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**TESTIMONY ON SB0422- POSITION: FAVORABLE WITH AMENDMENTS/**

**Juvenile Court - Jurisdiction**

**TO:** Chair Smith, Vice Chair Waldstreicher, and members of the Judicial Proceedings Committee

**FROM:** Andrew J. Miller

**OPENING: My name is Andrew Miller. I am a resident of District 11B. I am submitting this testimony in support with amendments for SB0422, Juvenile Court - Jurisdiction.** I am a long-time member and a Past President of Chizuk Amuno Congregation in Stevenson, MD and last month I retired after 41 years as a faculty member at UMBC. I am also a past Chair of the Chesapeake Bay Scientific and Technical Advisory Committee and a current member of the Maryland Commission on Environmental Justice and Sustainable Communities. As a scientist I believe in looking at the facts, and not at false assertions that are disseminated to create fear. As a person of faith I believe in what our sacred texts tell us about pursuing justice.

Maryland sends more youth ages 14 to 17 to adult court based on offense type per capita than any state in the U.S. other than Alabama, and current law requires automatic charging of youth in adult court for 33 offenses. To “protect” them from the adult prisoners, we often place them in solitary confinement for 23 hours a day. Overuse of solitary confinement in Maryland prisons violates international standards against torture. And there are enormous racial disparities in who experiences this treatment. We are the only state other than Louisiana where more than 80% of the incarcerated youth are Black and where more than 6% of the adult prison population have been incarcerated since they were children. Statistics also show that Black children receive longer sentences for the same crime by comparison with other groups.

In 2022, all 871 teens automatically charged as adults faced lengthy and expensive processes to decide if their cases would stay in adult court, with average wait times 103 days longer than those in the juvenile system. This is not only inefficient and wasteful of public resources; it also causes an extended period of trauma for many of these youth who do not have access to services they need including counseling and education. Many will eventually be sent back down to juvenile court and many will never be found guilty, but they will suffer permanent damage nonetheless. How does our state repay them for the damage done? It doesn't.

I learned another thing recently that also disturbs me. Children who are sent automatically to adult court under this system must demonstrate in a hearing that they are NOT a threat in

order to be transferred to the juvenile system. This basically assumes they are guilty until proven innocent when deciding where their case should be heard. Furthermore, the criteria by which this question is answered depend in large measure on which judge is hearing the case; in one case a judge was documented as saying the child should stay in adult court because of his large physical size. Prosecutors can have a case moved from juvenile to adult court if they can demonstrate that the crime itself and the circumstances warrant making that change. Nothing in SB422 prevents them from making that argument. This should be a universal standard.

Twenty-six states have greatly reduced the use of autocharging and eight states have eliminated the practice of autocharging, including red states like Texas, Kentucky, Missouri and Tennessee. As a Maryland voter and as a Jewish voter who believes in the pursuit of justice, I am ashamed of our state's record. As legislators you should be equally ashamed.

For all of the reasons cited above and others that I cannot fit into the space available, **I respectfully urge this committee to return a favorable report with amendments on SSB0422.**