



SB 422: Juvenile Court – Jurisdiction
Position: Favorable with Amendments
February 4, 2025

Dear Chair Smith, Vice Chair Waldstreicher, and members of the Judicial Proceedings Committee,

The Maryland Youth Justice Coalition (MYJC) is a diverse array of organizations dedicated to preventing children and adolescents from becoming involved in the legal system, upholding the highest standards of care when children do enter the legal system, and ensuring a platform for system-involved youth and their families to be heard. MYJC strives for a Maryland where no children are at risk of system involvement and, if they are involved with the legal system, they and their families receive every possible opportunity to define and live safe, healthy and fulfilling lives through restorative practices supported by our state and local communities.

MYJC urges the Judicial Proceedings Committee to issue a favorable with amendments report on Senate Bill 422. While this legislation seeks to address components of our state's unacceptable system of automatically charging kids as adults, it does not go far enough and should be amended to end this practice entirely. Ending automatic charging for all children leads to better community safety, and better long-term outcomes for the children who are brought into the legal system.

Maryland sends more young people per capita to adult court based on offense type than any other state except for Alabama.¹ Maryland also ranks 4th highest in the country for the number of people convicted as adults when they were children according to a [2024 report](#) from Human Rights for Kids (HRFK). A major reason is that Maryland law requires some 14 and 15 year olds, and most 16 and 17 year olds to be automatically prosecuted in adult court for [33 offenses](#) – putting us out of step with other states and international human rights law.

SB 422 eliminates automatic charging for children aged 14, and 15, and reduces the list of charges for 16 and 17 year olds. This is a good start, but it does not go far enough. **MYJC requests amendments that would end automatic charging for all offenses and for all children 17 and younger.** This amendment simply changes where juvenile cases start, and would still allow cases to be waived up to adult court after judicial review.

In Maryland, children as young as 14 can be tried in adult court depending on how they are charged at the time of arrest. Research shows treating kids as if they were adults, in the adult criminal legal system, puts them at far greater physical, emotional, and psychological risk, and

¹Maryland JJRC and Marcy Mistrett, National Trends in Charging Children as Adults, The Sentencing Project (July 20, 2021)

leads to higher rates of recidivism. **Youth charged in adult court are less likely to receive rehabilitative services, which makes them more likely to reoffend than similarly situated youth charged in juvenile court. Adult charging results in increased physical violence, sexual violence, and isolation.** According to the 2024 HRFK report² about individuals incarcerated as children in Maryland:

- Nearly 80% were placed in solitary confinement as children
- Over 80% reported experiencing abuse from staff or other incarcerated people
- Only 28.23% of people incarcerated as children have received treatment to address any of the various traumas they experienced prior to their incarceration

The Current System is Biased Against Black Youth

Black youth, overwhelmingly Black and brown, are overrepresented at every stage of the Maryland court system.³ Rampant racial inequities are evident in the way Black kids in particular are disciplined in school, policed and arrested,⁴ detained, sentenced, and incarcerated.⁵ These inequities persist even after controlling for variables like offense severity and prior criminal record. **Over 81% of youth charged in adult court in Maryland are Black.**⁶ Black youth are more likely to be prosecuted as adults⁷, and receive longer sentences than their white counterparts for similar offenses, in part because Black kids are more likely to be seen and treated as adults than white kids.⁸

“Tough on Crime” Laws Criminalize Kids and Make Us Less Safe

Research shows that “tough on crime” policy shifts during the 1980s and 1990s have negatively impacted children, families, and Black communities. These laws were fueled by high-profile criminal cases involving youth, sensationalized coverage of system-involved youth by the media, and crusading politicians who warned that juvenile “super-predators” posed a significant threat to public safety. The general sentiment — not based on research or data — across the political spectrum was that treatment approaches and rehabilitation attempts did not work. However, time has shown that harshly punishing kids by trying them in the adult system has failed as an effective deterrent. Studies have found higher recidivism rates among kids tried and

²Human Rights for Kids, [Disposable Children The Prevalence of Child Abuse and Trauma Among Children Prosecuted and Incarcerated As Adults in Maryland](#), 17 (2024)

³ Hagan J, Shedd C, Payne MR. Race, ethnicity, and youth perceptions of criminal injustice. *American Sociological Review*. 2005;70(3):381-407. See also, DJS Data Resource Guide FY2021, 241. https://djs.maryland.gov/Documents/DRG/Data_Resource_Guide_FY2021.pdf.

⁴ Monroe CR. Why Are “Bad Boys” always Black?: Causes of Disproportionality in School Discipline and Recommendations for Change. *The Clearing House: A Journal of Educational Strategies, Issues and Ideas*. 2005;79(1):45-50. doi:10.3200/TCHS.79.1.45-50

⁵ Douglas Young, et al, [Disproportionate Minority Contact in the Maryland Juvenile Justice System](#), Institute for Governmental Service and Research, University of Maryland, College Park

⁶ Vera Institute, Preliminary Findings: Youth Charged as Adults in Maryland, Dec. 10, 2020. <http://dls.maryland.gov/pubs/prod/NoPblTabMtg/CmsnJuvRefCncl/Preliminary-Findings-Youth-Charged-as-Adults.pdf>.

⁷ <https://www.baltimoresun.com/2025/01/29/marylands-youth-are-unfairly-criminalized-guest-commentary/>

⁸ Soler M. Health issues for adolescents in the justice system. *Journal of Adolescent Health*. 2002;31(6):321–333.

sentenced in adult court than among kids charged with similar offenses in juvenile court.

Automatically Charging Kids as Adults is Costly for the State

Keeping children and communities safe should be our highest priority. That's why we must improve laws for teenagers facing criminal charges. Maryland's juvenile justice system is designed to hold teens accountable by providing them with tools and resources to change their behavior, and avoid future involvement in the criminal legal system. Yet every year, hundreds of kids are placed in the adult criminal justice system instead. And every year, judges decide to have 87% of these cases sent to juvenile court, dismissed, or granted probation – an expensive process that costs over \$20 million a year. This system is wasting resources that could go towards violence prevention and rehabilitative services that actually reduce crime. By requiring cases to start in juvenile court where a judge can review a case and decide whether it is in the best interest of both the youth and our communities to move the case to adult court, Maryland legislators would help produce better outcomes for youth, improve community safety, and save taxpayer money.

MYJC respectfully requests that this committee return a favorable with amendments report on SB 422 and finally have Maryland join the 6 other states who have passed laws to treat kids like kids and completely end automatic charging.

ACLU of Maryland

Advance Maryland

Baltimore Algebra Project

BRIDGE Maryland, Inc.

Baltimore Jewish Council

Center for Criminal Justice Reform, University of Baltimore School of Law

The Choice Program at UMBC

Disability Rights Maryland

Gibson-Banks Center for Race and the Law, University of Maryland Carey Law School

JCRC of Greater Washington

Jews United for Justice

Maryland Association of Youth Service Bureaus

Maryland Catholic Conference

Maryland Defenders Union

Maryland National Action Network

Montgomery County Commission on Juvenile Justice

National Juvenile Justice Network

Out 4 Justice

Racial Justice NOW

Sayra and Neil Meyerhoff Center for Families, Children and the Courts, University of Baltimore School of Law

The Sentencing Project