

January 31, 2025

The Honorable William C. Smith, Jr.
Chair, Senate Judicial Proceedings Committee
Maryland General Assembly
11 Bladen Street
Annapolis, MD 21401

Support for Senate Bill 389 – Minors Convicted as Adults - Sentencing - Transfer to Juvenile Court

Dear Chair Smith and Members of the Senate Judicial Proceedings Committee,

On behalf of Maryland Latinos Unidos (MLU), I am writing to express our strong support for Senate Bill 389 (SB0389), which establishes the presumption that minors convicted as adults should have their sentencing transferred to the juvenile court under certain circumstances. This legislation represents a critical step in ensuring a fair and just legal process for young offenders, particularly those from Latino and other marginalized communities who face disproportionately high incarceration rates.

Latino youth are incarcerated at an alarmingly disproportionate rate in Maryland and across the country. According to the Sentencing Project, Latino juveniles are 65% more likely than their white peers to be tried as adults. Once placed in the adult criminal system, these minors are subjected to punitive conditions that increase their likelihood of recidivism and hinder their reintegration into society. Research from the Justice Policy Institute found that youth prosecuted as adults are 34% more likely to reoffend than those who remain in the juvenile justice system. By transferring sentencing to juvenile courts, SB 389 offers a pathway for rehabilitation rather than a cycle of continued incarceration.

Adolescents are not fully developed in their cognitive and emotional capacities. Neuroscientific research confirms that the prefrontal cortex, which governs decision-making, impulse control, and long-term planning, does not fully mature until the mid-20s. The American Psychological Association asserts that juveniles possess a greater capacity for change and rehabilitation than adults. The juvenile justice system is designed with this in mind, focusing on rehabilitation and support rather than punitive measures that often fail to address underlying issues.

When youth are sentenced within the juvenile system, they receive educational and vocational training, mental health services, and community-based rehabilitation programs that significantly improve their chances of becoming productive members of society. The National Institute of Justice reports that youth who participate in rehabilitative juvenile programs are 43% less likely to be re-incarcerated. SB 389 ensures that young people, particularly those from underprivileged backgrounds, are provided with the best possible opportunity for rehabilitation and reintegration rather than being subjected to an adult penal system that increases the likelihood of continued criminal activity.

Maryland has a moral obligation to reform its approach to juvenile sentencing, ensuring that minors—who have the highest potential for rehabilitation—are given a second chance. SB 389 aligns with national best practices that prioritize restorative justice, education, and mental health services over punitive measures.

We respectfully urge the members of the Senate Judicial Proceedings Committee to issue a favorable report on SB0389. By passing this legislation, Maryland will take a significant step toward reducing recidivism, promoting rehabilitation, and ensuring that young offenders—particularly Latino youth who are disproportionately impacted—are given the opportunity to build a better future.

Sincerely,

Carlos Orbe, Jr.

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