

**SB0744\_Juvenile\_Law\_Reform\_MLC\_FAV.pdf**

Uploaded by: Cecilia Plante

Position: FAV



## TESTIMONY FOR SB0744 Juvenile Law - Reform

**Bill Sponsor:** President

**Committee:** Judiciary

**Organization Submitting:** Maryland Legislative Coalition

**Person Submitting:** Cecilia Plante, co-chair

**Position:** FAVORABLE

I am submitting this testimony in strong support of SB0744 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.

# **Juvenile Law - Reform - SB 744 - Crossover Testimo**

Uploaded by: Lisa Radov

Position: FAV



## MARYLAND VOTES FOR ANIMALS

PO Box 10411  
BALTIMORE, MD 21209

March 26, 2024

To: House Judiciary Committee  
From: Lisa Radov, President and Chairman, Maryland Votes for Animals, Inc.  
Re: Juvenile Law- Reform – SB 744 – Support

Chair Clippinger, Vice Chair Bartlett, members of the House Judiciary Committee, thank you for the opportunity to testify before you today. My name is Lisa Radov and I am the President and Chairman of the Maryland Votes for Animals, Inc. We champion legislation to improve the lives of animals in Maryland. On behalf of our board of directors, as well as the thousands of members of Maryland Votes for Animals, I respectfully ask that this committee vote favorably for Juvenile Law – Reform – SB 744. We appreciate this committee passing the House version of this bill which includes crimes committed under 10-606 and respectfully request that it be included in the Senate version that you are considering at this time.

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 dedicated 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.

I would like to thank President Ferguson and Chair Smith for their sponsorship of SB 744 and urge a favorable report.

**SB0744-JUD-FAV.pdf**

Uploaded by: Nina Themelis

Position: FAV



**BRANDON M. SCOTT**  
MAYOR

*Office of Government Relations  
88 State Circle  
Annapolis, Maryland 21401*

**SB0744**

March 26, 2024

**TO:** Members of the Senate Judicial Proceedings Committee

**FROM:** Nina Themelis, Director of Mayor's Office of Government Relations

**RE:** Senate Bill 744 – Juvenile Law – Reform

**POSITION: Support**

Chair Clippinger, Vice Chair Bartlett, and Members of the Committee, please be advised that the Baltimore City Administration (BCA) **supports** Senate Bill (SB) 744.

SB 744 makes needed improvements to the effectiveness and efficiency of the juvenile justice system by broadening accountability for juvenile offenders of serious crimes; ensuring that children receive needed rehabilitation services; and addressing gaps between the Department of Juvenile Services (DJS), law enforcement agencies and local state's attorney's partnership and collaboration when tracking juveniles who pass through the system.

Maryland law currently prohibits children under the age of 13 from being criminally charged except in the case of violent crimes. In response to concerns about a significant amount of serious crime being committed by repeat offenders as young as elementary school-age, this legislation lowers the minimum age to 10 years old for children to be charged with nonviolent crimes involving firearm-related offenses, car theft, third-degree sexual offenses, and animal abuse.

This bill aims to improve collaboration and efficiency within the juvenile system by requiring intake officers to make judicial inquiries more quickly – within 15 business days rather than the current 25-day deadline – in order to determine whether the court has jurisdiction and, if so, whether judicial action is in the best interests of the public or the child. SB 744 also requires DJS to make intake decisions more quickly, which will help to hold the state accountable while increasing fairness for juveniles in the system in part by ensuring that they are provided with needed services within a shorter time period.

SB 744 also reforms the state's Children in Need of Supervision (CINS) referral protocols to ensure that needed services are provided when youth offenders under 13 years old commit a crime resulting in the death of a victim. Through the CINS process, law enforcement and other agencies can fill out a form to refer youth and their families to services. Under SB 744, DJS intake officers will be required to authorize the filing of a CINS petition in any case where a child under the age of 13 commits an offense that results in a death.

The bill also requires a Commission on Juvenile Justice Reform & Emerging Best Practices to complete several tasks including: reviewing the department's educational and diversionary programs and other services; researching culturally competent, evidence-based and research-based programs and practices relating to child welfare, juvenile rehabilitation and mental health services for children; examining and reviewing fatalities involving children under the supervision of DJS; and identifying opportunities for greater coordination between the department, state's attorneys, law enforcement agencies and local organizations that provide services to youth.

SB 744 requires law enforcement to complete written statements to be shared with DJS when they take minors into custody. Currently, each time a juvenile offender reenters the system, valuable information may be lost if law enforcement officers are not submitting timely reports.

SB 744 allows the length of juvenile probation to be extended, providing more time for juveniles to complete rehabilitative programs — up to two years in four-month increments for misdemeanors, and four years in four-month increments for felonies. It is the belief of the BCA that these extensions are intended to ensure that juveniles who are participating in rehabilitative programs complete those programs and that decisions to extend probation will only be made in the best interests of the child and the general public as is outlined within this legislation.

For these reasons, the BCA respectfully requests a **favorable** report on SB 744.

# **SB 744 - Juvenile Law - Reform.pdf**

Uploaded by: Scott Shellenberger

Position: FAV



**Bill Number: SB 744**

**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 SENATE BILL 744**  
**JUVENILE LAW - REFORM**

I write in support of Senate Bill 744 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 SB 744 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.

**BaltimoreCounty\_FAV\_SB0744.pdf**

Uploaded by: Will Thorne

Position: FAV

JOHN A. OLSZEWSKI, JR.  
*County Executive*



JENNIFER AIOSA  
*Director of Government Affairs*

AMANDA KONTZ CARR  
*Legislative Officer*

WILLIAM J. THORNE  
*Legislative Associate*

**BILL NO.:** SB 744

**TITLE:** Juvenile Law – Reform

**SPONSOR:** President Ferguson

**COMMITTEE:** Judiciary

**POSITION:** **SUPPORT**

**DATE:** March 26, 2024

Baltimore County **SUPPORTS** SB 744 - 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.

Accordingly, Baltimore County urges a **FAVORABLE** report on SB 744 from the House Judiciary Committee. For more information, please contact Jenn Aiosa, Director of Government Affairs at [jaiosa@baltimorecountymd.gov](mailto:jaiosa@baltimorecountymd.gov).

**MCPA-MSA\_SB 744-Juvenile Law Reform-SWA- House.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 House Judiciary 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:** March 26, 2024

**RE:** **SB 744 – Juvenile Law - Reform**

**POSITION:** **SUPPORT WITH HOUSE REPORTING AMENDMENTS**

The Maryland Chiefs of Police Association (MCPA) and the Maryland Sheriffs' Association (MSA) **SUPPORT SB 744 WITH THE HOUSE VERSION OF THE REPORTING AMENDMENTS.**

As introduced, MCPA and MSA had concerns with the language on page 8, lines 26-30, that required law enforcement to complete and forward a written complaint or citation to the Department of Juvenile Services (DJS) for processing if a child is taken into custody pursuant to the law of arrest. The concern was that once the filing takes place, the youth fall under the jurisdiction of DJS and law enforcement can no longer divert youth into diversion programs. These are programs law enforcement agencies across the state offer to youth to provide positive, supportive and effective services to divert offenders from the juvenile justice system and instead provide mentoring, counseling, and restorative justice.

The reporting requirements in SB 744 and its cross file, HB 844, were both amended to address this concern. Based on the reading of the language in each, the language of HB 844 seems to be clearer and easier to understand. Therefore, MCPA and MSA would like SB 744 amended to mirror the reporting language in HB 844.

MCPA and MSA are also very appreciative of both SB 744 and HB 844 being amended to add an additional representative to ensure MCPA and MSA are both represented on the Commission on Juvenile Justice Reform and Emerging and Best Practices.

**SB744\_fav\_HSUS\_cross.pdf**

Uploaded by: Jennifer Bevan-Dangel

Position: FWA



## **THE HUMANE SOCIETY OF THE UNITED STATES**

**March 26, 2024**

**Judiciary Committee**

**SB 744**

***Juvenile Law - Reform***

### **FAVORABLE WITH AMENDMENTS**

The Humane Society of the United States, on behalf of our members and supporters in Maryland, supports 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, as was originally included in SB744. We thank the committee for including 10-606 in HB814, and urge the committee amend SB744 to include that same provision.

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 respectfully request that the committee add §10-606, aggravated cruelty against animals, back into SB744 to mirror the language in HB814 as passed by this committee, and thank the committee for its work on this important and difficult issue.



**SB 744\_Crossover\_Final .pdf**

Uploaded by: Karalyn Aanenson

Position: FWA

Date: March 26, 2024  
Bill Number/Title: SB0744 -Juvenile Law - Reform  
Committee: Judiciary Committee  
DJS Position: Support with Amendments

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The Department of Juvenile Services (DJS) supports the provisions in SB744 that relate to jurisdictional limits, intake decision making, and detention eligibility.

### **Jurisdictional Limits**

Senate Bill 744 modifies jurisdictional limits for youth by striking motor vehicle theft and animal crimes as an exception to juvenile court jurisdiction for youth under 13. However, the amended bill requires filing a CINS (Child in Need of Supervision) petition with the court when a youth under the age of 13 is alleged to have committed a motor vehicle theft. DJS supports CINS as an intervention, but recommends a CINS complaint be filed with DJS for review, assessment, and service connections prior to filing a CINS petition with the court. If a youth fails to engage with DJS services, a petition may be filed with the court.

### **Intake Decision Making**

DJS supports the amended Senate language that removes the language concerning state's attorney review of DJS intake decisions for youth currently on supervision. The amended language allows DJS, upon receipt of a complaint, to efficiently assess a youth's risk and needs and connect the youth and family to supportive community-based services and interventions.

### **Detention Eligibility**

DJS supports the amended provisions that modify detention eligibility for youth on probation subsequently charged with a new offense, with the exception of those charged with second-degree assault.

### **DJS recommends the following amendments to address operational challenges.**

- Remove the language on page 10, lines 13-19 that requires law enforcement to report to DJS all contacts with youth that did not result in the youth being taken into custody. This requirement is overly burdensome, and unclear as to what purpose the information would serve. Pursuant to the amended bill, law enforcement is already required to notify DJS of all youth who are diverted.
- Remove the language on page 15, lines 10-15 that requires DJS to provide a progress report to the court if the youth fails to appear four or more times to their treatment program. Currently, DJS provides progress reports as required by the courts, and notifies the courts when a youth violates the terms and conditions of their court ordered community supervision.

For these reasons, DJS requests a favorable report on SB 744.

**SB0744 Juvenile Reform Bill.in.favor.2024 HOUSE 3.**

Uploaded by: Patty Crankshaw-Quimby

Position: FWA



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

**PO Box 1143  
Easton, Maryland 21601**

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**SB0744 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 wishes to thank this committee for your inclusion of "Title 10-606"-Felony animal crimes to the House version of this bill. Our organization's support is specifically for the inclusion of felony crimes against animals be added to the list of charges that can be brought against a minor between the ages of 10 and 12 years old. We respectfully request this be re-added to SB0744.

As has been shared with your committee earlier this session, 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 juvenile 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 rare 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 SB0744 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**

**SB744\_HB814 MYJC Testimony.pdf**

Uploaded by: Alice Wilkerson

Position: UNF



SB 744  
Juvenile Law - Reform  
UNFAVORABLE

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

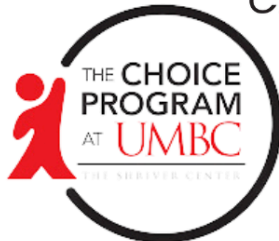
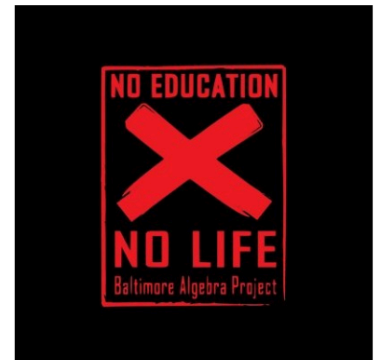
Justice Policy Institute  
Juvenile Law Center  
League of Women Voters of Maryland  
Making Changes  
Maryland Catholic Conference  
Maryland Center on Economic Policy  
Mental Health Association of Maryland  
Montgomery County Commission on  
Juvenile Justice  
National Center for Youth Law  
National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



ADVANCE  
MARYLAND



Center for Criminal  
Justice Reform



# **AndrewMiller\_Crossfile.pdf**

Uploaded by: Andrew Miller

Position: UNF

March 26, 2024  
Andrew J. Miller  
Baltimore, MD 21209



**TESTIMONY ON SB0744**  
**POSITION: UNFAVORABLE**  
**Juvenile Law - Reform**

**TO:** Chair Clippinger, Vice Chair Bartlett, and members of the House 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 SB0744, 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. I am submitting this testimony on Behalf of Jews United for Justice (JUFJ). JUFJ organizes more than 6,000 Jews and allies from across the state in support of social, racial, and economic justice campaigns.

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. 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 SB0744. 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.

Against the backdrop of an overall long-term decrease in crime and juvenile crime, there has been a spike in carjackings and 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, the state needs to prioritize getting them the treatment they need before they hit those existing time limits.

The leaders of our state are claiming SB0744 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. SB0744 will do nothing but punish kids and continue a cycle of violence.

For these and other reasons, on behalf of Jews United for Justice, **I respectfully urge an unfavorable report on SB744 unless the bill is amended to only a study and commission.**

**SB0744-2024 Juvenile Law-Reform2.pdf**

Uploaded by: ANNA RUBIN

Position: UNF

SB0744\_AnnaRubin\_UNFAV  
Mar. 22, 2024  
Anna Rubin  
Columbia, MD 21045

TESTIMONY ON SB0744 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.

Unless amended to only a study and commission, I request. an unfavorable vote on SB744. 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 opposed to SB0744 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. Expanded jurisdiction for 10, 11, and 12 year olds means more kids going into detention rather than getting treatment, education and help. International human rights standards set a minimum age of 13 for arrest of a child.

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. I suspect that because I am White, that changed the attitude of the police. That this method was effective is proven by his having had no further incidents in the ensuing 20 years.

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 SB0744. Unless amended to only a study and commission, I request an unfavorable vote on SB744.

Sincerely,  
Dr. Anna Rubin



**SB744\_ArielleJuberg\_Unfav\_3.22.24.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 SB0744, Juvenile Law – Reform. I oppose this bill unless it is amended to only a study and commission.**

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. I am shocked that this “reform” bill would sweep 10-, 11-, and 12-year-old children into detention and an overburdened justice system.

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 SB0744, 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 SB0744**. I encourage you to listen to research and evidence, rather than fearmongering led by media outlets. Thank you for your time, service, and consideration.

Sincerely,

Arielle Juberg  
3411 Upton Road  
Baltimore, MD 21234

**SB744 written testimony unfavorable.pdf**

Uploaded by: Claire Landers

Position: UNF

SB744\_ClaireLanders\_FAV  
3/26/24  
Claire Landers  
Baltimore, MD 21209

**TESTIMONY ON SB744- POSITION: UNFAVORABLE**  
**Juvenile Law-Reform-Crossfile**

**TO:** Chair Clippinger, Vice-Chair Bartlett and Members of the Judiciary Committee

**FROM:** Claire Landers, Resident of D11

**I am submitting this testimony in opposition to SB744.** I am a resident and parent in Baltimore County, District 11. Last year I viewed a video of a very young Black boy being held alone in a detention facility in Baltimore County. It was heartrending and disturbing to watch a recording of a child's helpless anguish in that government facility to plead with you now to walk back from SB744.

I ask you to reread and take into your hearts and minds the insights of [this op-ed by Judge Andre Davis and Atty. Nancy Gertner](#). They have first-hand experience in our legal system that detains and incarcerates more Black children and young teens than just about anywhere else in the entire country: That status is just shameful and the real and urgent problem that I believe Maryland's legislators must address constructively when the issue of troubled youth grabs public attention.

We know, without a doubt, that the children this bill is directed toward have often navigated extreme life experiences alone, without any of the constructive, wrap-around responses that, I dare say, my own and your own children would receive if they got in the kind of "big trouble" that brings down the wrath of state powers. Every expert in this field very clearly warns the rest of us that treating very young people as if they are hardened criminals for the sake of "accountability" does not help them; it is an experience that often harms them directly and produces increased recidivism within that group! That is the absolute worst outcome for all of us - It in no way serves the greater public interest or increases our overall safety going forward. In fact, experts have warned that strong research data indicates the approach that SB744 takes toward youth crime undermines every long-term goal you may believe that this bill will address.

Maryland's leaders - and all of us - have to accept the difficult challenge with the moral responsibility to find humane, 21st century approaches to intervene - and help, not harm - our young people who in breaking the law demonstrate they need our help most: SB744 simply will not accomplish that. **I respectfully urge this committee to return an unfavorable report on SB744.**

**SB0744\_DavidFriedman\_UNFAV (1).pdf**

Uploaded by: David Friedman

Position: UNF

March 22, 2024  
David M. Friedman  
Silver Spring, MD

**TESTIMONY ON SB0744 - POSITION: UNFAVORABLE**  
**Juvenile Law - Reform**

**TO:** Chair Clippinger, Vice Chair 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 SB0744, Juvenile Law - Reform as it currently stands.**

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. Although the current version of SB0744 before the House Judiciary Committee includes amendments, the bill as written still overall 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, provide them the support they need, and improve safety.

SB0744 rolls back key provisions of the Juvenile Justice Reform Act (JJRA) enacted in 2022 without any evidence-based reasons for doing so. Many of the new provisions in SB0744 are in turn not evidenced-based. For example, there is no data to support that expanding pre-trial detention, as SB0744 calls for, improves safety or outcomes for children. Similarly, the creation of longer probation periods just pulls kids deeper into the system that makes them more likely to reoffend. Saying that expansion of probation is needed because services aren't available on a timely basis is not solving the right problem. Instead of providing more services to kids who are waiting for them, this legislation punishes children for not obtaining those unobtainable services.

The two positive aspects of SB0744 are the creation of the Commission on Juvenile Reform and Emerging and Best Practices and calls for improving and expanding data collection and reporting by state's attorneys, law enforcement, diversion services, and all of Maryland's child-serving agencies. Rather than moving forward with rollback of provisions in the 2022 act, I encourage legislators to recommend that the Commission be tasked with reviewing SB0744 provisions such as changes to the probation system, lowering the age of jurisdiction, and expanding detention eligibility, and then recommend what changes are appropriate to the General Assembly prior to the next session. Such an approach would be superior to the misguided rush

to judgment that SB0744 represents. The impact of SB0744 as it currently stands 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 JJRA 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 punishing kids in the system rather than investing in programming and services that are proven to change behavior. **I respectfully urge this committee to return an unfavorable report on SB0744 unless it is amended to focus solely on the creation of the Commission and study of the need for new provisions.**

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Uploaded by: Elizabeth Hilliard

Position: UNF

## SENATE BILL 744

- Sweeps into court 10, 11, and 12 year olds charged with firearm, handgun possession, and 3rd degree sex offenses.
- Prohibits diversion and out-of-court service options for auto theft charges.

## HOUSE BILL 814

- Only allows one diversion for 10-12 year olds for handgun or firearm possession charges and auto theft charges.
- Drags 10-12 year olds into court for aggravated animal offenses and third degree sex offenses.

Read more about why **JJRA** **established a Minimum Age** for juvenile legal system involvement in the [linked report](#).

## CHILDREN NEED SWIFT SERVICES

- Most children 10-12 are not competent for trial.
- Determining competency delays services an average of 7 months, even if the child is found competent.

## ONE DIVERSION IS NOT ENOUGH

- Young children may struggle with their first diversion.
- A CINS complaint provides services without the harms of system involvement.

## THIS IS A RACIAL JUSTICE ISSUE

- The REIN confirms our experience in court: Black and brown children are disproportionately swept into the system.
- Black children account for 30% of Maryland's under 13 population, but 64% of DJS intake complaint decisions for 10-13 year olds.

## CHILDREN ARE NOT THE PROBLEM

- Most crime is committed by adults.
- In 2022 only 4 children aged 10-12 were charged with auto theft.
- Prevention works! (St. Paul Study).





## CINS PROVIDES STRUCTURE WITHOUT THE HARMS OF DETENTION.

- CINS' therapeutic approach is more effective for addressing the root causes of behavior than detention, which focuses on punishment and incapacitation.
- CINS does not have the collateral consequences of juvenile system involvement, which negatively impacts education, future military service, and employment.
- Removing elementary school children from their homes, schools, and communities is counterproductive.
- [The Sentencing Project: Why Youth Incarceration Fails.](#)

## CHILD IN NEED OF SUPERVISION (CINS) PROCESS

Step 1: CINS complaint filed with DJS

Step 2: DJS CINS Intake: screening, assessment, meeting with child and family

Step 3: DJS Intake Decision:

- Resolve/decline the complaint
- Pre-court supervision
- File a CINS petition in Juvenile Court

Step 4: If DJS files a CINS petition in court, a judge may order supervision or a residential program

***Don't jump to a CINS petition. All four steps are needed.***

## MOPD URGES LESS HARMFUL OPTIONS -- CINS COMPLAINTS FOR 10-12 YEAR OLDS.



**SB 744 Unfav MOPD.docx.pdf**

Uploaded by: Elizabeth Hilliard

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: Senate Bill 744 – Juvenile Law - Reform**

**FROM: Maryland Office of the Public Defender**

**POSITION: Unfavorable**

**DATE: March 22, 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***

The Maryland Office of the Public Defender respectfully requests that the Committee issue an unfavorable report on Senate Bill 744.

The Juvenile Justice Reform Act (JJRA), which is current law, was the end result of diligent work by the Maryland General Assembly during the 2022 legislative session. The JJRA codified recommendations made by the Juvenile Justice Reform Council (JJRC), which the General Assembly established in order to study a complicated system and recommend legislation on how to make the Juvenile Court system better for all Marylanders. It was intentionally a diverse, inter-branch, bipartisan group of juvenile justice stakeholders from across the state.

The JJRC engaged in intensive study and debate around 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."<sup>1</sup> The Council met over a period of two years. The JJRA was the result of their recommendations.

Less than 2 years after the JJRA went into effect, Senate Bill 744 seeks to dismantle it by drastically expanding which children are brought into the system and increasing prosecution, detention, and probation in a rushed and politicized context, divorced from what research **actually** supports as best for public safety and best for families.

Make no mistake, Senate Bill 744 is **not a bill that will address violent crime**. Under current law, any child age 10 and older can be fully prosecuted, detained, placed on probation until the age of 21, and committed for out of home placement for a crime of violence. Instead, SB 744 seeks to incarcerate very young children, and children involved in low-level offenses. Despite amendments, the bill guts the steps the JJRA took to build out opportunities to divert children from formal legal system involvement. Historically, black children from marginalized communities have been overrepresented in the DJS population for this age group. The Racial Equity note for this bill anticipates that history will repeat itself under SB744 as well, noting that while black children under the age of 13 represent 30% of the state's population, they were 64% of the children under 13 who went through the Department of Juvenile Services intake process.

There is little to no data being presented to support SB 744. Anecdotes are its only support. Anecdotes should not be used to overturn data-driven reforms designed and proposed by an interdisciplinary and bipartisan team that spent **years** examining the actual data and research for how to improve public safety. By contrast, what data is available suggests that the reforms enacted by the JJRA, and the investment in community resources for children, are working. According to a recent article in the Baltimore Banner, shootings victimizing teens between the

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

ages of 13 and 18 have “fallen sharply this year compared to the same time period in 2023... Twelve teenagers in that age bracket were shot between January 1 and March 15, compared to 34 during the same period of time a year ago.”<sup>2</sup>

Despite the rush to hear this bill, MOPD urges careful consideration of our testimony, experience, and careful analysis.

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

Senate Bill 744 seeks to extend jurisdiction of the juvenile court to children under the age of thirteen for certain offenses: Handgun Possession, Firearms Offenses and Third Degree Sex Offenses.

In 2022, the JJRC recommended that Maryland join the majority of U.S. states and 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.<sup>3</sup> The Council recognized that behavior of younger children should be handled by the child 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 13 to charge children in juvenile court for the vast majority of offenses, excluding crimes of violence which can still be charged regardless of age. Those changes have been in effect only since June 1, 2022. Less than two years have passed since this reform, and very little has changed for children under the age of thirteen.

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<sup>2</sup> Baltimore Banner, March 19, 2024 “Shootings among high school teen in Baltimore finally decreasing”. [https://www.thebaltimorebanner.com/community/criminal-justice/baltimore-high-school-shooting-teens-7VEHLI4DVVAFTCZUAIMNRKQTTE/?schk=NO&rchk=YES&utm\\_source=The+Baltimore+Banner&utm\\_campaign=00c5320b9a-NL\\_AMSC\\_20240319\\_0600&utm\\_medium=email&utm\\_term=0\\_-00c5320b9a-%5BLIST\\_EMAIL\\_ID%5D&mc\\_cid=00c5320b9a](https://www.thebaltimorebanner.com/community/criminal-justice/baltimore-high-school-shooting-teens-7VEHLI4DVVAFTCZUAIMNRKQTTE/?schk=NO&rchk=YES&utm_source=The+Baltimore+Banner&utm_campaign=00c5320b9a-NL_AMSC_20240319_0600&utm_medium=email&utm_term=0_-00c5320b9a-%5BLIST_EMAIL_ID%5D&mc_cid=00c5320b9a)

<sup>3</sup> Juvenile Justice Reform Council Final Report 17 (January 2021), <https://dls.maryland.gov/pubs/prod/NoPblTabMtg/CmsnJuvRefCncl/JJRC-Final-Report.pdf>.

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.<sup>4</sup> 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.<sup>5</sup>

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.<sup>6</sup> 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 should 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.**

Moreover, the Juvenile Services Education Program (JSEP), which operates the education programs in DJS facilities, cannot realistically meet the educational needs of youth

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<sup>4</sup> 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>.

<sup>5</sup> 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>.

<sup>6</sup> Katner, 420, citing National Research Council, Reforming Juvenile Justice (Washington, DC: National Academies of Science, 2013), <http://bit.ly/1zhoVmM>.

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 make up the majority of students involved in the juvenile justice system.<sup>7</sup>

Advances in neuroscience indicate childhood as a crucial time of brain development – a time at which children’s brains are not full-formed, 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 nor to participate in their defense in any meaningful way. They are further unable to fully grasp the impact of breaking 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.<sup>8</sup> Justice involved youth are among these victims and, when processed in the juvenile system, do not receive the trauma-informed services

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<sup>7</sup> 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](https://www.ndrn.org/wp-content/uploads/2019/10/Probation_Referral_Report_FINAL_w_Appendices.pdf)

<sup>8</sup> 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>.

that they need. 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.<sup>9</sup>

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.<sup>10</sup> Those same children rated as having a poorer or more guarded prognosis for restoration of competency within a lawful time frame than older adolescents.<sup>11</sup>

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. DJS only has jurisdiction to provide services if the child is 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.

Competency to stand trial is not a mere legal technicality, it is a requirement of both the United States Constitution and the Maryland Declaration of Rights. For children under the age of 13, much of the issue of competency is simple developmental maturity, which may take far longer than the constitution allows. These cases can not be held open indefinitely while we wait

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<sup>9</sup> 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>.

<sup>10</sup> 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

<sup>11</sup> *Id.* at 34.



for the child to grow and mature in the hope that they will attain competency. *Jackson v. Indiana*, 406 U.S. 715 (1972). *See attached competency chart for further explanation.*

On the other hand, if a child is referred to DJS through a CINS Complaint, rather than formal delinquency which may result in prosecution by the State's Attorney Office, children can receive services aimed at treating, guiding, and rehabilitating them and their families. Children do not need to be competent to stand trial to receive services via a CINS complaint. Senate Bill 744 does make an effort to encourage services for children charged with motor vehicle theft by mandating a CINS Petition. MOPD recommends that instead of mandating a CINS Petition for motor vehicle theft only, ***all offenses in the bill for children 10, 11, and 12 years old result in a CINS Complaint.*** The CINS complaint process affords more flexibility in service provision and familial community care. CINS complaints therapeutic approach is more effective for addressing the root causes of behavior than detention, which focuses on punishment and incapacitation. CINS do not have the collateral consequences of juvenile system involvement, which negatively impacts education, future military service, and employment.

The difference between a CINS Petition and CINS Complaint can be most easily explained as follows:

- ***A CINS COMPLAINT*** starts at Step 1: CINS complaint filed with DJS
- Step 2: DJS CINS Intake: screening, assessment, meeting with child and family
  - Immediate services are available and prioritized
- Step 3: DJS Intake Decision:
  - Resolve/decline the complaint;
  - Pre-court supervision; or
  - File a CINS petition in Juvenile Court
- ***A CINS PETITION*** starts at Step 4: If DJS files a CINS petition in court, a judge may order supervision or a residential program.

MOPD urges this committee amends the bill to only permit CINS Complaints for 10, 11, and 12 year old children to ensure services are provided immediately.

**Children need graduated sanctions and positive reinforcement, not jail.**

A new proposal in this bill, would permit that two or more unexcused failures by a child to appear at a treatment program ordered by the court could result in the reset of a child's 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 have to completely restart their probation. For some children, this could mean that if they miss 2 out of 44 treatment program meetings at the very end of their year-long probation period, they may end up on probation for another year.

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"? Who is obligated to categorize the absence as "excused?"

The number of factors that are out of a child's control, but under this provision could contribute to a violation, are too many to list. However, some key barriers that will increase violations include lack of internet access, transportation barriers, and competing demands for parents and children.

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 technology or cost, or if the onus of familial gaps and lack of resources falls on the child.

Similarly, a child cannot drive a vehicle, if other transportation is lacking 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 transportation barriers or other issues that are beyond their control.

There are numerous programs that require attendance upwards of 2-3 times per week. The child likely lacks the contact information for the program, let alone a phone of their own or the maturity to contact a program themselves. If the parent, who is not the one on probation, forgets to contact the program, the child should not be punished. Further, failures to appear - whether excused, unexcused, or otherwise - may not be wanton. They may not be willful. Completely restarting a child's probation based on two unexcused absences is a disproportionate and unnecessarily punitive response.

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 another year or to of probation for missing two appointments at a treatment program, is bad policy. Further, the practical impact of this proposed legislation would result in virtually every single violation of probation proceeding resulting in a contested hearing. This will typically require the treatment program to testify against the child, pitting them against the child and fracturing the therapeutic relationship, rather than serving as 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 decisionmaking instead of fearing punishment and detention.

Additionally, this proposed addition is completely unnecessary, as the current legislation permits a youth's probation to be extended 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. 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.<sup>12</sup> Youth were more than twice as likely to be committed for a VOP than for a violent felony. Missing two appointments with a court ordered treatment program does not increase one's level of risk to an extent that warrants 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.***

Senate Bill 744 seeks 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 petty theft—the Court can detain the child pending

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<sup>12</sup> 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>.

trial simply because they were already under supervision when the new allegations arose. 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).

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 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 adjudicated delinquent.

The harms of this provision far outweigh any conceivable benefits. To highlight, examples of these misdemeanors may include theft, destruction of property charges, unlawful use of a telephone, 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.<sup>13</sup> 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

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<sup>13</sup> *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).

same year to be detained pretrial on an alleged misdemeanor, and already addresses concerns 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.***

Senate Bill 744 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.”<sup>14</sup> 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 justify 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.<sup>15</sup>

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

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<sup>14</sup> Juvenile Justice Reform Council Final Report 20 (January 2021), <https://dls.maryland.gov/pubs/prod/NoPblTabMtg/CmsnJuvRefCncl/JJRC-Final-Report.pdf>.

<sup>15</sup> 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.

***We must not remove opportunities for diversion, which works for children, victims, and communities.***

Leaders in the Maryland General Assembly have consistently expressed their commitment to providing rehabilitative support to children in crisis and at risk as soon as practicable, and yet this bill does the opposite. **Senate Bill 744 removes the ability for DJS to informally resolve non-violent felonies, the brackets on page seven remove the current language that permits this and it is essential that the existing statutory language remain.** Removing this provision erects unnecessary barriers for timely interventions, it narrows the eligibility of proven pre-court 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.

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, Senate Bill 744 severely undermines these efforts.

Senate Bill 744 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. This effectively vests the State's Attorney with decision-making authority regarding diversion

options for these cases, despite the fact that State’s Attorney offices have little to no information regarding the child’s background or needs, and few, if any, proactive services to offer of their own. Ironically, it also means that fewer children will receive actual services or supervision: in FY 19, 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 prosequi, 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, Senate Bill 744 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 the above reasons, and those explained in our previous oral testimony, the Maryland Office of the Public Defender urge the committee to issue an unfavorable report on Senate Bill 744.**

# **HRFK 2024 SB 744 OPPOSE (House Judiciary).pdf**

Uploaded by: Emily Virgin

Position: UNF



## **TESTIMONY IN OPPOSITION TO SB 744 BEFORE THE MARYLAND HOUSE JUDICIARY COMMITTEE**

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*March 26, 2024*

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

Thank you for the opportunity to share our concerns with you regarding SB 744. While we share many of the concerns expressed by other youth justice advocates and organizations, we will focus our testimony on the expansion of delinquency proceedings for children ages 10 to 12.

The amendments made by the Senate to remove motor vehicle theft from delinquency proceedings and instead mandate that a petition be filed alleging that a child is in need of supervision (CINS) marks an improvement from the provisions in the original version of the bill. However, we believe that the CINS process is a more effective and age-appropriate tool for the other offenses listed in the bill as well.

Through the CINS process, which is already outlined in statute, a court can assess the treatment and supervision needs of the child without the threat of the punitive delinquency process, which can unnecessarily label and harm children, leading to a lack of participation or buy-in from the child.

Children aged 10 to 12 who commit crimes like the ones included in this legislation often do so because of either family neglect or forced criminality, which is a form of human trafficking, where victims are made to commit crimes at the behest of their adult trafficker. Young boys are especially vulnerable to human trafficking by criminal street gangs. Gang leadership is typically composed of men in their mid-20s and 30s, who prey on kids from broken homes seeking protection and belonging. These child trafficking victims usually go unnoticed, as many groups unfairly label them as “juvenile criminals” who should be punished.

The issue of children being coerced to commit crimes is nothing new. While coercion most often is discussed in the context of children forced into prostitution, child victims are forced to commit all kinds of crimes, including weapons possession and motor vehicle theft.

Last fall, this Committee heard testimony from prosecutors and law enforcement around the state concerning the issue of juvenile crime. One witness, Clyde Boatwright, who serves as the President of the Maryland Fraternal Order of Police, brought to light an issue that should concern us all. Responding to a question from Del. Sandy Bartlett on how many children are being coerced into committing crimes like car theft, Sgt. Boatwright estimated that as much as 50% of juvenile car thefts are the result of criminal exploitation by older adults.

These hearings prompted the introduction of SB 744 and its House cross-file, HB 814, to deal with the perceived gaps from the Juvenile Justice Reform Act of 2022 and the increase in certain crimes like car thefts. Tragically, this legislation is targeted at a high percentage of kids identified by Mr. Boatwright as victims of human trafficking.

If a 10- to 12-year-old child commits an offense like the ones included in this legislation, they should receive treatment and services with the supervision of the court through the CINS process. Most of them, after all, are victims of human trafficking or neglect.

**It is for these reasons that we strongly encourage the Committee to amend the legislation to use the filing of CINS petitions**, rather than delinquency petitions, when 10- to 12-year-old kids commit crimes. This will ensure both the child and their family are supervised by the court while they get the treatment they need.

**Submitted by:**

Emily Virgin

Director of Advocacy & Government Relations

[evirgin@humanrightsforkids.org](mailto:evirgin@humanrightsforkids.org)

**SB 744 - Juv Reform - ACLU Testimony (Feb 2024).pd**

Uploaded by: Frank Patinella

Position: UNF



## Testimony for the House Judiciary Committee

March 26, 2024

### SB 744 — Juvenile Law – Reform

#### UNFAVORABLE

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GENERAL COUNSEL

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

As amended, SB 744 would:

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

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<sup>1</sup> CR, §3-804(a) (Misd. 3 y)

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

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

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

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

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

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



**MD Catholic Conference\_SB 744\_UNF HOUSE CROSS.pdf**

Uploaded by: Garrett O'Day

Position: UNF



MARYLAND  
CATHOLIC  
CONFERENCE

March 26, 2024

**SB 744  
Juvenile Law - Reform**

**House Judiciary Committee**

**Position: UNFAVORABLE**

The Maryland Catholic Conference offers this testimony of unfavorable with suggested amendment to Senate Bill 744. 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.

Senate Bill 744 rolls back some of comprehensive work of the Juvenile Justice Reform Council recommendations passed through House Bill 691 just a mere two years ago (2022). That legislation made 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, formed from a comprehensive study of best practices by the Council including substantial input 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 to detention. Each of those important reforms is rolled back in some way through this legislation.

The Conference suggests the attached amendments, which remove 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.

The MCC has supported many juvenile justice reform proposals over the past several years that seek to reduce future recidivism and promote a holistic, restorative approach to youth accountability. 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 an unfavorable report on Senate Bill 744 or amendment per below.**

## **Proposed Amendments to SB 744**

### **Juvenile Law - Reform**

#### **AMENDMENT No. 1 to FIRST (ORIGINAL) PRINT**

STRIKE “Article” on page 2, line 26 through “DEPARTMENT” on page 17, line 22.

**SB744\_Jeffrey Rubin\_UNFAV.pdf**

Uploaded by: Jeffrey Rubin

Position: UNF

March 26, 2024

Jeffrey S. Rubin  
Potomac, MD 20854

**TESTIMONY ON SB744 - UNFAVORABLE**  
**Juvenile Law - Reform**

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

**FROM:** 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 SB744, Juvenile Law - Reform.

Maryland has a regrettable legacy of being among the worst states in our nation when it comes to treating children in the criminal legal system. In 2022, steps were taken to reduce the use of overly punitive measures and adopt practices based on data, research, and the study of human development. SB744 would have us return to discredited policies with flawed rationales.

Rather than making better use of social services, and despite some amendments that would mitigate the worst aspects of the original bill, the provisions of SB744 would lead to the incarceration of more children. The tough on crime theme has again become popular among some law enforcement officials, in spite of 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 detention and prolonged probation of youth will increase the likelihood of their eventual incarceration and subsequent recidivism, which would decrease public safety.

I support the portion of SB744 that describes the creation of a Commission on Juvenile Justice Reform and Emerging and Best Practices. This body should be tasked with reviewing the remaining provisions in the current bill, as well as the data pertaining to other approaches to juvenile justice. This should be followed by a set of recommendations for future legislation and related policy reforms.

As it stands, SB744 is likely to result in an increase in the use of detention facilities, 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 SB744.**

**Crossfile SB0744\_JoShifrin\_UNFAVORABLE.pdf**

Uploaded by: Jo Shifrin

Position: UNF

**SB0744\_JoShifrin\_UNFAVORABLE**

**Hearing Date: March 26, 2024**

**Jo Shifrin**

**Bethesda, MD 20817**

**TESTIMONY ON SB0744 - POSITION: UNFAVORABLE**

**Juvenile Law - Reform**

**TO:** Chair Luke Clippinger, Vice Chair Sandy 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 SB0744, Juvenile Law - Reform.**

I am Jewish, a retiree, and a resident of Bethesda 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 passed the Juvenile Justice Restoration Act. But this proposed legislation (SB0744) undermines several provisions of that law, for example, under SB0744:

- Expanded jurisdiction for children who are 10, 11, and 12 years old. At that age, children are often unable to participate in their own defense, deemed “incompetent,” and then cannot be given the services they need.
- The law violates human rights standards, which set a minimum age of 13 for the arrest of a child.
- The law creates a technical violation of probation for 2 or more unexcused absences at a treatment program ordered by the court, despite the fact a child is often not in charge of or able to access transportation.

This law ignores more than 20 years of research and data on the most effective way to hold children accountable when they break the law. It also disregards information proven to improve safety in our communities.

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 and engaging after school activities, 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, instead of investing in programming and services that are proven to change behavior, *SB0744 will make our communities less safe by punishing children who need support.* Moreover, SB0744 does not increase the resources needed by the Department of Juvenile Services to offer children the services they need. This legislation 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 and in society.

I respectfully urge this committee to return an unfavorable report on SB0744.



**TSP SB 744 UNF.pdf**

Uploaded by: Josh Rovner

Position: UNF



March 26, 2024

Josh Rovner, Director of Youth Justice, *The Sentencing Project*, SB 744 **Unfavorable**

Dear Chair Clippinger and members of the House Judiciary Committee,

The Sentencing Project **opposes SB 744**. We are re-submitting our written testimony from this committee's hearing held on February 8, 2024, on the House cross-file (HB 814) of this legislation. We have also submitted written testimony as a member of the Maryland Youth Justice Coalition (MYJC) in opposition of the bill. We respectfully urge an unfavorable vote on SB 744.

Sincerely,  
Josh Rovner  
Director of Youth Justice  
The Sentencing Project  
jrovner@sentencingproject.org

...

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.<sup>1</sup>
- 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.<sup>2</sup>
- 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.<sup>3</sup>

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 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

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<sup>1</sup> 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.

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

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

subsequent arrests and school failure. Pre-arrest and pre-court diversion can avert these bad outcomes.”<sup>4</sup>

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.<sup>5</sup> For all the deserved attention on this latter group, the majority of youth who are referred to juvenile courts will not return, especially those diverted from formal court involvement entirely.<sup>6</sup>

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.<sup>7</sup>

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

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

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

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

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.<sup>8</sup>

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.<sup>9</sup> 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 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.<sup>10</sup>

***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.<sup>11</sup>

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<sup>8</sup> TSP analysis of Data Resource Guides published by the Department of Juvenile Services.

<sup>9</sup> TSP analysis of 2019 Data Resource Guide published by the Department of Juvenile Services

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

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

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”<sup>12</sup> (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.***

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<sup>12</sup> Wintrobe, B. and Wood, P. (2024, Jan. 31.) “Lawmakers’ crime plan expands probation, would mean more children face charges.” [Baltimore Banner](#).

# **Juvenilejustice.pdf**

Uploaded by: Karen Caplan

Position: UNF

Dear members of the House Judiciary Committee,

My name is Karen Caplan. I am a resident of District 18, in Silver Spring. I am writing in opposition to SB744, “Juvenile Law-Reform, Senate crossfile,” unless significantly amended to reflect the overwhelming data and the corresponding best practices that this bill does not currently acknowledge. Let me be clear that every Marylander deserves to feel safe. I commend you all on your concern for safety. But this hastily-introduced bill ignores years and years of research on children’s psychology and on the results of their entanglement in the justice system. It remains a bill that is primarily punitive rather than supportive, that *expands* debunked methods of responding to juvenile crime rather than pulling back.

Along with many Maryland advocates, I am particularly dismayed by the expansion of jurisdiction over 10 to 12-year-olds. I will repeat this: 10 to 12-year-olds. Children. Not adults in children’s bodies; I would have hoped we had moved beyond the extraordinarily harmful rhetoric of past years. These are not individuals we should be prosecuting, they are individuals we should be helping to change their behavior. Introducing them into the criminal justice system, no matter how much one describes it as a “service,” is likely, according to available data, to do the opposite. The JJRC studied this question for two years and recommended that we not prosecute these children, and the legislature agreed in 2022. In the interim, and in response, Maryland has been subject to a great deal of fearmongering about “juvenile crime.” But this should not stop us from following the evidence. While I welcome some amendments to the original bill, including the mandate for CINS petitions to be filed for car theft, I strongly believe that this bill’s approach to younger children is a recipe for harm.

I do not have space here to detail the entire range of concerns I have about this bill. Overall, it focuses far too much on pulling children into the criminal justice system instead of provided services that we have heard again and again are not as available as they should be in our state. The answer is not to treat the criminal justice system as a substitute for services, it is to put more resources into the services. Pre-trial detention and probation, both of which are expanded in this bill, only provide more opportunities for children to be drawn into a system which we know—there is no doubt about this data—makes it more likely for them to re-offend.

Finally, we should not shy away from recognizing that Black and brown children will be the biggest losers in the scenario this bill presents. There are enormous racial disparities in the juvenile justice system and this bill does nothing to address them; instead, by drawing more children in, it will only reproduce the current inequities.

Along with the Maryland Youth Justice Coalition, I support the creation of a commission that would be tasked with a broader study of this bill and its provisions. I support expansion of data collection and reporting from the offices and individuals that make up the juvenile justice system. We need to take a step back; just doing “something” to address the



perceived problem is not an adequate response. I therefore oppose this bill unless it is reduced to the creation of a commission and the expansion of data collection and reporting.

Sincerely,  
Karen Caplan, PhD  
Silver Spring, MD D18

# **MTsiongasSB744UNFTestimony.pdf**

Uploaded by: Magdalena Tsiongas

Position: UNF

SB 744  
Juvenile Law - Reform  
UNFAVORABLE

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

**I am writing to oppose SB744 as introduced and amended, 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 SB 744 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, instead of investment in community diversion from a young age, looks like, particularly for Black families in Maryland.

I oppose this bill because it ignores everything that 20 years of experience, data, and research tells us — that when it comes to public safety, what’s best for kids is best for everyone. We want the same thing — safe communities, age-appropriate accountability for kids, and accountability for the systems that serve our kids and communities.

This legislation will grow the juvenile justice system, placing further personnel and budget strains on the Department of Juvenile Services (DJS).

**On SB744 as amended, areas of concern are:**

- 1) Continuing expanded jurisdiction for 10-, 11-, and 12- year- olds: Young children do not have the brain development necessary to understand what is happening in court, or to participate in their defense in any meaningful way, or to make rational decisions about their cases, which is why nearly two-thirds of the children under 12 that used to be prosecuted in Maryland were found to be incompetent. **Please remove expanded jurisdiction for 10-, 11-, and 12- year- olds and strike p. 3, lines 12-20 and p. 8, lines 11-15.**
- 2) Expansion of pre-trial detention: During my years working in Baltimore City elementary schools, 10-12 year olds would still come to me having had accidents in their pants. These are children and they do not belong in juvenile detention. They belong with their families, even when they have caused harm. **I opposes expanding pre-trial detention and request the committee strike p. 12, lines 10-18.**
- 3) Defining “good cause” for missing court ordered treatment programs: **I oppose restarting probation for missed appointments.** Once again, for students aged 11-18 who come through the diversion program I run, they often will miss appointments, even with regular reminders. Children age 10-12 should not be held responsible for

missing appointments when their parents and transportation support are needed to get them there.

- 4) Extending probation does not set up children for success: The JJRC found, based on data and research, that juvenile probation needs to be limited, which is why the JJRC recommended the changes reflected in the current law. **I oppose extending probation periods.**

**I support the creation of an oversight commission in this legislation.** We cannot make evidence-based decisions without proper data collection and each part of this bill should be evaluated and supported by data before any potential passage.

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

Thank you,

Magdalena Tsiongas

# **SB 744 - NAACP Testimony Crossover.pdf**

Uploaded by: NaShona Kess

Position: UNF



# NAACP

Maryland  
STATE CONFERENCE

March 26, 2024

Judiciary Committee  
Maryland General Assembly  
Annapolis, Maryland 21401

SB 744 – Juvenile Justice - Reform

Members of the Committee:

We are writing to vehemently oppose Senate Bill 744, sponsored by the Senate President. This bill, while purporting to reform aspects of the juvenile justice system, presents significant concerns regarding its potential impact on racial equity and the well-being of our youth, particularly those from marginalized communities.

The Racial Impact Note associated with Senate Bill 744 highlights critical issues that cannot be ignored. One of the most alarming aspects is the expansion of the juvenile court's jurisdiction over youth between 10 and 12 years of age. This provision raises serious questions about the treatment of preteens within the justice system, especially considering the recognized limitations in their neurocognitive capacity and understanding of legal proceedings.

The historical context of policies leading to mass youth incarceration cannot be overlooked. Throughout history, we have witnessed the detrimental effects of harsh and punitive measures targeting young individuals. These policies not only fail to address underlying issues but also perpetuate cycles of poverty, trauma, and systemic racism. By lowering the age at which children can be subjected to the juvenile justice system, Senate Bill 744 risks further criminalizing our youth and exacerbating these harmful trends.

While the bill may offer access to services for younger juveniles, it fails to address the root causes of their involvement in the justice system. Moreover, the lack of comprehensive data on the racial and ethnic distributions of the youth affected by this bill prevents a full understanding of its potential impacts on racial equity. However, given the existing disparities within the justice system, it is likely that Black youth will bear the brunt of any adverse effects resulting from this legislation.

Furthermore, the Racial Impact Note acknowledges the absence of detailed data on various aspects of the juvenile justice process, including procedures for processing juvenile offenders. Without this critical information, it is irresponsible to push forward with legislation that could have far-reaching consequences, particularly for communities of color.

In light of these concerns, I urge you to reconsider Senate Bill 744 and instead focus on comprehensive reforms that prioritize the well-being and rehabilitation of all youth, regardless of



# NAACP

*Maryland*  
STATE CONFERENCE

their race or socioeconomic status. We cannot afford to enact legislation that perpetuates racial disparities and fails to address the systemic injustices within our juvenile justice system.

In Service,

NaShona Kess, Esq., MLS  
Executive Director  
Nashonakess.mdnaacp@gmail.com

# **Testimony in opposition to crossover bill SB0744.p**

Uploaded by: Richard KAP Kaplowitz

Position: UNF



CROSSOVER BILL SB0744\_RichardKaplowitz\_UNF  
3/07/2022

Richard Keith Kaplowitz  
Frederick, MD 21703-7134

**TESTIMONY ON CROSSOVER BILL SB#0744 - POSITION: UNFAVORABLE**  
**Juvenile Law – Reform**

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

**FROM:** Richard Keith Kaplowitz

**My name is Richard Kaplowitz. I am a resident of District 3. I am submitting this testimony in opposition to CROSSOVER BILL SB#0744, Juvenile Law – Reform**

This bill is an attempt to respond to concerns about a perceived increase in juvenile crime. However, instead of looking for justice and fairness and rehabilitation it leans heavily into punishment and refuses to look for solutions that heal a community and its minor children to resolve issues in criminal justice.

Is an elementary school age child in need of guidance and intervention – this bill puts that young person into the juvenile court system instead of mental health and counseling treatment. What purpose is served by incarceration of juveniles before their case is adjudicated when the offense charged is only a misdemeanor? Why is the involvement of the States Attorney Office to be required or permitted bypassing the Department of Juvenile Services which can interdict and provide services that keep young people out of incarceration and get them the help they need to turn away from criminal behavior and become productive citizens? How is informed supervision of that minor judged less effective than creating a criminal record that will impact the future life of the minor for the rest of their lives? How does expanded probation when circumstances outside the minor’s control, as determined by their counselors, makes them late or miss mandated appointments in a treatment environment? Why not mandate help to that child to correct underlying causes impacting their participation in their rehabilitation?

This bill will attempt to address the fears of juvenile crime by dealing as harshly as possible without consideration of the age and maturity level of the minor. It is punitive, not rehabilitative. My Jewish faith teaches me that “Acting justly is a joy for the righteous but it terrifies evildoers. “ (Proverbs 21:15) This bill calls on the state to act justly and pursue righteousness, especially to towards our children who need to be put on the right path without damaging their futures.

**I respectfully urge this committee to return an unfavorable report on CROSSOVER BILL SB0744.**

**SB744\_SamBlau\_UNFAV.pdf**

Uploaded by: Samantha Blau

Position: UNF

March 22, 2024

Samantha Blau  
Baltimore, MD

TESTIMONY IN OPPOSITION to SB744  
Juvenile Law – Reform

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

FROM: Samantha Blau

My name is Samantha Blau, I am a resident of Baltimore's Patterson Place neighborhood, in District 46.

Year after year this group of legislators hears from sheriffs, police, and state's attorneys about how bad the "bad" kids are. The only recommendation law enforcement can make is to throw the book at these kids. And year after year this committee hears from their own appointed work group, from the state's Department of Juvenile Services, from experts in child development, and from former youth caught up in the system that creating harsher punishment will not deter children from involvement with the justice system, nor improve the lives of kids in crisis.

The work this committee does can be scarily easy. You can pass SB744 out of committee and it will be voted on by the full chamber. In less than a month you can go back to your constituents and say that you were tough on crime, and pretend that you have made Maryland safer. The lives of the children that your actions will affect will continue to be hard and unsafe. A child in crisis, that lives in a home or community where they can access a gun, that does not have the material and emotional support they need will not be made whole by this bill. They also will not be prevented from spreading the harm they are experiencing, they will still steal a car, or rob a store, or physically harm someone else. Like a train derailing because the brakes were out of order will not be prevented by a sign noting a curve, a child who is hurt, without support, and acting out cannot be stopped because the criminal code now carries larger penalties.

The work of preventing crime is difficult and expensive. It will only be achieved with strong social safety nets; universal access to healthcare and mental healthcare, universal basic income, universal pre-K, better pay and support for teachers and school support staff, increased funding for libraries, park and rec departments, and other safe third spaces. The easy way forward is to pass this bill and pretend to not know what the right thing is for these kids. The hard work of the job is to listen to advocates and experts, think creatively, and be willing to pass legislation that makes a positive change.

I urge this committee to choose to do the hard work and to issue an unfavorable report on SB744.

**SB744 Toby Ditz UNFAV.pdf**

Uploaded by: Toby Ditz

Position: UNF

Toby Ditz  
Baltimore, 21217 (D40)

March 26, 2024

**TESTIMONY ON SB744 POSITION: UNFAVORABLE**  
**Juvenile Law-Reform**

**TO:** Chair Luke Klippinger and members of the Judiciary Committee

**FROM:** Toby Ditz

I am a longtime resident of Bolton Hill in Baltimore City in D40. I oppose **SB744**.

I come to the table as worried as anyone about violent crime. Police statistics for my district show that there was a substantial uptick in armed car jackings in my neighborhood this fall and winter—some committed by minors, some by adults. A very close friend was beaten at gunpoint in December in front of his house just after dropping us off around the corner, and in late January, a 77-year-old neighbor was so violently assaulted during a carjacking that he was hospitalized with severe head injuries and had to have surgery. These are just two examples. We feel frightened and vulnerable.

Even so, I still believe this bill is the wrong response. For one thing, although alarmist media coverage of a few headline cases might suggest otherwise, juveniles commit only a small percentage of violent crime. Second, as study after study has shown, including the work of your own Juvenile Justice Commission, entangling more children in the criminal justice system will not reduce crime and will blight the futures of minors who might otherwise be helped.

Of course, I agree with legislators that at-risk children desperately need support services. The House version of this bill at least makes a start in this direction by mandating diversion services for some of MD's youngest children who would come to the attention of the DJS.

But even if SB744 were to incorporate the diversion mandate, it would not cure the core feature of both bills, which once again extend the reach of the *criminal* justice system to 10-12 year olds. The JJRA of 2022 shielded our youngest children from the operation of the criminal justice system *for the first time* in our state's history. Do not lose faith in your own best reform impulses: why roll back the JJRA of 2022, when it has barely had time to be implemented?

SB744 is also a punitive response to children at risk in other ways: for example, the clauses extending probation will keep more children in limbo waiting for services and expose more children to detention with all its proven deleterious effects.

Overall, using the criminal justice system as a patchwork solution to what some people call the problem of "catch and release" looks backward to the era of mass arrest and incarceration and will not improve public safety. In the end, the real problem lies in access to adequate services.

So, let's have the courage of our convictions and focus on investing real resources in support services and diversion programs that are truly tailored for children and their rehabilitation. As you know, the state is not doing this on anywhere near the scale needed. At a recent panel on youth justice held at my synagogue, Vinny Schiraldi, Secretary of the Department of Juvenile Services, said that among the most painful aspects of his job was noticing "how thinned out" services for children and youth had become throughout the state over the last decade. Only one example is that the resources for community based residential services for kids have plummeted in our state over the last decade. *That* is what we need to fix.

**I oppose SB744.** It will not make people like me safer, and it will not build better futures for our youth, especially black minors.