



**Senate Judicial Proceedings Committee
Senate Bill 422 – Juvenile Court – Jurisdiction**

Favorable with Amendments

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The ACLU of Maryland supports Senate Bill 422 – Juvenile Court – Jurisdiction, with amendments. Currently, children as young as 14 are automatically charged in adult court for 33 offenses in Maryland. SB 422 seeks to remove some of these charges to make improvements to this unfair and inequitable practice. However, we are asking the committee to amend the bill to ensure that children charged with any of these offenses start in juvenile court. Children have a right to be treated as children.

Debunked “Super Predator” Narrative Lingers in Maryland, Still Ranked Near Bottom

Over 100 years ago, the first juvenile justice systems were created as advocates and government officials recognized the need to separate children from the influence of adult prisons, and to focus on treatment and rehabilitation. In the 1980s, Maryland, like the other states throughout America, drifted away from this philosophy and began adopting harsher punishments for children including transferring more children to the adult system. The trend of instituting draconian punitive measures upon children continued through the 1990s, justified by the now debunked theory that characterized children in that decade as a new breed of “super predators”.¹

Since the turn of the century, youth arrests and incarceration have been steadily declining and most states have been rolling back inequitable policies towards children and replacing them with more age-appropriate and evidence-based programming focused on rehabilitation and treatment. While youth crime in Maryland mirrored the national trend, there was resistance to reforming the juvenile system until recently. In 2022, the Maryland legislature passed the Juvenile Justice Reform Act but it did not address the automatic charging of children in adult courts.

A 2021 study reported that only Alabama sends more children per capita to adult court annually than Maryland. Further, Maryland ranks fourth in the nation for the number of adults in prison who were convicted as children.²

¹ The Superpredator Myth, 25 Years Later. April 2014. Equal Justice Initiative. <https://eji.org/news/superpredator-myth-20-years-later/>

² National Trends in Charging Children as Adults. July 20, 2021. Maryland Juvenile Justice Reform Council. The Sentencing Project.

Disproportionate Impact of Automatic Charging

The legal carceral system in America has a long history of discriminatory practices towards adults and children of color. After controlling for the type and severity of offenses, Black and Latinx children often receive harsher sentences than white children, as prosecutors and judges are oftentimes driven by bias.^{3 4} These biases also exist in all aspects of the legal system from the police officers who make the arrests, to the work of juries, correctional officers, and parole boards.

Of the 932 children in Maryland who were charged as adults between July 2023 and June 2024, 755 were Black, which represents 81% of the cases.⁵ Boys accounted for 91% of the charges. In Baltimore City, the number of youth arrests have declined in recent years but a larger portion of them are being charged as adults.⁶ Over the past three years, approximately 30% of children arrested were charged as adults – more than double the rate as those charged in 2018 and 2019.

While much more work needs to be done to root out bias and discriminatory practices within the legal carceral system, SB 422 can help to mitigate the unfair treatment of Black children and children of color.

Eliminating Autocharging Will Improve Safety and Save the State Money

The pursuit of harsh punitive measures to address youth crime – instead of building a system focused on rehabilitation – has been ineffective and has created harm.⁷ The science of childhood and adolescent development shows that they are more likely than adults to engage in risky behavior, and that they do not fully understand the long-term consequences of their actions.⁸

<https://dls.maryland.gov/pubs/prod/NoPblTabMtg/CmsnJuvRefCncl/Sentencing-Project-National-Trends-in-Charging-Children.pdf>

³ One in Five. Racial Disparity in Imprisonment – Causes and Remedies. December 7, 2023. The Sentencing Project. <https://www.sentencingproject.org/publications/one-in-five-racial-disparity-in-imprisonment-causes-and-remedies/>

⁴ Vera Institute, Preliminary Findings: Youth Charged as Adults in Maryland, Dec. 10, 2020. <https://dls.maryland.gov/pubs/prod/NoPblTabMtg/CmsnJuvRefCncl/Preliminary-Findings-Youth-Charged-as-Adults.pdf>.

⁵ Juveniles Charged as Adults. June 30, 2024. Governor's Office of Crime Prevention and Policy. State of Maryland.

<https://app.powerbigov.us/view?r=eyJrljoINzQzYTBlhYmMtNzVmOC00OGE2LWFKNzktZDIiYzg5NzEyODU2liwidCI6IjYwYWZlOWUyLTQ5Y2QtNDIiMS04ODUxLTU0ZGYwMjc2YTJlOCJ9>

⁶ In Baltimore, teens more likely to be charged as adults than in the past. July 22, 2024. WYPR. <https://www.wypr.org/wypr-news/2024-07-22/in-baltimore-teens-more-likely-to-be-charged-as-adults-than-in-the-past#>

⁷ Juvenile InJustice: Charging Youth as Adults is Ineffective, Biased, and Harmful. February 2017. Human Impact Partners. <https://humanimpact.org/hiprojects/juvenile-injustice-charging-youth-as-adults-is-ineffective-biased-and-harmful/#:~:text=Community%20disinvestment%20affects%20youth%20development,considered%20deviant%20and%20antisocial.>

⁸ Teen Brain: Behavior, Problem Solving, and Decision Making. September 2017. American Academy of Child and Adolescent Psychiatry.

Several large scale studies have concluded that children sentenced in adult court led to higher recidivism rates than children charged in juvenile court for similar offenses.⁹ There are more effective and proven strategies and interventions to address youth crime and rehabilitate children than the carceral system such as programs that connect youth with formerly incarcerated mentors, community-based restorative justice interventions, wraparound services, and cognitive behavioral therapy.¹⁰

In addition to reduced recidivism and overall better outcomes for children, the state can save money by ending the automatic charging of children as adults. Between 2017 and 2013, 87% of children in Maryland who were initially charged in adult court, were eventually transferred to the juvenile court. Starting children in juvenile court could save the state an estimated \$20 million – money that can be invested in evidence-based programming.

Lastly, ending the automatic charging of children in adult court does not prohibit prosecutors or judges to refer cases to the adult court if they believe that the circumstances warrant such a move.

For the foregoing reasons, the ACLU of Maryland is asking the committee for a favorable report on SB 422, with amendments to ensure that all children regardless of the charge, start their cases in juvenile court.

https://www.aacap.org/AACAP/Families_and_Youth/Facts_for_Families/FFF-Guide/The-Teen-Brain-Behavior-Problem-Solving-and-Decision-Making-095.aspx

⁹ Juvenile InJustice: Charging Youth as Adults is Ineffective, Biased, and Harmful. February 2017. Human Impact Partners. <https://humanimpact.org/hiprojects/juvenile-injustice-charging-youth-as-adults-is-ineffective-biased-and-harmful/#:~:text=Community%20disinvestment%20affects%20youth%20development,considered%20%20deviant%20and%20antisocial.>

¹⁰ Effective Alternatives to Youth Incarceration. June 2023. The Sentencing Project. <https://www.sentencingproject.org/reports/effective-alternatives-to-youth-incarceration/>