



February 4, 2025

**SB 422
Juvenile Court - Jurisdiction**

Senate Judicial Proceedings Committee

Position: FAVORABLE w/ Amendments

The Maryland Catholic Conference offers this testimony in support of Senate Bill 422 with amendments. The Catholic Conference is the public policy representative of the three (arch)dioceses serving Maryland, which together encompass over one million Marylanders. Statewide, their parishes, schools, hospitals and numerous charities combine to form our state's second largest social service provider network, behind only our state government.

Senate Bill 422 would end the *automatic* charging of youth as adults in certain instances, allowing for most youth to begin their case in the juvenile court system, rather than mandating that the adjudication of their case begin in the adult court system. This bill would refocus our juvenile system from a “move-down” system to a “move-up” system, wherein judges would retain discretion to waive cases up to the adult court system. This bill does not prevent those youth from being ultimately charged as an adult. It is about where their case *starts*.

It is well-settled, in many secular, judicial and faith-based circles, that holding youth to the same standards of accountability as a fully formed adult is plainly unjust. In *Miller v. Alabama*, 132 S. Ct. 2455 (2012), the United States Supreme Court specifically noted that youthful offenders possessed “diminished capacity” and the inability to fully appreciate the risks and consequences of their actions, in considering whether youth should be treated the same as adults jurisprudentially. Additionally, the United States Conference of Catholic Bishops has further stated that “society must never respond to children who have committed crimes as though they are somehow equal to adults fully formed in conscience and fully aware of their actions.” (*Responsibility, Rehabilitation, and Restoration: A Catholic Perspective on Crime and Criminal Justice*, USCCB, 2000)

These inherent truths regarding youth should be carefully considered when assessing Maryland's current automatic-charging law, which presumes that youth should be considered to have the same capacity as an adult in every one of thirty-three different charging scenarios. This presumption can often leave a lasting effect severely limiting a child's ceiling for success for the rest of their lives. Conversely, the transition to a “waiver up” system sought in Senate Bill 422 would safeguard several youth from a lifetime of wasted opportunity, while still allowing judicial

discretion to waive them up where a judge decides that doing so is warranted. ***Accordingly, this bill is a noteworthy step***, for approximately 87% of kids charged as adults between 2017 and 2023 never ultimately ended up with adult criminal convictions in their cases. Those 87% should not start in adult court, causing highly detrimental effects for the rest of their lives and at the same time jeopardizing future public safety, simply for the sake of the other 13%.

Additionally, Maryland sends more young people to adult court based on offense type, per capita, than any other state except for Alabama. Maryland also ranks 4th highest in the country for the number of people convicted as adults when they were children. These policies do not work to prevent future recidivism, nor do they seem to make our communities safer. Those that would argue that youth crime is on the rise should indubitably agree.

For these reasons, we urge a favorable report on SB 422, with amendments to simply make Maryland a state where every case for justice-involved youth starts in the youth justice system.