



BILL NO: Senate Bill389
TITLE: Minors Convicted as Adults - Sentencing - Transfer to Juvenile Court
COMMITTEE: Judicial Proceedings
HEARING DATE: February 4, 2025
POSITION: **Oppose**

The Maryland Network Against Domestic Violence (MNADV) is the state domestic violence coalition that brings together victim service providers, allied professionals, and concerned individuals for the common purpose of reducing intimate partner and family violence and its harmful effects on our citizens. **MNADV urges the Senate Judicial Proceedings Committee to issue an unfavorable report on SB 389.**

Senate Bill 389 would permit a court to transfer a case out of adult court and into juvenile court for sentencing of a minor *if* the victim-witness in the minor-defendant's case committed a sex crime or human trafficking crime against the minor-defendant within the 3 months before the minor-defendant committed the offense. This bill may have good intentions, but we cannot support it as it would create bad policy.

First, this would happen after a guilty verdict. It is more sound policy to have the fact-finder, a judge or jury, consider whether a defendant was a victim of a sex crime or trafficking at the hands of the alleged victim as a part of the determination of guilt. A better course of action would be to update Maryland's duress law to permit introduction of this evidence. This would update the law and help incorporate the experiences of survivors of sexual assault into our justice system.

Importantly, the important information about whether defendants are themselves minor victims should be considered as part of the decision about whether to try the case in juvenile or adult court at the outset of the case. Criminal trials are very difficult and traumatic for victims. Good policy would avoid placing minor victims in adult court when they have committed a crime against their assailants.

Finally, the bill presents several technical and scope concerns. Survivors frequently delay reporting, reacting to, and processing what has happened to them. The courts should have the discretion to evaluate whether a defendant's victimization is relevant without an arbitrary 3-month deadline. Similarly, it is possible that minor victims of other crimes might also benefit from additional support in our law. We also suggest that minors who are victims of §3-602, sexual abuse of a minor, or of §3-709, sextortion, be added to those who would benefit from the law if the Committee chooses to move forward on the bill.

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The experiences of young people who are victims of sex crimes are not sufficiently taken into account in the current justice system. We fully support efforts to address this, but cannot endorse the language of SB389.

For the above stated reasons, the **Maryland Network Against Domestic Violence urges an unfavorable report on SB 389.**

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