



OFFICE OF THE STATE'S ATTORNEY FOR BALTIMORE CITY

February 4th, 2024

The Honorable Senator William Smith.
Chair, Judicial Proceedings Committee
2 East Miller Senate Office
Annapolis, MD 21401

RE: OPPOSITION of SBo422

Dear Chairman Smith and Honorable Members of the Judicial Proceedings Committee,

I am writing to express my strong and unequivocal opposition to **SBo422**, a bill that would overhaul our judicial system, overburden the Department of Juvenile Services (DJS), and create chaos in our communities. The current system is designed to ensure that law enforcement can swiftly and effectively remove violent offenders from our streets – even if DJS doesn't always act in an expedited manner. Time is of the essence, especially in protecting innocent citizens from violent delinquents.

SBo422 would completely overhaul that timeline and the current juvenile charging system as we know it, forcing this body to revamp several policies related to juvenile jurisdiction and charging, and force prosecutors from across the state to readjust their entire juvenile division. While DJS currently must divert felonies for charging, they can also refuse to detain – which means a lack of pre-trial supervision without judicial review. Of the more than 500+ crimes of violence our juvenile division charged last year, more than 300 of those juveniles were released with absolutely no supervision. Passing this legislation would merely exacerbate that.

Let me remind you of a recent case from January 12, 2025 where a 15-year-old juvenile allegedly shot and killed a Maryland resident and security guard at a McDonald's here in Baltimore City. Had SBo422 been law at the time, that respondent would be charged as a juvenile with murder, held in a juvenile facility facing severe consequences and the onerous would have been on my office to argue that this offender should be waived as an adult based on the severity of this case. This would have caused great strain on the system given that there is already a "waitlist" for hardware secure placement and many of these facilities do not want to accept offenders accused of violent offenses.

Furthermore, the waiver process outlined in Courts and Judicial Proceedings § 3-8A-06—which allows the most violent juvenile offenders to be transferred to adult court—is an



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inadequate solution for the changes proposed in this bill. The burden rests entirely on prosecutors to prove, by a preponderance of the evidence, that "the child is an unfit subject for rehabilitative measures" (Courts and Judicial Proceedings Article § 3-8A-06(d)(1)). Simply arguing that rehabilitation services exist does nothing to ease the suffering of rape or murder victims and their families—nor does it enhance public safety. The current rehabilitative programs at DJS are overtaxed and leave a lot to be desired, there would be absolutely no way they could handle the influx of offenders that this bill would cause if passed.

The waiver process for moving juveniles to adult court fundamentally differs from the transfer hearings that defense attorneys use to move juveniles back to the juvenile system. Prosecutors are at a distinct disadvantage. In waiver cases, they only have access to the DJS report and cannot compel independent assessments due to the respondent's Fifth Amendment right against self-incrimination. As a result, under **SB0422**, the State would be severely hindered in holding juveniles accountable for serious, life-altering crimes—including murder, rape, carjacking, and first-degree assaults that cause significant injuries.

This bill sends the wrong message, emboldening juvenile offenders who no longer fear accountability for their crimes. SB0422 is anti-justice and disregards the trauma and lasting fear of crime victims. In addition, this bill's financial burden will extend beyond victims and their families and will strain the State's already limited budget. As you continue your critical discussions on the State's budget, it is important to consider the significant financial impact of overhauling our judicial system. Implementing new guidelines and procedures will be costly, inefficient, and challenging, complicating an already overburdened system.

For these reasons, and many more that I will not share here but gladly speak to you offline about if you so desire, I strongly urge the committee to issue an **unfavorable** report on **SB0422**.

This bill would weaken public safety, overwhelm our judicial system, and embolden violent offenders while ignoring the lasting trauma of victims. The proposed changes place an unnecessary burden on prosecutors, limit accountability, and risk putting dangerous individuals back into our communities. I ask you to stand with victims, law enforcement, and public safety by rejecting this legislation.



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Sincerely,

Hassan Giordano

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Office of the State's Attorney for Baltimore City

Chief, External Affairs Division