



## **POSITION ON PROPOSED LEGISLATION**

**BILL:** Senate Bill 422 – Juvenile Court - Jurisdiction

**FROM:** Maryland Equitable Justice Collaborative (MEJC)

**POSITION:** INFORMATIONAL(SUPPORT IN CONCEPT)

**DATE:** February 4, 2025

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The Maryland Equitable Justice Collaborative (MEJC) submits this testimony supporting the goals of Senate Bill 422. This legislation represents an essential step toward more positive outcomes for Maryland’s children by ensuring that we invest in solutions that reduce crime and long-term societal costs.

### **About the Maryland Equitable Justice Collaborative**

The Maryland Equitable Justice Collaborative (MEJC) was established by the Office of the Attorney General (OAG) and the Office of the Public Defender (OPD) to address racial disparities in mass incarceration in Maryland. This initiative is the first of its kind. It was developed based on listening sessions the Attorney General and Public Defender held with impacted people, advocates, and other community members. Academic partners, including the Judge Alexander Williams Center for Education, Justice & Ethics at the University of Maryland at College Park and the Bowie State University Institute for Restorative Justice, were brought in to ensure the work is evidence-based and data-driven statewide.

The MEJC comprises over 40 representatives from state agencies, community groups, subject matter experts, and people directly impacted by the system. Its initiatives are organized into workgroups focusing on various factors influencing incarceration rates. Each workgroup is led by a staff member from the Office of the Attorney General, a staff member from the Office of the Public Defender, and a community advocate with relevant expertise. Community voices and public input have shaped the recommendations developed by the workgroups of the MEJC. In December 2024, the MEJC approved 18 recommendations for legislative and agency reforms, program development, data collection, and other measures designed to reduce the mass incarceration of Black men and women and other marginalized groups in Maryland prisons and jails. Recommendation 17 proposes limiting the automatic charging of children in adult criminal court by restricting laws that allow the automatic adult charges to more serious felonies or providing more judicial review opportunities before transferring children to adult court.

## **Reducing Racial Disparities in Youth Incarceration**

National data shows that Black children are over four times more likely than White children to be incarcerated, according to studies conducted by the Sentencing Project.<sup>1</sup> In Maryland, this disparity is even more severe, with Black children making up a staggering 77% of those charged as adults despite being only 31% of the state's youth population.<sup>2</sup> And over 70% of children are held in detention centers.<sup>3</sup> Structural biases contribute to these disparities, such as the excessive policing of Black neighborhoods and the prosecutorial discretion that often leads to Black children encountering more severe charges and reduced access to diversion programs in comparison to their White peers.<sup>4</sup> Research shows that Black children are less likely to receive alternatives to incarceration, such as community service or probation, and are more often sent to detention facilities or adult correctional institutions, which exacerbates the cycle of disadvantage and recidivism.<sup>5</sup> By restoring judges' discretion, SB 422 ensures cases are reviewed individually, reducing unnecessary punishments and keeping more children out of adult facilities.

## **Acknowledging Adolescent Brain Development and Capacity for Rehabilitation**

Scientific research shows that adolescents' brains are still developing, particularly in areas responsible for impulse control, decision-making, and understanding long-term consequences. This developmental stage makes children more capable of rehabilitation than adults. Studies indicate that children processed through the juvenile court system are 34% less likely to re-offend compared to those tried in adult courts. Adult facilities often lack the rehabilitative resources that are crucial for child development and reintegration into society. SB 422 aims to ensure children receive developmentally appropriate interventions focused on rehabilitation rather than punishment. This approach will reduce recidivism and ultimately promote long-term public safety.

## **Addressing the Long-Term Consequences of Adult Prosecution**

Children who are prosecuted as adults face significant long-term consequences, including a 50% lower likelihood of graduating from high school and an unemployment rate that is twice as high as their peers without criminal records. The adult justice system subjects these children to harsher sentences, fewer educational opportunities, and limited access to rehabilitative services,

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<sup>1</sup> The Sentencing Project. Youth Justice by the Numbers. Accessed January 29, 2025.

<https://www.sentencingproject.org/policy-brief/youth-justice-by-the-numbers/>.

<sup>2</sup> Annie E. Casey Foundation. Child Population by Race/Ethnicity. KIDS COUNT Data Center.

<https://datacenter.kidscount.org/>.

<sup>3</sup> Maryland Department of Juvenile Services. Data Resource Guide: Fiscal Year 2022. Baltimore, MD: Maryland Department of Juvenile Services, 2022.

[https://djs.maryland.gov/Documents/DRG/Data\\_Resource\\_Guide\\_FY2022.pdf](https://djs.maryland.gov/Documents/DRG/Data_Resource_Guide_FY2022.pdf).

<sup>4</sup> Osher, Julia Van Zandt. "Addressing Racial Disparities in Maryland's Juvenile Justice System: What the Juvenile Restoration Act Could Mean for Maryland's Black Youth Tried as Adults." University of Baltimore Law Review, October 29, 2021. <https://ubaltlawreview.com/2021/10/29/addressing-racial-disparities-in-marylands-juvenile-justice-system-what-the-juvenile-restoration-act-could-mean-for-marylands-black-youth-tried-as-adults/>.

<sup>5</sup> Maryland Judiciary Equal Justice Committee. Report on Access to Fairness and Equity in the Maryland Judiciary. Annapolis, MD: Maryland Judiciary, 2021.

which often perpetuates cycles of poverty, criminal behavior, and adverse life outcomes.<sup>6</sup> By keeping more children within the juvenile justice system, SB 422 seeks to address these long-term issues, providing young people with access to resources that can enhance their chances of successfully reintegrating into their communities.

### **National Trends and Evidence-Based Practices**

Across the country, states recognize the need to reform youth charging laws and are moving toward limiting automatic adult prosecution.<sup>7</sup> California and Vermont have implemented reforms similar to SB 422, resulting in better youth outcomes and reduced recidivism.<sup>8</sup> Maryland can follow their lead and adopt practical, evidence-based reforms that work. Judicial discretion allows courts to assess individual cases and determine the most appropriate course of action rather than relying on automatic processes that often lead to overly punitive outcomes.

### **Conclusion**

Automatically charging youth as adults has proven ineffective and costly, leading to worse outcomes for children and the broader community. SB 422 presents an opportunity for reducing crime by ensuring that children can participate in programs that address their developmental needs and facilitate future criminal behavior. Investing in solutions that work—such as rehabilitation programs, education, and community support—will benefit both the children involved and the communities to which they return. By limiting automatic charges and expanding judicial discretion, Maryland can ensure that the unique circumstances of each child offender are considered, allowing for tailored interventions that promote rehabilitation and reduce recidivism. Furthermore, SB 422 will also yield economic benefits by reducing the financial burden of long-term incarceration and reallocating resources to community-based services, education, and mental health programs—all of which contribute to safer and healthier communities.

We urge the Committee to consider this testimony and support the development of a juvenile court system that reflects Maryland's commitment to child well-being and opportunity for all.

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**Submitted by: Maryland Equitable Justice Collaborative**

**Anthony Brown, Co-Chair**  
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**Maryland Public Defender**

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<sup>6</sup> Youth Charged as Adults data from Maryland Department of Public Safety and Correctional Services via Governor's Office of Crime Prevention and Policy (GOCPP) dashboard, pulled August 2024.

<sup>7</sup> Campaign for Youth Justice., "State Trends: Legislative Victories from 2005 to 2020 Removing Youth from the Adult Criminal legal system." Washington, DC: Campaign for Youth Justice, 2020.  
[https://www.campaignforyouthjustice.org/images/state\\_trends\\_2020\\_final.pdf](https://www.campaignforyouthjustice.org/images/state_trends_2020_final.pdf).

<sup>8</sup> National Governors Association. "Age Boundaries in Juvenile Justice Systems." [https://www.nga.org/wp-content/uploads/2021/08/Raise-the-Age-Brief\\_5Aug2021.pdf](https://www.nga.org/wp-content/uploads/2021/08/Raise-the-Age-Brief_5Aug2021.pdf)