



Maryland State's Attorneys' Association

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DATE: February 17, 2025

BILL NUMBER: SB 827

POSITION: Informational

The Maryland State's Attorneys' Association (MSAA) submits the following for the consideration of this Committee as it reviews and deliberates Senate Bill 827.

SB 827 refines the conditions under which a juvenile may be placed in restrictive housing. The restrictions proposed in the bill are grounded in the idea that restrictive housing should be used only as a final resort – these measures are important, and supported by a growing body of scientific evidence that establishes that juveniles are particularly susceptible to the devastating psychological and developmental effects of restrictive housing.¹

The bill also prohibits juveniles from being detained in adult facilities. Current Maryland law requires that juveniles charged in adult court that are eligible for transfer – which, with the exception of juveniles aged 16 or 17 charged with murder in the first degree or juveniles previously convicted in adult court, is all juveniles charged in adult court – be held in juvenile facilities pursuant to MD. CODE ANN., CRIM. PROC. § 4-202(h), unless one of three exceptions exists: (1) the juvenile is released prior to trial, (2) there is not available space for the juvenile in a juvenile facility, or (3) detaining the juvenile in a juvenile facility would pose a risk of harm to the juvenile or others. This third exception is important in the event a juvenile would pose a danger to other detained juveniles. Maryland's prosecutors see cases involving violence between detained juveniles in Department of Juvenile Services facilities – no one should be subject to such violence while in the custody of the State. Preserving this exception is important in the event a court finds that danger posed by a juvenile to other detained juveniles is outside the capacity of the Department of Juvenile Services to address.

¹ See, e.g., *Position Statement: Restrictive Housing in Juvenile Correctional Settings*, National Commission on Correctional Health Care (Feb. 2021), available at https://www.ncchc.org/wp-content/uploads/Restrictive-Housing-in-Juvenile-Correctional-Settings-2021_endorsements.pdf.