

HON. STACY A. MAYER
CIRCUIT COURT
JUDGE
BALTIMORE COUNTY
CHAIR

HON. RICHARD SANDY
CIRCUIT COURT
JUDGE
FREDERICK COUNTY
VICE-CHAIR



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MARYLAND JUDICIAL COUNCIL LEGISLATIVE COMMITTEE

MEMORANDUM

TO: Senate Judicial Proceedings Committee
FROM: Legislative Committee
Suzanne D. Pelz, Esq.
410-260-1523
RE: Senate Bill 389
Minors Convicted as Adults – Sentencing – Transfer to Juvenile
Court
DATE: January 23, 2025
(2/4)
POSITION: Oppose, as drafted

The Judiciary recognizes that the subject of this bill is within the legislature's prerogative and takes no position as to the policy aims of the legislation. However, the drafting of the bill causes concern.

The bill does not amend § 4-202.2 of the Criminal Procedure Article, which governs the transfer of jurisdiction to juvenile court. Instead, the bill only amends § 6-235, addressing the sentencing of a minor who is convicted as an adult. This would result in statutory inconsistency, if passed as currently drafted. This inconsistency could be addressed by replacing the proposed § 6-235(b)(2) with the language contained in CP § 4-202.2(e)(1): "If the court transfers its jurisdiction to the juvenile court, the court shall conduct a disposition under the regular procedures of the juvenile court."

It should also be noted that existing law provides a vehicle for taking into account the circumstances provided by the legislation. If the court finds the circumstances provided by the bill, the court could consider it as a mitigating factor at sentencing.

cc. Hon. William Folden
Judicial Council
Legislative Committee
Kelley O'Connor