping youth with problems; we do not need to meet violence with violence or succumb to the myth making of media.

I respectfully urge this committee to return an unfavorable report on HB814.

Zackary Berger, MD, PhD

Testimony HB0814.pdf

Uploaded by: Zainab Chaudry

Position: UNF



February 6, 2024

Honorable Chair Luke Clippinger
House Judiciary Committee
House Office Building, Room 121
Annapolis, MD 21401

Re: Testimony OPPOSING HB0814 Juvenile Law - Reform

Dear Chair Clippinger and House Judiciary Committee Members:

On behalf of the Council on American-Islamic Relations, I thank you for this opportunity to testify against House Bill 814 Juvenile Law Reform. CAIR is America's largest Muslim civil rights and advocacy organization.

HB814 would change Maryland's juvenile probation laws by extending the probation period of supervised youth for misdemeanors from a maximum initial term of 6 months extendable to 1 year, to a maximum initial term of 1 year extendable to 2 years, and for felonies from a maximum initial term of 1 year extendable to 2 years, to a maximum initial term of 2 years, extendable to 3 years.

Adolescence is a critical period of development where children are particularly susceptible to environmental influences. Lengthening probation periods can exacerbate stress and hinder development by prolonging involvement in the justice system. Our juvenile justice system should be rehabilitative rather than punitive. Extending probation periods prioritizes punishment rather than addressing the underlying contributing factors or providing opportunities for growth.

Research from the National Institute of Justice suggests that prolonged involvement in the justice system can lead to negative outcomes such as stress, adverse emotional consequences, decreased educational prospects, and limited employment opportunities.

Extending probation periods is also costly for both the juvenile justice system and minors involved. Resources spent on monitoring and supervision could be more effectively allocated to programs and services that address underlying contributing factors and support a successful reintegration into society.

There is growing recognition of the importance of evidence-based practices in juvenile justice. Research indicates that shorter, targeted interventions are often more effective than lengthy probation periods in promoting positive outcomes for youth.

Furthermore, each youth involved in the justice system has unique needs and circumstances. A one-size-fits-all approach, such as extending probation periods for all supervised youth, fails to account for individual differences.

Maryland has fought hard for reforms after being tied with five states at one point for being among our country's worst offenders of juvenile justice. CAIR believes its critical to continue

making progress on this issue. We strongly believe that protecting the rights and well-being of children – especially young Black children who stand to be most adversely impacted by this legislation – in our state needs to be a priority.

We oppose this bill because it removes necessary limits between minors and the law and we respectfully urge your vote against it.

Thank you for your consideration.

Sincerely,

Zainab Chaudry, Pharm.D.
Director, CAIR Office in Maryland
Council on American-Islamic Relations
Email: zchaudry@cair.com

HB 814 - GOCPP LOI (1).pdf

Uploaded by: Bethany Young

Position: INFO

WES MOORE
Governor

ARUNA MILLER
Lieutenant Governor



DOROTHY LENNIG
Executive Director

LETTER OF INFORMATION
HOUSE BILL 814

February 8, 2024

Bethany Young, Director of Policy and Legislation

The Governor's Office of Crime Prevention and Policy (GOCPP) is a coordinating office advising the Governor on criminal justice strategies. The office plans, promotes, and funds efforts with government entities, private organizations, and the community to advance public policy, enhance public safety, reduce crime and juvenile delinquency, and serve victims.

House Bill 814 expands juvenile court jurisdiction, expands permissible reasons for detaining a child, extends probation periods, and alters the Department of Juvenile Services' intake process and requirements for forwarding case information to State's Attorneys. The bill also reorganizes the Commission on Juvenile Justice Reform and Emerging Best Practices, adding members to the Commission, imposing membership term limits, providing for a Commission Chair and Secretary, and designating GOCPP to staff the Commission.

This bill could increase or leave unchanged the number of youth detained in adult facilities. The Juvenile Justice and Delinquency Prevention Act (JJJPA) provides that a State may not detain a child in an adult facility unless, after a hearing, a court determines the placement is "in the best interest of justice." If, after such a hearing, a child remains in an adult facility, the Prison Rape Elimination Act (PREA) requires sight and sound separation between the incarcerated children under 18 and adults.

Maryland's Juvenile Justice Compliance Monitor, housed in GOCPP, reported 1263 violations of the Juvenile Justice and Delinquency Prevention Acts, 223(a)(11)(b) requirement in FY23. Violations could jeopardize 20% of Title II funding (JJAC), approximately \$175,000.

CJJ Informational testimony on HB 814.pdf

Uploaded by: Leslie Frey

Position: INFO



Montgomery County Commission on Juvenile Justice

February 8, 2024

Informational Testimony on HB814

Delegate Luke Clippinger
Chair, Judiciary Committee
House Office Building
Annapolis, Maryland 21401

Dear Delegate Clippinger:

Thank you for the opportunity to submit written testimony on behalf of the Montgomery County Commission on Juvenile Justice (MC CJJ) on House Bill 814, Juvenile Law – Reform.

MC CJJ was established to advise the Montgomery County Executive, County Council and the Juvenile Court on matters concerning juvenile justice. Our work includes gathering and disseminating information from public and private agencies serving youth, monitoring juvenile justice programs and services, visiting facilities, closely following relevant State and local legislation, and making recommendations regarding juvenile needs. MC CJJ is composed of appointed, volunteer citizen members, and agency members that include the Child Welfare Services Program, the Montgomery County State's Attorney's Office, the Office of the Public Defender, the Montgomery County Police Department, Montgomery County Public Schools, and the Maryland Department of Juvenile Services.

The MC CJJ would like to take a position on this bill and provide comments on how the changes it would make are likely to affect children in Maryland, the operation of the juvenile justice system, and public safety. However, we are unable to do so because there has not been adequate time to review the bill in depth or to discuss it with our members. The hearing was scheduled just a week after HB814 was introduced and, prior to its introduction on January 31, there was virtually no information available to the public about the proposals under consideration or opportunities to provide comments on the specific changes that would be made by the bill. This is disappointing because the bill seeks to undo important reforms enacted in 2022 that were the product of years of study and debate by a group of distinguished experts, advocates, and legislators, a body that was established by law to advise lawmakers in the MGA.

Therefore, we strongly urge the Committee to afford all stakeholders a meaningful opportunity to provide input before scheduling a vote on the bill.

Sincerely,

A handwritten signature in blue ink, appearing to read "Kevin Redden".

Kevin Redden, Chair
Montgomery County Commission on Juvenile Justice

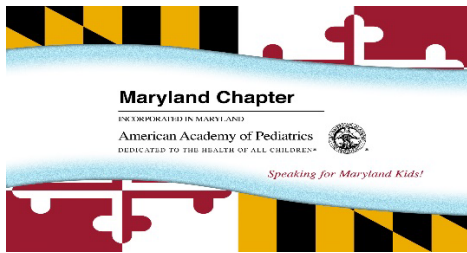
Local Behavioral Health Authority • Behavioral Health and Crisis Services

401 Hungerford Drive • Rockville, Maryland 20850 • 240-777-1400 • 240-777-1628 FAX
montgomerycountymd.gov/hhs • montgomerycountymd.gov/311 • Maryland Relay 711

HB0814_LOI_MDAAP_Juvenile Law - Reform.pdf

Uploaded by: Pam Kasemeyer

Position: INFO



TO: The Honorable Luke Clippinger, Chair
Members, House Judiciary Committee
The Honorable Speaker of the House Adrienne A. Jones

FROM: Pamela Metz Kasemeyer
J. Steven Wise
Danna L. Kauffman
Christine K. Krone

DATE: February 8, 2024

RE: **LETTER OF INFORMATION** – House Bill 814 – *Juvenile Law – Reform*

The Maryland Chapter of the American Academy of Pediatrics (MDAAP) is a statewide association representing more than 1,100 pediatricians and allied pediatric and adolescent healthcare practitioners in the State and is a strong and established advocate promoting the health and safety of all the children we serve. On behalf of MDAAP, we submit this **letter of information** for House Bill 814 to request the consideration of several additions to the legislation that they believe will serve to improve its objectives.

MDAAP appreciates this initiative is being advanced to address the noted increase in crime by juveniles, while seeking to retain the enhancements, protections, and reforms to the juvenile justice system recently enacted by the General Assembly. MDAAP believes its requested clarifications and additions will help prevent unintended consequences that could lead to youth living in areas of higher crime with higher police presence, being more likely to be processed through the juvenile court, and detained, rather than allowing police and the Department of Juvenile Services (DJS) to handle complaints. To that end, we would request consideration of the following clarifications and additions:

1. Define “excused” absence.

The bill proposes that two or more “unexcused” absences for treatment can result in a violation of probation, which can lead to detention. This may unfairly affect youth that have disadvantages with respect to transportation, parental support, or effective communication with providers, such as immigrant youth.

2. Add a pediatric medical provider and/or a child/adolescent behavioral health provider to the membership of the Commission on Juvenile Justice Reform and Emerging and Best Practices.

The Commission is required, amongst other duties, to review fatalities under DJS supervision, identification of, and ensuring emerging and best practices for juvenile justice involved youth; and

reporting on necessary services not being provided. Input from the pediatrician/adolescent medical provider would enhance the effectiveness of the Commission in meeting its responsibilities.

3. Include a requirement for the Commission or State entity to monitor and evaluate the impact of the bill on the ability of DJS, the States' Attorney, and the police to handle the proposed change in demand/work created by the proposed system changes and to study the effectiveness of the initiatives in addressing juvenile crime.

Additional resources may be needed to meet the legislation's objectives and/or there may be unintended consequences of the reforms that negatively impact youth from certain communities and worsening disparities with respect to increasing likelihood for detention of some youth, including youth under age 13.

MDAAP looks forward to working with the General Assembly in effectively addressing Juvenile Justice and request the consideration of the above noted additions to House Bill 814.

For more information call:

Pamela Metz Kasemeyer

J. Steven Wise

Danna L. Kauffman

Christine K. Krone

410-244-7000