



January 31, 2025

Senate Judicial Proceedings Committee  
Senator William C. Smith, Jr.  
2 East Miller Senate Office Building  
Annapolis, MD 21401

**RE: Letter In Support of SB 422 – Juvenile Court - Jurisdiction**

Chairman Smith and Honorable Members of the Committee:

We write in strong support of Senate Bill 422, which would take important steps to lessen the devastating impacts of prosecuting Maryland’s children in adult court and to improve public safety.

Maryland’s prosecution of youth in adult court is a national outlier. It is second only to Alabama for the rate at which it transfers youth to adult court,<sup>1</sup> and it is among the top five states in the country for the percentage of its prison population that has been incarcerated since childhood.<sup>2</sup>

Subjecting young people to prosecution in adult court causes incredible harm both to those youth and to public safety:

Prosecuting children in adult court harms public safety.

Despite the theory that prosecuting youth as adults enhances public safety, decades of research has consistently found that transfer laws have little to no deterrent impact on youth behavior<sup>3</sup> and that harsh, developmentally inappropriate treatment actually increases the likelihood that a young person will recidivate.<sup>4</sup>

---

<sup>1</sup> The Sentencing Project, [National Trends in Charging Children as Adults](#) 6 (2021).

<sup>2</sup> Human Rights for Kids, [Disposable Children: The Prevalence of Child Abuse and Trauma Among Children Prosecuted and Incarcerated as Adults in Maryland](#) 7 (2024).

<sup>3</sup> See, e.g. [Juvenile Transfer Laws: An Effective Deterrent to Delinquency?](#), OJJDP Juvenile Justice Bulletin 5-6 (2010) (summarizing six large-scale studies on the deterrent effect of transfer to the adult system, all finding higher recidivism rates among youth who had been transferred to criminal court rather than kept in the juvenile court system. This was the case especially amongst youth charged with violent offenses, finding that transfer to adult court promoted a “life-course of criminality.”).

<sup>4</sup> See, e.g. Crime & Delinquency 42(2), [The transfer of juveniles to criminal court: does it make a difference?](#) 171-191 (1996) (finding “By every measure of recidivism employed, reoffending was greater among transfers than among the matched controls.”).

Prosecuting children as adults impedes their development into healthy adults.

Children prosecuted as adults experience significant disruptions in their development, harming their identity development and losing important opportunities for learning and practicing skills that would allow them to thrive as adults.<sup>5</sup> Prosecuting a young person as an adult has also been shown to impede their ability to earn a living once released, which has economic and societal impacts on Maryland communities.<sup>6</sup>

The prosecution of children in adult court is rife with racial disparities.

Nationally, Black youth account for approximately 14 percent of the total youth population, but more than 47 percent of youth tried in adult court.<sup>7</sup> In Maryland, Black youth account for approximately 30 percent of the total youth population,<sup>8</sup> but more than 90 percent of the youth held in detention pending transfer hearings.<sup>9</sup>

Youth prosecuted in adult court are at an increased risk of victimization.

Youth placed in adult facilities are five times more likely to be sexually assaulted and twice as likely to experience physical assault.<sup>10</sup>

Youth tried in adult court have experienced high rates of trauma.

A survey of people incarcerated in Maryland prisons since childhood found that nearly 70 percent had experienced six or more Adverse Childhood Experiences prior to their incarceration.<sup>11</sup> More than 73 percent reported experiencing physical abuse, nearly 40 percent experienced sexual abuse, and more than 75 percent experienced emotional abuse as children.<sup>12</sup>

By eliminating automatic adult-court charging for 14- and 15-year-olds and reducing the number of adult-court eligible charges for 16- and 17-year-olds, SB 422 takes important steps toward righting the wrongs of Maryland's longstanding and devastating practice of prosecuting children as adults.

---

<sup>5</sup> [Transfer of Juveniles to Adult Court: Effects of a Broad Policy in One Court](#), OJJDP Juvenile Justice Bulletin 4 (2012).

<sup>6</sup> Centre for Criminology and Sociolegal Studies, University of Toronto, [Criminological Highlights: Children and Youth](#) 5 (2018).

<sup>7</sup> National Association of Social Workers, [The Color of Youth Transferred to the Adult Criminal System: Policy & Practice Recommendations](#) (2018).

<sup>8</sup> The Annie E. Casey Foundation Kids Count Data Center, [Child Population By Race/Ethnicity in Maryland](#) (showing that, in 2023, Black or African-American children accounted for 29.8 percent of the total population of children under 18).

<sup>9</sup> Vera Institute, [Preliminary Findings: Youth Charged as Adults in Maryland](#) 22 (2020).

<sup>10</sup> See, e.g., [Transfer of Juveniles to Adult Court: Effects of a Broad Policy in One Court](#), OJJDP Juvenile Justice Bulletin 4 (2012).

<sup>11</sup> Human Rights for Kids, [Disposable Children: The Prevalence of Child Abuse and Trauma Among Children Prosecuted and Incarcerated as Adults in Maryland](#) 7 (2024).

<sup>12</sup> *Id.* at 13.

For the sake of Maryland's youth and the improvement of public safety across the state, we urge the Senate Judicial Proceedings Committee to support this vital piece of legislation.

Respectfully,

Kristin Henning  
Director, Juvenile Justice Clinic & Initiative  
Georgetown Law

Mary Ann Scali  
Executive Director  
The Gault Center

---

*One of the first law school-based clinics specializing in children's issues, the Georgetown Law Juvenile Justice Clinic and Initiative educates law students and represents youth accused of crime, while also exploring and advancing new policies and programs to assist young people and to train youth defenders across the nation.*

*The Gault Center is a national nonprofit dedicated to promoting justice for all children by ensuring excellence in youth defense. The Gault Center has worked for 25 years to strengthen children's legal protections and access to counsel through youth defense assessments, training, technical assistance, and policy reform efforts in every state. We also work to minimize the harmful effects that juvenile legal system involvement has on youth, families, and communities and the disproportionate harms the system causes to Black, Latine, and Native/Indigenous youth.*