

MD SB422 support letter.pdf

Uploaded by: Amy Borrer

Position: FAV



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,¹ and it is among the top five states in the country for the percentage of its prison population that has been incarcerated since childhood.²

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 behavior³ and that harsh, developmentally inappropriate treatment actually increases the likelihood that a young person will recidivate.⁴

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

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

³ 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.”).

⁴ 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.⁵ 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.⁶

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.⁷ In Maryland, Black youth account for approximately 30 percent of the total youth population,⁸ but more than 90 percent of the youth held in detention pending transfer hearings.⁹

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.¹⁰

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.¹¹ More than 73 percent reported experiencing physical abuse, nearly 40 percent experienced sexual abuse, and more than 75 percent experienced emotional abuse as children.¹²

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.

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

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

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

⁸ 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).

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

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

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

¹² *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.

MLU Support Letter - SB422.pdf

Uploaded by: Carlos Orbe, Jr.

Position: FAV

January 31, 2025

The Honorable William C. Smith, Jr.
Chair, Senate Judicial Proceedings Committee
Maryland General Assembly
11 Bladen Street
Annapolis, MD 21401

Support for Senate Bill 422 – Juvenile Court - Jurisdiction

Dear Chair Smith and Members of the Senate Judicial Proceedings Committee,

On behalf of Maryland Latinos Unidos (MLU), I am writing to express our strong support for Senate Bill 422 (SB0422), which proposes altering the jurisdiction of the juvenile court by repealing provisions that currently exclude certain offenses from its purview. This legislative change ensures that more juvenile cases are adjudicated within the juvenile justice system rather than being automatically transferred to adult courts. Such a reform is crucial for ensuring fairness and rehabilitation for young offenders, particularly Latino youth, who are disproportionately impacted by the current system.

Latino youth are incarcerated at an alarming rate compared to their peers. According to the Sentencing Project, Latino juveniles are 65% more likely than their white counterparts to be tried as adults. When minors are funneled into the adult criminal justice system, they face significantly harsher conditions, increased exposure to violence, and a higher likelihood of reoffending upon release. The Centers for Disease Control and Prevention found that youth transferred to adult courts are approximately 34% more likely to be re-arrested for violent or other crimes than those retained in the juvenile system. The adult system is punitive rather than rehabilitative, failing to provide the necessary resources for these young individuals to reintegrate into society successfully.

Neuroscientific research confirms that the prefrontal cortex, responsible for impulse control and decision-making, does not fully develop until the mid-20s. This scientific understanding reinforces the need for age-appropriate sentencing and rehabilitative approaches. The juvenile justice system is uniquely designed to address the needs of young offenders through counseling, education, vocational training, and restorative justice practices that lower recidivism rates. The National Institute of Justice reports that juveniles who receive rehabilitative services are 43% less likely to reoffend. Keeping youth within the juvenile system not only enhances their prospects for rehabilitation but also strengthens public safety by reducing future criminal behavior.

Maryland has an opportunity to be a leader in juvenile justice reform. SB 422 aligns with national best practices that prioritize rehabilitation over punitive measures. By expanding the jurisdiction of the juvenile court, Maryland can address systemic disparities, lower recidivism rates, and provide young people with the support they need to build a stable and productive future.

We respectfully urge the members of the Senate Judicial Proceedings Committee to issue a favorable report on SB0422. Passing this legislation will reaffirm Maryland's commitment to a fair and effective justice system that recognizes the unique needs and potential of its young people.

Sincerely,

Carlos Orbe, Jr.

Communications and Public Affairs Specialist

Maryland Latinos Unidos

corbejr@mdlatinosunidos.org

HRFK SB 422 2025 TESTIMONY.pdf

Uploaded by: Emily Virgin

Position: FAV



**TESTIMONY IN SUPPORT OF SB 422 BEFORE THE MARYLAND JUDICIAL
PROCEEDINGS COMMITTEE**

January 31, 2025

Dear Chairman Smith and Members of the Maryland Senate Judicial Proceedings Committee:

Human Rights for Kids respectfully submits this testimony for the official record to express our support for SB 422. We are grateful to Senator Smith for his leadership in introducing this bill and appreciate the Maryland Legislature's willingness to address these important human rights issues concerning Maryland's children.

Over the years too little attention has been paid to the most vulnerable casualties of mass incarceration in America — children. From the point of entry and arrest to sentencing and incarceration our treatment of children in the justice system is long overdue for re-examination and reform.

Human Rights for Kids is a Washington, D.C.-based non-profit organization dedicated to the promotion and protection of the human rights of children. We work to inform the way the nation understands Adverse Childhood Experiences (ACEs) from a human rights perspective, to better educate the public and policymaker's understanding of the relationship between early childhood trauma and negative life outcomes. We use an integrated, multi-faceted approach which consists of research & public education, coalition building & grassroots mobilization, and policy advocacy & strategic litigation to advance critical human rights on behalf of children in the United States.

Human Rights for Kids supports SB 422 because it will reform the process of automatically sending children to adult court in Maryland. The continuing practice of disregarding child status and automatically sending children to adult criminal court is a clear human rights abuse. Specifically, Article 10 and 14 of the International Covenant on Civil and Political Rights require that "juvenile offenders shall be segregated from adults and be accorded treatment appropriate to their age and legal status . . . the procedure shall be such as will take account of their age and the desirability of promoting their rehabilitation." As such, automatically treating children as adults, regardless of the underlying charge, is a human rights abuse.

High Rates of Adverse Childhood Experiences

In the vast majority of cases, children who come into conflict with the law are contending with early childhood trauma and unmitigated adverse childhood experiences (ACEs), including psychological, physical, or sexual abuse; witnessing domestic violence; living with family members who have substance abuse disorders, suffer from mental illness or are suicidal, or are formerly incarcerated.

In Maryland, nearly 70% of children who were tried and convicted as adults had experienced at least 6 out of 10 Adverse Childhood Experiences prior to their incarceration. The average ACE score for this population was 6.4 out of 10. Nearly 74% had experienced physical abuse and around 40% experienced sexual abuse. The average age that this group of children first experienced abuse was *six years old*.

Childhood trauma is the primary driver and root cause for how and why so many kids end up in the criminal legal system. Policies that permit children to be automatically charged as adults ignore this truism and divest juvenile court judges – who are trained in child development – from making a decision of what is in the best interest of the child and society.

Because most of the children accused of crimes have been victims themselves, automatic adult charging policies ignore and disregard both the victim and child status of these offenders. That is not to say that in appropriate cases public safety considerations may require the court to waive juvenile court jurisdiction, but that decision should rest with juvenile court judges. These judges are in the best position to weigh a child's trauma history with their potential for rehabilitation if kept within the juvenile system.

When a child comes before the juvenile system, their cases are processed fairly quickly. Children in the juvenile system are held in detention for an average of 71 days. During this time, youth are in the custody of the Department of Juveniles Services (DJS), which conducts a risk assessment and develops a treatment plan tailored to address the child's behavior and reduce the likelihood of recidivism.

However, less than a third of children placed in DJS facilities were originally charged in juvenile court. The other 68% are children who were automatically charged as adults are waiting for a judge to determine whether adult or juvenile court is the right venue. It takes an average of 132 days, or over four months, before these cases are transferred from adult court to juvenile court and the child can begin receiving services in the juvenile system.

Even though a child is initially charged as an adult, 80% of the time they will be transferred back to juvenile court. But before the judge makes this decision, the child, who has most likely experienced severe trauma and abuse, sits in detention with no services, treatment, or accountability. This inefficient process delays true accountability for the children and does nothing to improve public safety.

While many children are placed in DJS facilities with other youth during this waiting period, some are held in adult jails, where they do not have access to the age-appropriate services they

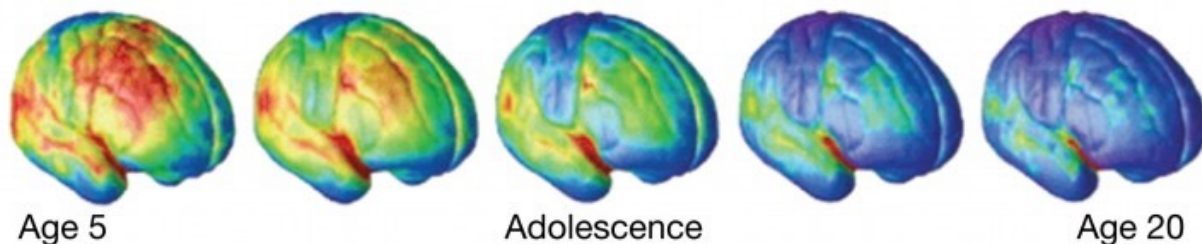
need to treat their underlying trauma. Because federal law requires that children in adult facilities be separated from adult offenders, they are held in what amounts to solitary confinement. Imagine being a child who has already faced unimaginable trauma and abuse, and then being placed in a cell, alone, with very few opportunities to interact with other people.

Juvenile Brain & Behavioral Development Science

Studies have shown that children's brains are not fully developed. The pre-frontal cortex, which is responsible for temporal organization of behavior, speech, and reasoning continues to develop into early adulthood. As a result, children rely on a more primitive part of the brain known as the amygdala when making decisions. The amygdala is responsible for immediate reactions including fear and aggressive behavior. This makes children less capable than adults to regulate their emotions, control their impulses, evaluate risk and reward, and engage in long-term planning. This is also what makes children more vulnerable, more susceptible to peer pressure, and being heavily influenced by their surrounding environment.

Children's underdeveloped brains and proclivity for irrational decision-making is why society does not allow children to vote, enter contracts, work in certain industries, get married, join the military, or use alcohol or tobacco products. These policies recognize that children are impulsive, immature, and lack solid decision-making abilities.

Dynamic mapping of human cortical development



Source: "Dynamic mapping of human cortical development during childhood through early adulthood," Nitin Gogtay et al., Proceedings of the National Academy of Sciences, May 25, 2004; California Institute of Technology.

In this picture the blue areas can be thought of as representing 'more mature' sections of brain. The frontal areas are among the last to mature.

It is for these reasons that children should also not be automatically subject to criminal court jurisdiction. In every aspect of our society, we require individuals who work with or make decisions about our children to be specially trained in child development, i.e. teachers, day care workers, pediatricians, nurses, etc. However, Maryland's policy of automatically charging so many children as adults and vesting judges in criminal court with ultimate decision-making authority over them is counter to how we treat children in every other aspect of our society. Like pediatricians and teachers in health care and learning settings, we should bestow decision making authority over our children in the legal system with juvenile court judges who have been trained specifically on child development.

Human Rights Violations

Because of the way children are treated in the criminal justice system, we designated Maryland one of the "Worst Human Rights Offenders" in the nation in our 2020 National State Ratings Report. Maryland was penalized in our assessment, in part, for its automatic charging policy that

has resulted in the state being second in the nation, only to Alabama, in the number of youth charged in adult court every year. It should be noted that more than 80% of youth charged as adults in Maryland are Black. Such practices are contrary to human rights law and have made Maryland a national outlier.

While it is important to note that the vital reforms to the juvenile justice system passed since the aforementioned 2020 report resulted in Maryland's recognition as the "most improved state" in the 2022 edition of our National State Ratings Report, Maryland is still penalized for its automatic charging policy.

In late 2022, Human Rights for Kids requested and received data from the State of Maryland on people who are currently incarcerated for crimes they were convicted of as children. According to our analysis of the data provided by the State, there are 1,132 currently incarcerated people who fit this description. This number represents 6.09% of Maryland's overall prison population, which is more than double the national average of 3%. Maryland ranks 5th highest in the nation for the percentage of its overall prison population that has been incarcerated since they were children. Only Michigan, Louisiana, Wisconsin, and South Carolina have higher percentages.

When considering the current law on automatic charging, Maryland's status as one of the top incarcerators of children in the entire country should not be surprising. The state's high rates of incarcerating children are a direct result of the longstanding policy of automatically charging high numbers of children as adults.

Redemption for Maryland

Nelson Mandela once said, *"There is no keener revelation of a society's soul than the way in which it treats its children."* What does it say about our soul then if we allow so many children, the vast majority of whom are Black, to be automatically charged as adults?

By beginning so many children in adult court and thereby becoming a mass incarcerator of children, Maryland is disregarding international human rights norms, juvenile brain and behavioral development science, and the fact that so many of these children are victims themselves.

With the passage of SB 422, Maryland can find redemption by recognizing that kids are different and should be treated differently in the legal system. We have juvenile courts and juvenile court judges for a reason – to determine how children should be treated when they come into conflict with the law.

It is for the foregoing reasons that Human Rights for Kids respectfully requests that the Committee issue a favorable report on SB 422 by Senator Smith.

Thank you for your time and consideration.

Submitted by:
Emily Virgin
Director of Advocacy & Government Relations
Human Rights for Kids
1250 Connecticut Ave NW
Washington, DC 20036
Phone: (405) 306-4294
evirgin@humanrightsforkids.org

2025 - Testimony for SB 0442.pdf

Uploaded by: Heather East

Position: FAV



TESTIMONY IN SUPPORT OF SB0442

Real Property - Landlord and Tenant – Procedures for Failure to Pay Rent, Breach of Lease, and Tenant Holding Over (Tenant Possessions Recovery Act) Environment and Transportation Committee

FAVORABLE

TO: Senator Sydnor and members of the Judicial Proceedings Committee

FROM: Heather East, Chase Home, Inc. and Maryland Episcopal Public Policy Network

DATE: January 30, 2025

The Chase Home, Inc. and Episcopal Church supports Senate Bill 0442 making permanent a requirement that Landlords provide a certain notice to a tenant facing eviction to establish procedures and requirements for the disposition of certain personal property following the execution of a warrant of restitution for failure to pay rent.

We urge the Committee to issue a favorable report on SB 0442 to ensure tenant's possessions are protected for ten days and can be retrieved following an eviction.

The Chase Home, Inc. is pleased to offer a favorable testimony in strong support of the SB 0442. Since 2021, Chase Home's two rent eviction avoidance programs for female tenants who are at immediate risk of eviction have made a huge impact serving over 200 families in Anne Arundel County. These programs are called the Rent Eviction Prevention Program and the Rent Eviction Emergency Discretionary Fund. Through these programs, Chase Home assists our partners at Community Legal Services and the Benevolence Coalition clients with access to emergency eviction prevention funds so that landlords are paid arrearage and tenants are able to keep their homes and get back on their feet. Many of these women are head of household with children, with a majority who faced set-backs in job security due to a mental illness or physical limitations. Without our financial contribution to their rent in arrearage, these women and their families would be facing homelessness. Unfortunately with no outside intervention and financial support, many more have lost their homes to eviction due to these emergency situations. The disposal of the family's personal possessions in this vulnerable population is another major financial setback following the loss of their homes. We strongly support the Tenant Possessions Recovery Act.

For the reasons noted above, we urge a FAVORABLE report on SB 0442.

TENANT EVICTION POSSESSIONS PHOTO.pdf

Uploaded by: Heather East

Position: FAV



MOPD support letter 1.pdf

Uploaded by: Henry Gregory

Position: FAV

BALTIMORE HOMA COMMUNITY, Inc

www.learnagnihotra.com

www.ancientoakshomafarm.com

Senate Bill 422
Chairman; Will Smith
Judicial Proceedings Committee
February 4, 2025 1 p.m.

Dear Chairman, Will Smith and Members of the Committee,

I am W. Henry Gregory, PhD, and I represent the Baltimore Homa Community, Inc. I am writing to express my strong support for SB-422. The policy of trying, convicting, and sentencing children as adults is fundamentally flawed and has had devastating effects on many families, particularly within African American communities. It is time for Maryland to correct this injustice.

The punitive mindset that promotes the notion of “adult crime, adult time” has led to serious consequences, most notably the loss of judicial discretion. This law has become a blunt instrument that disregards the unique circumstances of youth. Many states have recognized the harms of this practice and successfully rescinded it out of compassion for the individuals and families affected. It is time for Maryland to follow suit.

While we acknowledge the necessity of accountability for young people, we must also recognize that many lack positive influences and resources. Compassion should guide us in allowing judges to determine the appropriate venue for young offenders, whether juvenile or adult court, on a case-by-case basis.

I urge you to support SB-422 to end the harmful practice of charging children as adults in Maryland.

Thank you for your consideration.

W. Henry Gregory, PhD

President, Baltimore Homa Community

hankgreg49@gmail.com

410-521-5818 office

SB 422 DJS Final.pdf

Uploaded by: Karalyn Aanenson

Position: FAV

Aruna Miller
Lt. GovernorWes Moore
GovernorVincent Schiraldi
Secretary

Date: February 4, 2025
Bill Number/Title: Senate Bill 422 - Juvenile Court Jurisdiction
Committee: Judicial Proceeding Committee
DJS Position: Support

The Department of Juvenile Services (DJS) supports SB 422.

SB 422 promotes efficiency, fairness, and positive public safety outcomes for Maryland communities.

Current law in Maryland requires youth as young as 14 to be charged as adults for 33 offenses, resulting in lengthy incarceration, delayed treatment and rehabilitation, high costs and negative public safety outcomes. SB 422 seeks to improve outcomes for youth by limiting the number of offenses that require direct charging of youth in the adult system while still allowing judges to waive youth into adult court, and increasing access to age-appropriate supports and interventions.

SB 422 promotes efficiency.

In FY 24, the overwhelming majority of youth detained in Maryland's detention centers were youth charged as adults, creating a strain on facility operations. On any given day, 147¹ youth charged as adults were held in juvenile detention centers and accounted for 68%² of the detained population in DJS facilities. Youth charged as adults remain in juvenile detention nearly 100³ days longer than youth charged in the juvenile system. This does not only impact the operation of detention centers, which are not designed for such long stays, but also greatly delays the delivery of behavioral interventions and supports designed to reduce recidivism and improve behavioral outcomes. Beyond operational inefficiency, Maryland spends an estimated 17 million dollars to accommodate youth charged as adults in juvenile detention facilities annually.

In contrast, the juvenile system is designed to quickly process, adjudicate, and provide treatment interventions to justice-involved youth. It is proven that connecting youth and families to supportive interventions and services as quickly as possible improves overall outcomes. Keeping youth in costly detention placements while awaiting adjudication and treatment reduces the available funding to serve youth and families in community evidence based programming.

SB 422 supports fairness.

SB 422 recognizes that the overwhelming majority of youth charged as adults do not receive a criminal conviction. In fact, about 87%⁴ of the cases charged in the adult system are dismissed, sent to juvenile court, or sentenced to time served. In FY20, 271 youth were returned to the juvenile system from adult courts⁵. In FY24, nearly twice as many youth were returned to the juvenile system from adult courts as four years earlier (529)⁶. The charging of youth in adult court, and the increasing likelihood the case moves to the juvenile system creates backlogs of cases, expends state dollars unnecessarily, and exacerbates the inefficiencies experienced by all system stakeholders.

Moreover, Maryland's current system disproportionately impacts youth of color. Black youth are charged as adults at much higher rates than their white counterparts, making up 81% of these cases, even though black youth only represent

¹ Maryland Department of Juvenile Services. (2024). Data Resource Guide.

² Maryland Department of Juvenile Services. (2024). Data Resource Guide.

³ Youth charged as adults spend on average, 126 days awaiting a transfer hearing in contrast to the 27 days youth in the juvenile system wait for their first hearing.

⁴ Vera Institute (2010). Preliminary Findings: Youth Charged as Adults in Maryland [Powerpoint].

<http://dls.maryland.gov/pubs/prod/NoPblTabMtg/CmsnJuvRefCncl/Preliminary-Findings-Youth-Charged-as-Adults.pdf>.

⁵ https://djs.maryland.gov/Documents/DRG/Data_Resource_Guide_FY2020.pdf

⁶ Maryland Department of Juvenile Services. (2024). Data Resource Guide.

31% of Maryland's youth population⁷. Maryland also has a higher percentage of people incarcerated in adult prisons for crimes committed before age 18 than the national average, with most being youth of color⁸. Six percent of people sentenced to Maryland's prisons are under age 18 compared to an average of 3% nationally⁹. Maryland trails only South Carolina, Louisiana, and Wisconsin in terms of the percent of our adult inmates entering prisons as juveniles. The next three states on the list are Missouri, Mississippi, and Iowa.

SB 422 improves public safety outcomes for our communities.

The research is clear, youth who enter the adult system are more likely to reoffend, and to do so more violently, than those who stay in the juvenile system¹⁰. The Centers for Disease Control's *Task Force on Community Preventive Services* examined six high quality studies that followed youth for between 18 months and 6 years and controlled for relevant characteristics to ascertain the impact of exposure to the adult vs. juvenile justice systems. The CDC found "that transfer policies have generally resulted in increased arrest for subsequent crimes, including violent crime, among juveniles who were transferred compared with those retained in the juvenile justice system. To the extent that transfer policies are implemented to reduce violent or other criminal behavior, available evidence indicates that they do more harm than good." DJS facilities are specifically designed and better equipped than local jails to address the unique needs of youth, offering comprehensive services that prioritize rehabilitation and development while ensuring public safety is upheld. As stated earlier, DJS is already serving the youth who are automatically charged as adults and have their case returned to juvenile court. Of the youth returned to the juvenile court, 60% are in the community, with 45% given a probation disposition and 15% having their case dismissed¹¹. 40% of youth received a court order for commitment.

SB 422 is consistent with the established adolescent development research and science.

The science clearly shows that youth and adults are different when it comes to decision-making, impulsivity, peer influence, and risk-taking. Youth are more likely to act without thinking and take risks, but they also have a greater ability to change and recover from trauma when provided the right support. Youth are more susceptible to peer influence which makes placement in adult facilities especially problematic. Research highlights that systems designed for youth, which focus on their brain development and individualized needs, lead to better outcomes than adult facilities. Moreover, locking kids up in adult jails worsens their development by cutting them off from vital education, health care, and mental health services. A study published in the *Journal of the American Medical Association*¹² found that incarcerating youth in adult correctional facilities was associated with a 33% increase in the risk of mortality between ages 18 and 39, likely due to worse mental and physical health.

SB 422 maintains important safeguards.

SB 422 does not prohibit youth from being tried in adult court, and the proposed legislation maintains important public safety safeguards. SB 422 upholds adult charging when a youth is alleged to have committed the most serious offenses, such as rape, murder and carjacking¹³. Additionally, SB 422 retains waiver, the ability for prosecutors to ask the juvenile court to move cases to the adult court for prosecution and sentencing. A juvenile court judge has broad discretion to waive a case to adult court if the youth is at least 14 and charged with 1st-degree murder, 1st-degree rape, or 1st-degree sex offense or when the youth is at least 15 years old for any charged offense¹⁴.

DJS requests a favorable report on SB 422, as the proposed legislation will improve Maryland's justice system while increasing public safety.

⁷ <https://www.aecf.org/blog/survey-a-pandemic-high-for-the-number-of-black-youth-in-juvenile-detention>

⁸ <https://humanrightsforkids.org/wp-content/uploads/Human-Rights-For-Kids-Crimes-Against-Humanity-The-Mass-Incarceration-of-Children-in-the-US.pdf>

⁹ <https://humanrightsforkids.org/wp-content/uploads/Human-Rights-For-Kids-Crimes-Against-Humanity-The-Mass-Incarceration-of-Children-in-the-US.pdf>

¹⁰ Hahn, R., McGowan, A., Liberman, A., Crosby, A., Fullilove, M., Johnson, R., Moscicki, E., Price, L., Snyder, S., Tuma, F., Lowy, J., Briss, P., Cory, S., & Stone, G. (2007). *Effects on violence of laws and policies facilitating the transfer of youth from the juvenile to the adult justice system: A report on recommendations of the Task Force on Community Preventive Services*. Centers for Disease Control and Prevention, Division of Health Communications, National Center for Health Marketing.

<https://www.cdc.gov/mmwr/pdf/rr/rr5609.pdf>

¹¹ Maryland Department of Juvenile Services. (2024). Data Resource Guide.

¹² Silver IA, Semenza DC, Nedelec JL (July 5, 2023). Incarceration of Youths in an Adult Correctional Facility and Risk of Premature Death. *JAMA Netw Open*. 2023;6(7):e2321805.

¹³ <https://mgaleg.maryland.gov/2025RS/bills/sb/sb0422F.pdf>

¹⁴ MD Code, Courts and Judicial Proceedings, § 3-8A-06



SB422 Support.pdf

Uploaded by: Kevin Slayton

Position: FAV



Baltimore-Washington Conference

The United Methodist Church

NORTHWOOD-APPOLD UMC

REV. DR. KEVIN A. SLAYTON, SR. PASTOR

4499 LOCH RAVEN BLVD, BALTIMORE, MD 21218

TEL. 410-323-6712 | 800-492-2525

February 4, 2025
SB 422 SUPPORT

Chairman; Will Smith and Committee Members
Judicial Proceedings Committee

Dear Chairman Will Smith and Members of the Committee,

Senate Bill 422 would demonstrate a use of public policy that works in the best interest of creating a more equitable future. It's been said in both word and song that the "children are the future." Regrettably for decades the missteps of youth who happen to be of color are judged far more harshly than those of their peers. As a result, their futures are jeopardized by policies that exempt them from redemption. I believe it is the purpose of our policy makers to see the potential and the opportunity for creating a more just society. SB 422 stands in the gap between historical bias and communal grace. SB 422 seeks to extend a welcome form of Just Mercy.

The policy of trying, convicting, and sentencing children as adults is fundamentally flawed and has had devastating effects on many families, particularly within African American communities. Maryland can send a message to the broader society that all of our children have equal value. The punitive mindset that promotes the notion of "adult crime, adult time" has led to serious consequences, most notably the loss of judicial discretion. This law has become a blunt instrument that disregards the unique circumstances of youth. Many states have recognized the harms of this practice and successfully rescinded it out of compassion for the individuals and families affected. We are better than this and so are our children.

While we acknowledge the necessity of accountability for young people, we must also recognize that many lack positive influences and resources. Compassion should guide us in allowing judges the discretion to determine the appropriate venue for young offenders, whether juvenile or adult court, on a case-by-case basis.

I urge your support of SB 422 for the sake of a better future for all children. Thank you for your consideration.

Sincerely,

Rev. Dr. Kevin A. Slayton, Sr.
Pastor

4499 LOCH RAVEN BLVD / BALTIMORE, MARYLAND 21218

BECOMING FULLY ALIVE IN CHRIST AND MAKING A DIFFERENCE IN A DIVERSE AND EVER-CHANGING WORLD

Document_2025-01-31_173110.pdfFlowers.pdf

Uploaded by: Mary Ashanti

Position: FAV

Senate Bill 422
Chairman; Will Smith
Judicial Proceedings Committee
February 4, 2025 1 p.m.

Dear Chairman Will Smith and Members of the Committee,

I am Mary E Ashanti, and I represent Wicomico. I am writing to express my strong support for SB-422. The policy of trying, convicting, and sentencing children as adults is fundamentally flawed and has had devastating effects on many families, particularly within African American communities. It is time for Maryland to correct this injustice.

The punitive mindset that promotes the notion of "adult crime, adult time" has led to serious consequences, most notably the loss of judicial discretion. This law has become a blunt instrument that disregards the unique circumstances of youth. Many states have recognized the harms of this practice and successfully rescinded it out of compassion for the individuals and families affected. It is time for Maryland to follow suit.

While we acknowledge the necessity of accountability for young people, we must also recognize that many lack positive influences and resources. Compassion should guide us in allowing judges the discretion to determine the appropriate venue for young offenders, whether juvenile or adult court, on a case-by-case basis.

I urge you to support SB-422 to end the harmful practice of charging children as adults in Maryland.

Thank you for your consideration.

Mary Ashanti
President Emeritus *Wicomico County NAACP*
Human Rights/Civil Rights Activist
Wicomico County Community Advocate
Cellphone: 410-430-1896
mary.ashanti1947@comcast.net

Written Testimony in Support of SB0422 Juvenile Co

Uploaded by: Mary Dadone

Position: FAV

Written Testimony in Support of SB0422 Juvenile Court – Jurisdiction

From: Mary Dadone, District 30B
31 January 2025

Dear Chairman Will Smith and Members of the Committee,

I am writing to express my strong support for SB-422.

The de facto policy of routinely trying, convicting, and sentencing children as adults is fundamentally flawed and has had devastating effects on many families, particularly within African American communities. It is also a waste of resources given the low conviction rate in adult court. It is, in effect, the modern incarnation of the abuses documented in the documentary Thirteenth: in effect, it is a practice of routine removal from society of Black and Brown children juvenile suspects and immediately placing them in the processes and facilities of the adult criminal justice system. It reflects an attitude of seeing these children and dangerous criminal who must be removed from society for the safety of society, with little to absolutely no regard for the emotional, physical, psychological, and spiritual safety of those children.

Is this who we are? Must we look on even children as dangerous threats, disproportionately if they are Black or Brown, rather than as young persons with difficulties? The bias to see the behavior and the bodies of Black and Brown children as older, more aggressive, more poorly self-controlled, more dangerous than they actually are is well document. Remember Michael Brown – a large Black young man who may or may not have shoplifted – shot dead by a policeman who, at best, read every aspect of Mr. Brown’s body and movements as criminal and life threatening. Reading the offenses of Black and Brown children as more heinous and their persons as more dangerous arises from the same place of fear and disregard for the fullness of their humanity.

We have systems for dealing with juvenile offenders both pre-trial and post-conviction, assuming they are convicted. These systems place safeguards around the children to mitigate the trauma and disruption of the arrest, detention, and court experiences. These safeguards are there because these suspects are children. What in the world merits routinely leaping over these safeguards. Are we that afraid that scared, that indifferent to unnecessary harm, that demanding of retribution for anyone who might fall into the criminal catchment nets? Surely we can do better than this. Surely we are better than this. This was never appropriate, and it is long beyond time for Maryland to correct this injustice.

The punitive mindset that promotes the notion of “adult crime, adult time” has led to serious consequences, most notably the loss of judicial discretion. This law has become a blunt

instrument that disregards the unique circumstances of youth. Many states have recognized the harms of this practice and successfully rescinded it out of compassion for the individuals and families affected. It is time for Maryland to follow suit.

While we acknowledge the necessity of accountability for young people, we must also recognize that many lack positive influences and resources. Compassion should guide us in allowing judges the discretion to determine the appropriate venue for young offenders, whether juvenile or adult court, on a case-by-case basis.

I urge you to support SB-422 to end the harmful practice of charging children as adults in Maryland.

Thank you for your consideration.

Most sincerely,

Mary Dadone

Scan SB30422.pdf

Uploaded by: Miner Brown

Position: FAV

SB #0422

Miner L. Brown

Favorable

Title: Juvenile Court-Jurisdiction

Sponsor: Senator William C. Smith, Chair, Judicial Proceedings

Submitted by Miner L (Moe) Brown of District 11

A CASA Ally, Active in City Scouting for years, Habitat for Humanity volunteer for 9+ years, and Member, Social Advocacy Committee at Chizuk Amuno Congregation, Pikesville, MD

First, thank you Senator Smith for your leadership in sponsoring bill, (SB#0422). In many ways this legislation follows previous enactments over the last four years that initially corrected several wrongs in the treatment provided to youth offenders designed to end the practice of "**autocharging**" for a long list of offenses (33). Then the MD State Legislature reversed course in subsequent legislation. This current bill now recognizes ways in which a better balance of firm justice can be employed; it could still go further in correcting the existing law.

Goals for any new legislation need to deal with juvenile justice issues expressed below:

1. **A shocking statistic-** Maryland sends more youth to adult court based on offense types; more than any other state per capita in the country except Alabama! Is this where Maryland belongs?;
2. **Charging kids as adults is short-sided and has continually led to poor results.** Youth incarceration increases the likelihood of recidivism and harms their educational attainment, lifetime wages, and future health outcomes as adults. Continuing to operate under the same failed system, on-going costs to the State continue to rise and a kid's future life is lost, gone-a statistic of the "System";
3. **Automatically charging youth in adult court absolutely ignores solid research** that shows adolescent brains are still developing and have some years before they reach maturity; and
4. **Fund the Juvenile Division of the Office of Public Defender (JDOPD).** They know their job. They have evidence based successes while functioning under unnecessary monetary handicaps. Their results are measurable. Take some of the saved money from eliminating jail time before arraignment, and put it here to enhance the success of JDOPD expanded role.

Current practice of automatically charging children as adults puts these kids directly into adult detention facilities. In 2020, despite more than a half-decade of falling youth arrests and declining rates of youth incarceration, since 1914 when the Justice Policy Institute 1st analyzed the cost of secure youth confinement in Maryland, the average annual cost of a young person then was \$400,000. The average state cost of secure youth confinement has been calculated to be over \$588. per day. With the number of average days of initial confinement now at 103 days, the cost per youth is over \$60,564. before arraignment. Only 12% of teenagers tried as adults were convicted in 2022. What a waste of financial and human resources!

It is time for the Legislature to join the overwhelming majority of other states who have passed laws to treat kids like kids. Thank you for the opportunity to submit testimony as a concerned longtime resident of Maryland and 84- year-old voter with a professional career in health care management who is very concerned with the future success of all of our youth.

Favorable - SB 422 - Juvenile Jurisdiction.docx.pdf

Uploaded by: Philip Caroom

Position: FAV

MARYLAND ALLIANCE FOR JUSTICE REFORM
Working to end unnecessary incarceration and build strong, safe communities



TO: Chair Will Smith and Senate Judicial Proceedings Committee
FROM: Phil Caroom, MAJR Executive Committee
DATE: February 4, 2025

Maryland Alliance for Justice Reform (MAJR - www.ma4jr.org) supports SB 422 to wisely narrow Maryland's statute which currently permits excessive charging of juveniles in adult court. Although not an official statement for the Maryland courts, I offer these remarks as a recently retired Juvenile administrative judge and based on more than 30 years cumulative experience in the system also as a prosecutor, defense attorney, and Juvenile Court master - n/k/a magistrate.

Legislators should recognize five key facts in relation to adult vs. juvenile jurisdiction:

- 1) Maryland's Juvenile Justice system offers much more extensive and individualized rehabilitative services for every juvenile committed to custody than state prisons, which provide too few rehabilitative services to incarcerated adult Marylanders.
- 2) Juveniles, given appropriate treatment services and time, have a much greater opportunity for rehabilitation than adults age 25 and over. Scientific studies, repeatedly accepted by the U.S. Supreme Court, make clear that "emerging adults" (those under age 25) have brains which still are developing and commonly may be expected to gain better judgment and behavior as they reach maturity. For example, see the discussion in "*The Intersection between Young Adult Sentencing and Mass Incarceration*," Wisconsin Law Review (2018). Through my juvenile court years, I have seen repeated success stories when serious juvenile offenders were fully rehabilitated.
- 3) It is well-known that commingling juveniles with a population of "higher risk" adult offenders increases the risk of future criminal behavior by the juveniles. For example, see "Effects [of] transfer of youth from the juvenile to the adult justice system." <https://www.cdc.gov/mmwr/pdf/rr/rr5609.pdf>.
- 4) Prosecutors are not required to receive any training as to juveniles or their prospects for rehabilitation. Thus, their decisions automatically to charge juveniles may be comparatively uninformed choices. The current system that permits so many children to be automatically charged as adults has resulted in huge racial disparities, according to one recent report, such that nearly 84% of those charged as adults are African-Americans. See, e.g., Univ.of Balt.Law School Forum, "Charging Children As Adults: The Case For Repealing Maryland's Automatic Waiver Statute," Feb.2024.
- 5) Finally, the practice of charging juveniles as adults mostly today is used as a convenient plea-bargaining tool by prosecutors. It's reported, for example, that 87% of such adult charges filed against juveniles between 2017 and 2019 ended up dismissed. See Baltimore Sun, 1/20/25. However, the dismissal of the adult charges doesn't mean there was no impact on the juveniles involved: Maryland's Department of Juvenile Services estimates that only about 25% of those who have been charged and detained as adults ever succeed in completing their high school education. This lack of education, in turn, results in a much higher, subsequent recidivism rate. Id.

SB 422 is an excellent first step towards ending Maryland's overcharging of juveniles¹ which exceeds that of any other U.S. state, except for Alabama. For all these reasons, MAJR strongly supports SB 422.

PLEASE NOTE: Phil Caroom files this testimony for MAJR and not for the Md. Judiciary or any other unit of state government.

¹ If any amendment to SB 422 were considered, one improvement might add the requirement that the juveniles still charged as adults must be alleged to be the *principal or perpetrator of the offenses charged*. Currently, juveniles may be charged as adults even if they were only accessories with minimal involvement, for example, never even possessing a handgun used by adults in an offense. See, e.g., Bellamy v. State, 403 Md. 308, at 334 (2008).

MAJR, further, would support a complete repeal of automatic charging of juveniles in adult court as other provisions in Maryland law still would permit prompt transfers to adult court for the much smaller percentage of juveniles who appropriately should be there. See Md.Code, Courts & Jud.Proc.Art., sec. 3-8A-06, et seq. These decisions, thus, would be better made by trained juvenile judges with full knowledge of the juvenile rehabilitation vs. the adult correction systems.

Life CHange SB422.pdf

Uploaded by: Regina Clay

Position: FAV



Life Change AME Church

www.lifechangeame.com

**Senate Bill 422
Chairman; Will Smith
Judicial Proceedings Committee
February 4, 2025 1 p.m.
Life Change AME Church**

Dear Chairman Will Smith and Members of the Committee,

I Rev Regina Clay and I am the Pastor of Life Change AME Church in Columbia, MD. I am writing to express my strong support for SB-422. The policy of trying, convicting, and sentencing children as adults is fundamentally flawed and has had devastating effects on many families, particularly within African American communities. It is time for Maryland to correct this injustice.

The punitive mindset that promotes the notion of “adult crime, adult time” has led to serious consequences, most notably the loss of judicial discretion. This law has become a blunt instrument that disregards the unique circumstances of youth. Many states have recognized the harms of this practice and successfully rescinded it out of compassion for the individuals and families affected. It is time for Maryland to follow suit.

While we acknowledge the necessity of accountability for young people, we must also recognize that many lack positive influences and resources. Compassion should guide us in allowing judges the discretion to determine the appropriate venue for young offenders, whether juvenile or adult court, on a case-by-case basis.

I urge you to support SB-422 to end the harmful practice of charging children as adults in Maryland.

Thank you for your consideration.

info@lifechangeame.org

Office: (410) 480-7142

TESTIMONY ON SENATE BILL 422 .pdf

Uploaded by: Sharon Blake

Position: FAV

TESTIMONY ON Senate Bill 422

Juvenile Court – Jurisdiction

Senate Judicial Proceedings Committee

February 04, 2025

SUPPORT

Submitted by: Sharon Y. Blake

Chair William Smith, Vice Chair Waldstreicher and honorable members of the Judicial Proceedings Committee:

I, Sharon Y. Blake testifying in support of Senate Bill 422, Juvenile Court – Jurisdiction. Although no child in my family has experienced Maryland’s practice of “charging juveniles as adults,” I am submitting this testimony nevertheless, because, as a Baltimore County resident in District 10, and a lifelong educator I believe I have an appropriate interest in this matter.

Professionally I served as the President of the Baltimore Teachers Union. Moreover, I served 43 years as an educator in the Baltimore City Public School System, the large majority of that time as a teacher of History at the high school level. Working with youth between the ages of fourteen to twenty (14 – 20) in the Baltimore City Public School System has allowed me a multitude of experiences.

While the majority of the young people I taught were productive and positive, I have witnessed, taught in schools where crime was a problem and been the subject of juvenile crime. I had my car stolen off the school’s parking lot, my credit cards stolen from my handbag, which I had locked in my classroom closet, and the back window of my car shattered. Sadly, I worked in a school where a student was beaten with a weapon, “pistol whipped” in the cafeteria and the Baltimore City Police had to be posted outside of each classroom due the threat of violence within the school. Conversely, the most problematic or horrific challenge was that of having one of my students stab and kill another student in the hallway. All these arduous experiences led me to recognize the profound pain, heart ache, lack of nurturing and anguish my students were dealing with on a daily basis. These criminal acts sent a clear message to me that society, schools, and the juvenile justice system must do a better job of supporting young people who live in profound pain, poverty, hopelessness, ignorance and despair. Because children do not choose their parents or living conditions, as a society, we must acknowledge the need to provide additional mechanisms to assist our youth. One of the most effective mechanisms would be changing the scandalous fact that Maryland is second only to the state of Alabama in automatically sending children aged fourteen to seventeen (14-17) to adult court. Sentencing children as adults is essentially unsound and inhumane given its devastating effects on many families, principally within the Black communities. The time is now to end the practice of

automatically charging children as adults. Many states have recognized the unsound and inhumane harm caused by this practice and have successfully rescinded it. In six states, California, Hawaii, Kansas, Kentucky, Oregon, and Texas—all youth cases begin in juvenile courts. Thus, I implore this committee to pass Senate Bill 422 Juvenile Court – Jurisdiction hereby allowing Maryland to follow suit. As important, this bill also has very severe racial justice implications.

Maryland’s population of Black children is thirty-one percent (31%) but eighty-one percent (81%) of all children charged as adults. Additionally, in 2022, just twelve per cent (12%) of teenagers tried as adults were convicted. Automatically charging children as adults is inhumane, it is also excessive, unproductive, and ineffective with serious consequences. While acknowledging the inevitability of accountability for juveniles, we, as a society, must also recognize the fact that far too many of our juveniles are deeply wounded living in poverty, hopelessness, ignorance and despair. To that point, some level of compassion should be considered in permitting judges the discretion to determine the appropriate setting for juvenile offenders, whether juvenile or adult court, on a case-by-case basis.

Therefore, I urge this honorable committee to support Senate Bill 422 Juvenile Court – Jurisdiction with a favorable vote to end the destructive, damaging, harsh practice of charging adolescents as adults in our great state of Maryland.

Thank you for your consideration.

SB422 Legislative Black Caucus of MD, Inc.

Uploaded by: Ufuoma Agarín

Position: FAV



LEGISLATIVE BLACK CAUCUS OF MARYLAND, INC.

The Maryland House of Delegates, 6 Bladen Street, Room 300, Annapolis, Maryland 21401

410-841-3185 • 301-858-3185 • 800-492-7122 Ext. 3185 • Fax 410-841-3175 • 301-858-3175 • Black.Caucus@house.state.md.us

EXECUTIVE OFFICERS

Chair

Delegate Jheanelle Wilkins, District 20

1st Vice Chair

Delegate Melissa Walls, District 40

2nd Vice Chair

Delegate Karen R. Tolos, District 25

Treasurer

Delegate Marlon Amprey, District 40

Secretary

Delegate Jamila J. Woods, District 26

Financial Secretary

Senator Arthur Ellis, District 28

Chaplain

Delegate Jeffrie E. Long, Jr., District 27B

Parliamentarian

Delegate Stephanie Smith, District 45

Historian

Delegate Cheryl E. Pasteur, District 11A

Executive Director

Ufuoma O. Agarin, J.D.

MEMBERS

Senator Malcolm Augustine, District 47

Senator Benjamin Brooks, District 10

Senator Jill P. Carter, District 41

Senator Nick Charles, District 25

Senator Antonio L. Hayes, District 40

Senator Michael A. Jackson, District 27

Senator Cory V. McCray, District 45

Senator C. Anthony Muse, District 26

Senator William C. Smith, Jr., District 20

Senator Charles E. Sydnor III, Esq., District 44

Senator Alanzo T. Washington, District 22

Senator Mary L. Washington, District 43

Senator Ron Watson, District 23

Delegate Gabriel Acevero, District 39

Delegate Jacqueline T. Addison, District 45

Delegate Tiffany Alston, District 24

Delegate Vanessa E. Attabear, District 13

Delegate J. Sandy Bartlett, District 32

Delegate Adrian Boato, District 23

Delegate Regina T. Boyce, District 43A

Delegate Frank M. Conway, Jr., District 40

Delegate Charlotte Crutchfield, District 19

Delegate Debra Davis, District 28

Delegate Diana M. Fennell, District 47A

Delegate Kevin M. Harris, District 27A

Delegate Andrea Fletcher Harrison, District 24

Delegate Shaneka Henson, District 30A

Delegate Terri L. Hill, District 12

Delegate Marvin E. Holmes, Jr., District 23

Delegate Julian Ivey, District 47A

Delegate Carl Jackson, District 8

Delegate Andre V. Johnson, Jr., District 34A

Delegate Adrienne A. Jones, District 10

Delegate Jazz Lewis, District 24

Delegate Robbyn Lewis, District 46

Delegate Ashanti Martinez, District 22

Delegate Aletheia McCaskill, District 44B

Delegate Bernice Mireku-North, District 14

Delegate Edith J. Patterson, District 28

Delegate Joseline Peña-Melnyk, District 21

Delegate N. Scott Phillips, District 10

Delegate Pamela Queen, District 14

Delegate Kent Roberson, District 25

Delegate Denise G. Roberts, District 25

Delegate Mike Rogers, District 32

Delegate Malcolm P. Ruff, District 41

Delegate Gary Simmons, District 12B

Delegate Dani Tavaras, District 47B

Delegate Kym Taylor, District 23

Delegate Veronica Turner, District 26

Delegate Jennifer White Holland, District 10

Delegate Nicole A. Williams, District 22

Delegate C.T. Wilson, District 28

Delegate Greg Wims, District 39

Delegate Caylin Young, District 45

February 4, 2025

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

Dear Chairman Smith, Jr., Vice Chairman Waldstreicher, and Members of the Committee,

The Legislative Black Caucus of Maryland offers strong favorable support for Senate Bill 422 (SB0422) – Juvenile Court – Jurisdiction. This bill introduces essential reforms to Maryland’s juvenile justice system, ensuring that more youth cases remain under the jurisdiction of the juvenile court rather than being automatically transferred to adult court. Senate Bill 422 is a 2025 legislative priority for the Black Caucus.

Black youth in Maryland are disproportionately charged and sentenced as adults, exacerbating systemic inequalities within the criminal justice system. According to data from the National Association of Criminal Defense Lawyers, Black youth made up 67.7% of youth to adult transfer files in 2016, even though they are only 14% of the youth population. These disparities contribute to higher rates of incarceration and recidivism, disrupting families and communities across the state.

Senate Bill 422 ensures that juveniles have access to rehabilitative services and educational opportunities within the juvenile court system, rather than being subjected to the punitive measures of the adult criminal system. Research has consistently shown that youth processed in the juvenile system have significantly lower recidivism rates than those tried as adults. By prioritizing rehabilitation over incarceration, this bill aligns with evidence-based practices that promote long-term public safety and successful reintegration.

Additionally, keeping more cases within the juvenile system reduces the likelihood of young individuals being exposed to the dangers of adult prisons, where they are at a heightened risk of violence, abuse, and mental health deterioration. The Office of Juvenile Justice and Delinquency Prevention found that youth held in adult facilities are 34% more likely to be rearrested compared to those in the juvenile system. This bill provides a fairer approach by ensuring that minors receive age-appropriate interventions rather than being subjected to lifelong criminal records.

To promote transparency and accountability, Senate Bill 422 ensures that juvenile cases are handled with a focus on restorative justice principles. This approach not

only benefits the affected youth but also strengthens communities by reducing recidivism and allowing young individuals to become productive members of society.

By addressing the disproportionate impact of the adult criminal justice system on Black youth, Senate Bill 422 advances principles of justice and equity while allowing Maryland to redirect resources toward rehabilitation and community support. The bill's provisions reflect the Caucus' commitment to addressing systemic disparities and advocating for reforms that uphold human rights within the criminal justice system.

Senate Bill 422 represents a thoughtful and equitable approach to juvenile justice reform. It balances public safety with fiscal responsibility and humane treatment, ensuring that policies reflect our values of equity and fairness. For these reasons, the Legislative Black Caucus of Maryland strongly supports Senate Bill 422 and urges this committee to make a favorable report.

Legislative Black Caucus of Maryland

SB422_FWA_MYJC Testimony.pdf

Uploaded by: Alice Wilkerson

Position: FWA



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

SB422_AndrewMiller_FWA.pdf

Uploaded by: Andrew Miller

Position: FWA

February 4, 2025

Andrew J. Miller
Baltimore, MD 21209

TESTIMONY ON SB0422- POSITION: FAVORABLE WITH AMENDMENTS/

Juvenile Court - Jurisdiction

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

FROM: Andrew J. Miller

OPENING: My name is Andrew Miller. I am a resident of District 11B. I am submitting this testimony in support with amendments for SB0422, Juvenile Court - Jurisdiction. I am a long-time member and a Past President of Chizuk Amuno Congregation in Stevenson, MD and last month I retired after 41 years as a faculty member at UMBC. I am also a past Chair of the Chesapeake Bay Scientific and Technical Advisory Committee and a current member of the Maryland Commission on Environmental Justice and Sustainable Communities. As a scientist I believe in looking at the facts, and not at false assertions that are disseminated to create fear. As a person of faith I believe in what our sacred texts tell us about pursuing justice.

Maryland sends more youth ages 14 to 17 to adult court based on offense type per capita than any state in the U.S. other than Alabama, and current law requires automatic charging of youth in adult court for 33 offenses. To “protect” them from the adult prisoners, we often place them in solitary confinement for 23 hours a day. Overuse of solitary confinement in Maryland prisons violates international standards against torture. And there are enormous racial disparities in who experiences this treatment. We are the only state other than Louisiana where more than 80% of the incarcerated youth are Black and where more than 6% of the adult prison population have been incarcerated since they were children. Statistics also show that Black children receive longer sentences for the same crime by comparison with other groups.

In 2022, all 871 teens automatically charged as adults faced lengthy and expensive processes to decide if their cases would stay in adult court, with average wait times 103 days longer than those in the juvenile system. This is not only inefficient and wasteful of public resources; it also causes an extended period of trauma for many of these youth who do not have access to services they need including counseling and education. Many will eventually be sent back down to juvenile court and many will never be found guilty, but they will suffer permanent damage nonetheless. How does our state repay them for the damage done? It doesn't.

I learned another thing recently that also disturbs me. Children who are sent automatically to adult court under this system must demonstrate in a hearing that they are NOT a threat in

order to be transferred to the juvenile system. This basically assumes they are guilty until proven innocent when deciding where their case should be heard. Furthermore, the criteria by which this question is answered depend in large measure on which judge is hearing the case; in one case a judge was documented as saying the child should stay in adult court because of his large physical size. Prosecutors can have a case moved from juvenile to adult court if they can demonstrate that the crime itself and the circumstances warrant making that change. Nothing in SB422 prevents them from making that argument. This should be a universal standard.

Twenty-six states have greatly reduced the use of autocharging and eight states have eliminated the practice of autocharging, including red states like Texas, Kentucky, Missouri and Tennessee. As a Maryland voter and as a Jewish voter who believes in the pursuit of justice, I am ashamed of our state's record. As legislators you should be equally ashamed.

For all of the reasons cited above and others that I cannot fit into the space available, **I respectfully urge this committee to return a favorable report with amendments on SSB0422.**

BILL#SB422.pdf

Uploaded by: Anita Lampel

Position: FWA

TESTIMONY IN SUPPORT WITH AMENDMENTS
BILL#SB422
JUVENILE COURT-JURISDICTION

February 4, 2025

Dear Honorable Chair Smith, Committee Vice-Chair Waldstreicher, and Members of the Judicial Proceedings Committee,

My name is Anita Lampel and I live in Bethesda, MD, in D 16. I am submitting testimony in favor of this bill with amendments. I have a Ph.D. in psychology, ran a major Child and Adolescent Mental Health Program, provided assessments and testified in both juvenile and superior courts, and served on advisory panels on youth and adult justice in California. I then moved to Maryland where I discovered that children as young as fourteen can be tried and convicted in adult court. And that Maryland ranks at the bottom, next to Alabama, in the percent of Black youth who are incarcerated.

Children's brains do not stop developing until the early '20s. Teens are more prone to impulsivity, more vulnerable to stressors that can literally change the brain's make-up. They are also resilient and can be assisted towards a path without crime. A child who is kept within a juvenile justice system and provided with appropriate services is much less likely to reoffend than a child with the same crime sent into the adult system. Isn't that what we want—less recidivism and better citizens?

Juvenile Court Judges are in a much better position to know what services are available for the child in front of them than a judge in adult court. In fact, children who begin in adult court see their cases dismissed or are sent back to juvenile court 83% of the time! What a churn—a waste of money and attorney and court time. Start these children where they belong and let the capable judges make the decision.

I would like to see the bill amended to include all children, no matter what the nature of the crime. I acknowledge that specific crimes are frightening—car jacking, having a gun—but we need to consider the child behind that, assess that young person, and see how to turn them away from crime. If the Juvenile Court judge cannot see a route to that within the juvenile system, the judge can refer the child to adult court. Nothing in this law prevents that.

Ultimately, this legislation will help all Marylanders because it will reduce recidivism, enable youth to readjust their lives, and ease the concerns of the victims of crime.

Thank you,
Anita Lampel

TESTIMONY SB422-2025.pdf

Uploaded by: ANNA RUBIN

Position: FWA

SB0422_AnnaRubin_FWA

Jan. 31, 2025

Position: Favorable with Amendments

Juvenile Court – Jurisdiction

Dr. Anna Rubin

Columbia, MD 21045

**TESTIMONY - Favorable with Amendments of Senate Bill 0422:
Juvenile Court – Jurisdiction**

TO: Chair Senator Smith and Vice Chair Waldstreicher, Judicial Proceedings Committee

FROM: Dr. Anna Rubin

DATE: Friday, January 31, 2025

I want to thank Sen. Will Smith for sponsoring this bill. I urge the committee to issue a favorable with amendments report on this bill. I am writing as a private citizen and as a member of the Columbia Jewish Congregation (chair of Social Justice Committee and former board member) as well as civic organizations.

The Torah commands us to pursue justice, and our sages instruct us that the methods we use to do so must be just themselves. The practice of automatically charging youths as adults in Maryland is unjust, ineffective and disproportionately targets Black and brown youth. SB0422 is a step forward by reforming the racist practice of autocharge. 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.

80% of the kids tried and held in the adult court and prison system are Black. 87% of kids held in adult court and prison system end up being either released or returned to Juvenile jurisdiction. Ending this practice would reduce not only violent crime, but also the criminalization and incarceration of Black youth, who are disproportionately targeted by our justice system. It would also produce significant savings which could be applied to the chronically underfunded Juvenile Services Department.

Respectfully submitted,

Dr. Anna Rubin (Emerita, UMBC) 21045

CFCC Testimony SB422.pdf

Uploaded by: Aubrey Edwards-Luce

Position: FWA

**The University of Baltimore School of Law's Sayra and Neil Meyerhoff Center for
Families, Children and the Courts (CFCC)**

In Support with Amendments of SB 422

Juvenile Court - Jurisdiction

February 3, 2025

Dear Chairperson William C. Smith, Vice-Chairperson Jeff Waldstreicher, and members of the Senate Judicial Proceedings Committee,

The Sayra and Neil Meyerhoff Center for Families, Children and the Courts (CFCC) at the University of Baltimore School of Law envisions communities where children and families thrive without unnecessary involvement in the legal system. CFCC engages communities to work towards transforming systems that create barriers to family well-being.

CFCC supports SB 422 with amendments, as the bill seeks to reform Maryland's unjust system of automatically charging youth as adults by eliminating the automatic charging of youth aged 14 and 15 and reducing the chargeable offenses for 16 and 17-year-olds. **CFCC proposes amendments to end the automatic charging of all youth for all offenses.** This would enable a judge to waive a youth's case into the adult system on a case-by-case basis and also ensure that the initial judicial review would be completed in the juvenile system. **If amended as proposed, SB 422 will protect a youth's constitutional right to family integrity, align our legal system's practice with the science of adolescent development, protect youth from harmful conditions, and facilitate youth's access to developmentally appropriate services.**

I. SB 422 will protect a youth's right to family integrity.

The Constitution provides that families have a fundamental right to family integrity, which includes preserving the family entity, without unwarranted state interference.¹ The parent-child bond is extremely imperative for the healthy upbringing of a child and severing that bond can result in a traumatic experience for both the child and the parent.² Specifically, research reveals

¹ Shanta Trivedi, *My Family Belongs to Me: A Child's Constitutional Right to Family Integrity*, 56 Harvard Civil Rights - Civil Liberties Law Review (2021).

² Indiana University, *Analysis Finds More Research Needed On Impact Of Maternal Incarceration On Children*, (May 15, 2023), <https://policyinstitute.iu.edu/news-media/stories/maternal-incarceration-brief.html#:~:text=A%20child's%20school%20experience%20also,quit%20school%20than%20other%20children>.

that children with an incarcerated parent are more likely to experience mental health issues, which include depression and anxiety.³ This phenomenon will negatively exacerbate when an incarcerated parent is a youth who is automatically charged as an adult, as they are separated from their families for a much longer time awaiting their hearing than they would have had they initially been placed in the juvenile system.⁴

Further, a youthful parent held in an adult system may need to comply with court orders, which include completing education or finding employment, all while coping with the emotional effects of losing the parent-child bond during that time of confinement.⁵ The impacts of automatically charging a youth as an adult not only pose a risk to the incarcerated parent and their interest in maintaining family integrity but also detrimentally contribute to their child's trauma, creating a ripple effect which negatively impacts the mental and emotional development of future generations.⁶ SB 422, with the proposed amendment, will mitigate the negative impact that separation of parent and child will have on family integrity and prioritizes the parent-child bond through rehabilitation of the youth parent, all of which the adult system is incapable of providing.⁷

If amended SB422 will significantly reduce the unnecessary harm of charging youth as an adult, ensuring an age-appropriate judicial review and access to essential developmental services while safeguarding their exposure to harmful conditions and upholding their right to family integrity.

II. If amended, SB422 will align our legal system's practice with the science of adolescent development.

Sending youth to the adult criminal system is a serious action. It communicates, contrary to modern-day research, that a young person is undeserving or beyond the hope of the rehabilitation found in the juvenile legal system. It tells teenagers that they are hardened criminals. It says to young people that they need the harsher punishment that is found in the adult criminal system. In most case, automatically charging youth as if they are adults is in direct contradiction to their well-being, our communities' safety, and children's right to family integrity.

³ *Id.*

⁴ Acoca, Leslie, *Are Those Cookies For Me Or My Baby? Understanding Detained And Incarcerated Teen Mothers And Their Children*, <https://isc.idaho.gov/cp/docs/Understanding%20Detained%20and%20Incarcerated%20Teen%20Mothers%20and%20Their%20Children.pdf>, (Last visited Jan. 31, 2025)

⁵ *Id.*

⁶ *Id.*

⁷ Mooney, Emily, *Maryland: A Case Study Against Automatically Charging Youth As Adults*, (Oct. 2019), <https://www.rstreet.org/wp-content/uploads/2019/10/Final-Short-No.-76.pdf>.

In general, adolescent brains are different from adult brains in their ability to control their impulses and to consider the future consequences of their actions. The type of charge that a young person receives cannot tell us whether that young person has the type of maturity that could conceptually be appropriate for the adult criminal system. The charge should not be determinative of whether our legal system should treat children as if they are adults.

The rates of adverse childhood experiences and abuse experienced by children who were tried as adults weighs in favor always allowing a judge to make this critical decision. Research from Human Rights of Kids reports that over 70% of survey respondents who were children that were waived into the adult criminal system had experienced physical abuse before their incarceration.⁸ A youth's charge cannot tell you if she is actually a child sex-trafficking victim who killed her trafficker. Nor can the charge tell you if the alleged youthful offender is an older brother who acted to protect their little sister from gang violence. Such a very serious decision should be determined by a judge who can take into account the totality of the child's circumstances and the details of the alleged offense. If all cases involving young people started out in the juvenile court system, then these types of details could be taken into consideration before children are placed in the adult system and put at risk of experiencing the types of harm described below.

III. SB 422 will protect youth from unnecessary harm to their psychological and physical wellbeing.

Charging youth as if they were adults places them at risk of harm because the adult system was not designed to accommodate youths' needs for safety and developmentally appropriate services.⁹ Research reveals that youth placed in adult facilities are reported to be more fearful and are likely to form relationships with anti-social individuals while incarcerated, posing harm to their psycho-social development.¹⁰ Further, a child's proximity to violence in the adult justice system exacerbates the likelihood of their harm and disintegration of their well-being.¹¹ Often, youth who are charged as if they were adults are placed in solitary confinement in adult facilities

⁸ Human Rights for Kids. Disposable Children: The Prevalence of Child Abuse and Trauma Among Children Prosecuted As Adults in Maryland, (Nov. 20, 2024), <https://humanrightsforkids.org/publication/disposable-children-the-prevalence-of-child-abuse-and-trauma-among-children-prosecuted-as-adults-in-maryland-2/> (Last visited Jan. 31, 2025).

⁹ Moodee, JT, et al., *Maryland Public Defender's Office Calls For An End To The Automatic Charging Of Minors As Adults*, (Jan. 16, 2025), <https://www.cbsnews.com/baltimore/news/maryland-juvenile-justice-general-assembly-legislation-legal-system/>.

¹⁰ Silver, Ian A., et al., *Incarceration of Youths in an Adult Correctional Facility and Risk of Premature Death*, <https://pmc.ncbi.nlm.nih.gov/articles/PMC10323704/>, (Last visited Jan. 31, 2025).

¹¹ Human Impact Partners, *Juvenile InJustice: Charging Youth as Adults is Ineffective, Biased, and Harmful*, (Feb. 2017), <https://humanimpact.org/hipprojects/juvenile-injustice-charging-youth-as-adults-is-ineffective-biased-and-harmful/#:~:text=When%20we%20lock%20up%20young,that%20can%20worsen%20family%20poverty.>

as they await their hearing.¹² These children are in solitary confinement for approximately 23-24 hours a day, which is similar to torture.¹³

Additionally, automatically charging a youth as an adult can confine them for an unreasonable and unwarranted amount of time.¹⁴ This torture is highly detrimental and unnecessary and will have a terrible impact on the child's development. Youth will be accountable for their behavior even if they initially wait for their hearing in the juvenile court system. Juvenile court hearings can initiate the process of transferring the youth to the adult system on a "as needed" basis.¹⁵ SB 422 with the proposed amendment will ensure an unnecessary exposure of children to the harsh conditions of the adult justice system, which was built as a purely punitive measure for criminals, not for youth awaiting a hearing.

IV. SB 422 will facilitate youth's access to developmentally appropriate services.

The automatic charging of a youth as an adult can result in the denying youth access to crucial services, as the adult system does not provide these services. These services include the opportunity to seek treatment, education, and counseling, all of which are essential for healthy growth and development.¹⁶ Further, research supports that education can reduce the likelihood of a youth re-offending, emphasizing the importance of ensuring that all youth have proper access to minimize the possibility of recidivism.¹⁷ SB 422, with the proposed amendments, will ensure that children will have immediate access to developmentally appropriate services they do not receive when placed in the adult facilities.

For these reasons, the CFCC strongly supports SB 422 with amendments and urges a favorable report with amendments.

¹² Johnson, Kevin, *Consequences of Trying Children as Adults Often Ignored*, (Jan. 9, 2024), <https://nationalpress.org/topic/juveniles-criminal-justice-prosecution-courts-journalism/>.

¹³ *Id.*

¹⁴ Mooney, Emily, *Maryland: A Case Study Against Automatically Charging Youth As Adults*, (Oct. 2019), <https://www.rstreet.org/wp-content/uploads/2019/10/Final-Short-No.-76.pdf>.

¹⁵ Byers, Christine, *Failure To Change Or A Failed System? The Complexity Of Charging Children As Adults*, (Aug. 31, 2020), <https://jlc.org/news/failure-change-or-failed-system-complexity-charging-children-adults>.

¹⁶ Silver, Ian A., et al., *Incarceration of Youths in an Adult Correctional Facility and Risk of Premature Death*, <https://pmc.ncbi.nlm.nih.gov/articles/PMC10323704/>, (Last visited Jan. 31, 2025).

¹⁷ Juvenile Law Center, *Youth Tried as Adults*, <https://jlc.org/issues/youth-tried-adults#:~:text=Prosecuting%20Youth%20as%20Adults%20Puts,with%20the%20%20opportunity%20to%20apply>, (Last visited Jan. 31, 2025)

SB422_BarbaraSchaffer_FWA.pdf

Uploaded by: Barbara Schaffer

Position: FWA

Date of Hearing: 2/4/25

Barbara Schaffer
Rockville, MD 20850

TESTIMONY ON SB422 - POSITION: FAVORABLE WITH AMENDMENTS
JUVENILE COURT-JURISDICTION

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

FROM: Barbara Schaffer

My name is Barbara Schaffer. I am a resident of District 17. I am submitting this testimony in support with amendments of SB422, Juvenile Court-Jurisdiction.

I am a parent of two children, a former teacher, a member of Chabad Potomac, and a concerned citizen of Maryland. I am in support of SB422 with amendments because I believe the practice of automatically charging children as young as 14 is harmful to their physical and mental well-being. Sending children to adult detention facilities with fewer resources and less access to education than in the juvenile system leads to significantly higher recidivism, as well as increased isolation and physical and sexual violence.

Another concern I have is racial equality, 81% of children charged in adult court in Maryland are Black. We need to end the criminalization and incarceration of Black youth, who are disproportionately targeted by our legal system. Maryland sends more young people to adult court than any other state per capita except for Alabama. It is time for us to join the 26 other states who have passed laws to treat children like children and limit their ending up in adult courts.

SB422, is a good start, but it does not go far enough. I am requesting amendments that would end automatic charging for all offenses and for all children 17 and younger. The amendments change where juvenile cases start, and would still allow cases to be waived up to adult court after judicial review.

This is what I would want for my own children and my values are such that I want justice and fair treatment for all of Maryland's children. I respectfully urge the committee to consider how they would want their children or family members' children to be treated and pass SB422 with amendments. Thank you.

Yours truly,
Barbara Schaffer

CarolStern_SB422_FWA.pdf

Uploaded by: CAROL STERN

Position: FWA

Carol Stern
4550 North Park Avenue, Apt T106
Chevy Chase, Maryland 20815

TESTIMONY ON SB422 - POSITION: FAVORABLE WITH AMENDMENTS
Juvenile Court – Jurisdiction

TO: Chair Smith & Co-Chair Waldsteicher & Members of the Committee

FROM: Carol Stern

My name is Carol Stern, and I am testifying in favor of SB93 Youth Equity & Safety Act (The YES Act), as a resident of Montgomery County's District 16 and a member of Adat Shalom Reconstructionist Congregation in Bethesda.

The Jewish text that shapes my religious and moral conviction that juveniles must never be automatically charged as adults is the directive issued in Deuteronomy 16:20, **"Tzedek, tzedek tirdof - Justice, justice shall you pursue."** The Jewish sages explain that the word tzedek is repeated not only for emphasis but to teach us that in our pursuit of justice, our means must be as just as our ends. When we are working to reform our criminal justice system, we must demand that it operates in accordance with these deeply held Jewish beliefs.

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. According to the U.S. Department of Justice –"To best achieve reductions in recidivism, the overall number of juvenile offenders transferred to the criminal justice system should be minimized."

Adult charging results in increased physical violence, sexual violence, and isolation. Research shows that youth charged as adults are at increased risk of physical and sexual assault and isolation from their families, which may contribute to future criminality.

Adolescent brains are not adult brains. **Charging youth as adults ignores definitive research that adolescent brains are rapidly developing and have yet to reach full maturity.** Services and treatment in juvenile facilities are evidence-based and preventative. According to the U.S. Dept. of Justice, "intensive juvenile placements are relatively more beneficial than either adult prison or mild juvenile sanctions."

As a mother of two children and a grandmother of three, I cannot imagine allowing my children or grandchildren to automatically be charged as adults.. This is not the kind of justice that our State of Maryland should allow for anyone. SB442 does eliminate automatic charging for children aged 14, and 15, and reduces the list of charges for 16 and 17 year olds and this is a good start, but it does not go far enough. This bill should be amended to 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.

I respectfully urge a favorable report on SB442 with amendments.

CarolStern_SB422_FWA.pdf

Uploaded by: CAROL STERN

Position: FWA

Carol Stern
4550 North Park Avenue, Apt T106
Chevy Chase, Maryland 20815

TESTIMONY ON SB422 - POSITION: FAVORABLE WITH AMENDMENTS
Juvenile Court – Jurisdiction

TO: Chair Smith & Co-Chair Waldsteicher & Members of the Committee

FROM: Carol Stern

My name is Carol Stern, and I am testifying in favor of SB422 with amendments as a resident of Montgomery County's District 16 and a member of Adat Shalom Reconstructionist Congregation in Bethesda.

The Jewish text that shapes my religious and moral conviction that juveniles must never be automatically charged as adults is the directive issued in Deuteronomy 16:20, **"Tzedek, tzedek tirdof - Justice, justice shall you pursue."** The Jewish sages explain that the word tzedek is repeated not only for emphasis but to teach us that in our pursuit of justice, our means must be as just as our ends. When we are working to reform our criminal justice system, we must demand that it operates in accordance with these deeply held Jewish beliefs.

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. According to the U.S. Department of Justice –"To best achieve reductions in recidivism, the overall number of juvenile offenders transferred to the criminal justice system should be minimized."

Adult charging results in increased physical violence, sexual violence, and isolation. Research shows that youth charged as adults are at increased risk of physical and sexual assault and isolation from their families, which may contribute to future criminality.

Adolescent brains are not adult brains. **Charging youth as adults ignores definitive research that adolescent brains are rapidly developing and have yet to reach full maturity.** Services and treatment in juvenile facilities are evidence-based and preventative. According to the U.S. Dept. of Justice, "intensive juvenile placements are relatively more beneficial than either adult prison or mild juvenile sanctions."

As a mother of two children and a grandmother of three, I cannot imagine allowing my children or grandchildren to automatically be charged as adults.. This is not the kind of justice that our State of Maryland should allow for anyone. SB442 does eliminate automatic charging for children aged 14, and 15, and reduces the list of charges for 16 and 17 year olds and this is a good start, but it does not go far enough. This bill should be amended to 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.

I respectfully urge a favorable report on SB442 with amendments.

SB422_ClaireLanders_FWA.pdf

Uploaded by: Claire Landers

Position: FWA

Claire Landers
Baltimore, MD 21209
February 4, 2025

TESTIMONY ON SB422 - POSITION: FAVORABLE WITH AMENDMENTS
Juvenile Court - Jurisdiction

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

FROM: Claire Landers

I am a resident of District 11 in Baltimore County and am submitting this testimony as Favorable with Amendments to SB422.

I have lived and worked in the Baltimore area for over 25 years. I am a mother, social worker, and have been a classroom volunteer with children in Baltimore City schools and outreach worker with adults and families at a church-sponsored drop-in program in Sandtown-Winchester. Throughout my life, I have worked with, learned from and been in community with all kinds of people, with all kinds of life-stories - mind-blowing, eye-opening and heart-expanding stories, including incarceration as a teenager and turning things around as an adult.

I am motivated to live and act according to my Jewish faith that teaches that our world - and the people in it - are fundamentally imperfect, and so it is a primary responsibility for each of us to work to repair it, change it, push it towards the ideal that our Creator intended it to be. The intent of SB422 is in line with that value and is a good step toward repairing Maryland's practice of charging (and detaining) teenagers under 18 years old as adults.

In 2025, it shocks me that any teenager in Maryland will be *automatically charged as an adult* (and then placed in a facility with adults) before a teen has been convicted of any charges, without representation by a defense attorney at a trial that weighs all circumstances and evidence! Furthermore, data shows that in its impact, this practice is unequal and racist.

I support SB422 because, if there is one thing I have learned again and again, it is that early experiences of trauma impacts too many children and teens have endured at the hands of adults in an uncaring society will shape their lives - but that that trauma effects can be ameliorated and should not determine the limits of their lives as adults. Children who have been damaged by their life-circumstances and adults around them and who then act out in ways that cause degrees of damage to others should not be mechanistically treated as throw-aways kids, unredeemable teens or "as fully-grown adults" by an outdated, draconian legal system here that incarcerates more Black kids and teens than any other state, except Alabama(!). These teens

should instead receive interventions and treatment that will prepare them for managing a productive life after detention. Yes, all that stuff actually does work when it is applied.

(The lack of funding that diminishes the Department of Juvenile Justice's ability to adequately provide these services should not be the reason Maryland maintains 'auto-charging' - That is an abdication of duty by those who have the power to shift priorities and resources, i.e. Maryland's General Assembly and the Governor. When children are at stake, it is a moral duty of our leaders to take action.)

Recently I listened to Baltimore State's Attorney Ivan Bates repeatedly mention "accountability" as the reason that teens need to be charged and detained as adults - before being convicted of anything. In that scenario, a teenager is *held in isolation 23 hours a day*. Frankly, remanding these same kids 14 years and older to the juvenile justice system would ensure that they are held accountable by a team of adults who ensure they are properly evaluated, continue with education, receive counseling addressing life-traumas/addiction/mental health, help them understand and take responsibility for the harm they have caused. These are the adults who can *ensure they follow through* with court-ordered trainings and obligations to prevent recidivism. That is the actual "accountability" that we should require for young people who will likely be released and then have to make their way in society as "productive citizens."

We are living in an era when the media and politicians have been hyping crime stories and the debunked trope of "predatory Black teens", when police departments demand ever-increasing budgets for less return on the public dollar, when state prosecutors will campaign for re-election around their "rates of conviction". The practice of auto charging teens is their tool to demonstrate they are "doing something". And yet, as crime decreases, we have learned that neither the media, the police, nor prosecutors are as effective in actually make our streets safer as the public investments in community-based programs addressing addiction and mental health, gainful employment, good education, and appropriate interventions with teens who act out due to trauma and life-circumstances that overwhelm them.

In the 21st century, it would seem to meet a base-line ethical standard that we in Maryland put an end to the out-dated practice of "automatically charging teens as adults". I respectfully urge the members of this committee to **vote favorable with amendments on SB422**

SB422_DavidFriedman_FWA.pdf

Uploaded by: David Friedman

Position: FWA

2/4/2025

David M. Friedman
Silver Spring, MD 20905

TESTIMONY ON SB422 - POSITION: FAVORABLE WITH AMENDMENTS
Juvenile Court - Jurisdiction

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

FROM: David M. Friedman

My name is David Friedman. I am a resident of District 14 in Colesville/Cloverly. I am submitting this testimony in support with amendments of SB422, Juvenile Court - Jurisdiction.

I am an active member of Oseh Shalom, a Jewish Reconstructionist congregation located in Laurel, MD. Jewish tradition emphasizes that the Divine encompasses both justice and mercy and that all of us deserve a life with dignity, respect and safety. Jewish history and values also have long recognized the differing capacities of children and adults. While Maryland has made progress on youth justice issues in previous years, the practice of automatically charging kids as adults needs to change as well as it ignores definitive research that adolescent brains are rapidly developing and have yet to reach full maturity.

Studies indicate that automatically charging kids as young as 14 as adults also leads to higher recidivism, as well as subjecting them to increased isolation and physical and sexual violence. It is also inefficient and damaging as 87% of kids in Maryland charged as adults end up waived back down to the juvenile system and time spent in the adult system delays getting critical rehabilitative services. It would also significantly reduce the criminalization and incarceration of Black youth as 81% of kids charged in adult court in Maryland are Black. I feel strongly that It is well past time for Maryland to join the other 26 states that have passed laws to limit pathways for juveniles into adult courts and end Maryland's status as the state that sends more young people to adult court based on offense type than any other state per capita except Alabama.

SB422 makes significant progress by eliminating automatic charging for children aged 14 and 15, and reduces the list of charges for 16 and 17 year olds. In light of the evidence mentioned above, I believe this is a good start. However, it does not go far enough and thus I encourage amending SB422 to end automatic charging for all offenses and for all children 17 and younger. This simply changes where juvenile cases start, allowing them to be waived up to adult court after judicial review. **Thus, I respectfully urge this committee to return a favorable with amendments report on SB422.**

SB422_Deedee Jacobsohn_Favorable with Amendments.p

Uploaded by: Deedee Jacobsohn

Position: FWA

February 1, 2025

Deedee Jacobsohn
Rockville, MD 20852

TESTIMONY ON SB#422 - POSITION: FAVORABLE WITH
AMENDMENTS
Juvenile Court - Jurisdiction

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

FROM: Deedee Jacobsohn

My name is Deedee Jacobsohn and I am a resident of D16. **I am submitting this testimony in support with amendments of SB#422: Juvenile Court-Jurisdiction to end the practice of autocharging youth as adults.**

I am a member of B'nai Israel Congregation, which had a "mitzvah corps" this year for teens to engage in advocacy work. The issue they chose was youth justice, since it directly affects their peers. They learned how Jewish law differentiates between children, teens, and adults. Then they were shocked to discover how Maryland treats its teens and the long-lasting negative repercussions for charging teens as adults instead of starting them in the juvenile justice system.

I hope that the Maryland legislature will show all our teens that they care about education and rehabilitation for youth caught up in the justice system instead of a system of charging children that causes damage and increases recidivism. While SB422 is a good start, **I hope that you will amend the bill to start all children age 17 and younger in the youth justice system for any crime.** This change would in no way preclude youth from being waived up to adult court, it merely changes where they start and how they are treated until their case has been reviewed.

It is time to recognize that children who go through the juvenile justice system—particularly Black and Brown children—have a greater chance of not returning if they are treated as children and not charged as adults from the start. It is more equitable, it is just, and overall it is better for our community. I respectfully urge this committee to **return a favorable report with amendments on SB422, Juvenile Court–Jurisdiction** and end the autocharging of any youth as adults.

SB422_Devin Krol_ForwithAmendements.pdf

Uploaded by: Devin Krol

Position: FWA

February 3, 2025

Devin Krol
Baltimore, 21208

Testimony On Bill SB422- Position Favorable with Amendments
Juvenile Court - Jurisdiction

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

FROM: Devin Krol

My name is Devin Krol, I am a resident in Stevenson, District 11. I am submitting this testimony in support with amendments on SB422, (Juvenile Court - Jurisdiction). I've lived in Baltimore my entire life, work in childcare, and as a child attended Jewish day schools in the county. I am also the granddaughter of Holocaust survivors, David and Rose Krol, who settled in Baltimore City and then the county when they arrived as refugees. My family background and Jewish education gave me a deep sense of justice and civil action, a need to repair the world called Tikkun Olam. This has led me to working towards youth justice, protecting children- some of the most vulnerable members of our community.

Maryland has made strides in recent years in regards to youth justice issues but the racist practice of Autocharge remains in effect. At this time, the law requires that children as young as 14 are automatically charged and prosecuted in adult court for 33 different offenses. This practice disproportionately affects Black youth, as they are targeted by police and the justice system; of the total number of children sent into the adult court system, 81% are Black. In Maryland, of the total amount of children automatically charged as adults 87% of them are waived back into the juvenile system. But the time spent in the adult system can cause severe damage, especially with the lack of necessary services.

Automatically charging children as adults completely ignores the definitive research that adolescent brains are rapidly developing and have yet to reach maturity. This practice leads to higher rates of recidivism and puts children in danger. Children who are held in adult facilities are at a greater risk of sexual assault and violence. The Campaign for Youth Justice writes, "According to research by the Bureau of Justice Statistics, youth under the age of 18 represented 21% of all substantiated victims of inmate-on-inmate sexual violence." By ending autocharge, the amount of sexual and violent crime committed against these juveniles would be reduced significantly.

We, as a Maryland community, must stand together to protect children. This SB422 is a good start, but it does not go far enough. I am requesting 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.

I respectfully urge this committee to return a favorable with amendments report on SB422.

SB422 - Juvenile Court - ACLU Testimony (Feb 2025)

Uploaded by: Frank Patinella

Position: FWA



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

Favorable with Amendments

February 4, 2025

AMERICAN CIVIL
LIBERTIES UNION
OF MARYLAND

3600 CLIPPER MILL ROAD
SUITE 200
BALTIMORE, MD 21211
T/410-889-8555
F/410-366-7838

WWW.ACLU-MD.ORG

OFFICERS AND DIRECTORS
COREY STOTTLEMYER
PRESIDENT

DANA VICKERS SHELLEY
EXECUTIVE DIRECTOR

ANDREW FREEMAN
GENERAL COUNSEL

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/hipprojects/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/>

MD Catholic Conference_SB 422_FWA.pdf

Uploaded by: Garrett O'Day

Position: FWA



February 4, 2025

**SB 422
Juvenile Court - Jurisdiction**

Senate Judicial Proceedings Committee

Position: FAVORABLE w/ Amendments

The Maryland Catholic Conference offers this testimony in support of Senate Bill 422 with amendments. The Catholic Conference is the public policy representative of the three (arch)dioceses serving Maryland, which together encompass over one million Marylanders. Statewide, their parishes, schools, hospitals and numerous charities combine to form our state's second largest social service provider network, behind only our state government.

Senate Bill 422 would end the *automatic* charging of youth as adults in certain instances, allowing for most youth to begin their case in the juvenile court system, rather than mandating that the adjudication of their case begin in the adult court system. This bill would refocus our juvenile system from a “move-down” system to a “move-up” system, wherein judges would retain discretion to waive cases up to the adult court system. This bill does not prevent those youth from being ultimately charged as an adult. It is about where their case *starts*.

It is well-settled, in many secular, judicial and faith-based circles, that holding youth to the same standards of accountability as a fully formed adult is plainly unjust. In *Miller v. Alabama*, 132 S. Ct. 2455 (2012), the United States Supreme Court specifically noted that youthful offenders possessed “diminished capacity” and the inability to fully appreciate the risks and consequences of their actions, in considering whether youth should be treated the same as adults jurisprudentially. Additionally, the United States Conference of Catholic Bishops has further stated that “society must never respond to children who have committed crimes as though they are somehow equal to adults fully formed in conscience and fully aware of their actions.” (*Responsibility, Rehabilitation, and Restoration: A Catholic Perspective on Crime and Criminal Justice*, USCCB, 2000)

These inherent truths regarding youth should be carefully considered when assessing Maryland's current automatic-charging law, which presumes that youth should be considered to have the same capacity as an adult in every one of thirty-three different charging scenarios. This presumption can often leave a lasting effect severely limiting a child's ceiling for success for the rest of their lives. Conversely, the transition to a “waiver up” system sought in Senate Bill 422 would safeguard several youth from a lifetime of wasted opportunity, while still allowing judicial

discretion to waive them up where a judge decides that doing so is warranted. ***Accordingly, this bill is a noteworthy step***, for approximately 87% of kids charged as adults between 2017 and 2023 never ultimately ended up with adult criminal convictions in their cases. Those 87% should not start in adult court, causing highly detrimental effects for the rest of their lives and at the same time jeopardizing future public safety, simply for the sake of the other 13%.

Additionally, Maryland sends more young people to adult court based on offense type, per capita, than any other state except for Alabama. Maryland also ranks 4th highest in the country for the number of people convicted as adults when they were children. These policies do not work to prevent future recidivism, nor do they seem to make our communities safer. Those that would argue that youth crime is on the rise should indubitably agree.

For these reasons, we urge a favorable report on SB 422, with amendments to simply make Maryland a state where every case for justice-involved youth starts in the youth justice system.

SB422_HeidiRhodes_FWA.pdf

Uploaded by: Heidi Rhodes

Position: FWA

Date of Date of Hearing : February 4, 2025

Heidi Rhodes
Silver Spring, Maryland 20904

TESTIMONY ON SB422 - POSITION: FAVORABLE WITH AMENDMENTS
Juvenile Court - Jurisdiction

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

FROM: Heidi Rhodes

My name is Heidi Rhodes and I am a resident of District 14. I am a long-time resident of Maryland, and a parent and grandparent. I am also a retired Federal worker, a volunteer organizer, and a co-chair of my synagogue's (Oseh Shalom in Laurel, Maryland) Social Action Committee. I am submitting this testimony in support of SB422 with amendments, Juvenile Court-Jurisdiction.

The concept of *tzelem elohim* — the idea that all people are created in the Divine image and therefore are equally precious and worthy — is central to Judaism. It is so central that our sacred texts declare that destroying even one life is akin to destroying a whole world. Unfortunately, we know that in Maryland, lives are destroyed every day, especially Black and brown lives, by our system of auto charging. Maryland sends more young people to adult court based on offense type, per capita, than any other state except for Alabama. Automatically charging kids —who may or may not be guilty — as adults puts them in danger, often in adult detention facilities, makes communities less safe and traumatizes the children and families involved.

We often hear that we need to hold children accountable for their actions and that is true. However, the punishment and trauma-creating practice of sending children to adult prison before they've even had a hearing is not accountability. Since they are treated as adults, these children and their parents lose their rights. As the child is treated as an adult, the parents are not notified of what is happening to their children. I can't imagine a more horrifying situation than not knowing where my child is, for sometimes weeks at a time, as they await a hearing in adult prison, often in solitary confinement. That trauma for both me and my child would never go away and would affect how we behave for the rest of our lives. Studies show that treating children as adults increases recidivism often because of this trauma, thus making our society less safe in the long run.

While I'm encouraged that this bill will end auto charging children as adults for younger children and remove auto charging for some of the 33 acts for all children, it does not go far enough. The process of auto charging should end in Maryland. There is no reason, beyond fear mongering, that a child shouldn't always be treated first as a child who has not been found guilty of anything, and get a hearing before a judge in juvenile court. Those judges can always send children to the adult system if deemed necessary. The Department of Juvenile Services, which was critically underfunded under the Hogan administration, is the right place for children to receive the services they need to deal with the underlying causes of their actions, and work to prevent those actions from happening again. **I respectfully urge this committee to return a favorable with amendments report on SB422.**

SB0422_Jeffrey Rubin_FWA.pdf

Uploaded by: Jeffrey Rubin

Position: FWA

February 4, 2025

Jeffrey S. Rubin
Potomac, MD 20854

TESTIMONY ON SB0422 - POSITION: FAVORABLE WITH AMENDMENTS
Juvenile Court - Jurisdiction

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

FROM: Jeffrey S. Rubin

My name is Jeffrey S. Rubin. I am a resident of District 15. I am submitting this testimony in support with amendments of SB0422, Juvenile Court – Jurisdiction.

I have lived in Maryland for almost 40 years and have appreciated both the quality of life and demographic diversity here. Social justice and racial equity are important concerns for me; they are the foundation of a just society. As a retired physician scientist, I am familiar with the research concerning the impact of age on behavior, and how this relates to adolescent development. These factors have motivated me to provide testimony about the practice of charging youth as adults in Maryland.

Automatically charging is a misguided process that does not enhance public safety. Charging adolescents as adults ignores the well-established evidence that their brains have not fully matured, which makes them more prone to making bad choices, especially when in stressful circumstances. Rather than being sent to the adult justice system that focuses on punitive action, their charges should be addressed in the juvenile system where they have access to rehabilitative and educational programs. Besides, court records indicate that 87% of youth who are automatically assigned to the adult justice system are ultimately sent to the juvenile system. This is a time-consuming and financially costly misuse of legal resources that delays the youth from having access to the rehabilitative and educational programs. Charges made in juvenile court come to trial within 30 days unless the State files a waiver petition, whereas in adult court as many as 180 days can elapse prior to a trial. Not surprisingly, the prolonged lack of supportive services is associated with higher levels of recidivism. It is shameful that Maryland sends more young people to adult court based on the type of charge than any other state per capita except for Alabama. The fact that 81% of youth charged in adult court in Maryland are Black is indicative of a prevailing bias that perpetuates the criminalization and incarceration of Black youth.

I am grateful that SB0422 would eliminate the automatic charging of 14- and 15-year-old children as adults and reduce the list of charges for 16- and 17-year-olds. Still, I recommend the inclusion of an amendment that would end automatic charging for all offenses and for all children 17 years old and younger. This amendment would

specify that all youth would be initially charged in the juvenile system, but would allow cases to be transferred to adult court after judicial review.

I respectfully urge this committee to issue a favorable report on SB0422 with my recommended amendment.

The Sentencing Project . Maryland SB422 . 2025.pdf

Uploaded by: Josh Rovner

Position: FWA



Testimony of Josh Rovner

Director of Youth Justice

The Sentencing Project

SB 422 – Favorable with
Amendments

Before the Maryland Senate Judicial
Proceedings Committee

February 4, 2025

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

Established in 1986, The Sentencing Project advocates for effective and humane responses to crime that minimize imprisonment and criminalization of youth and adults by promoting racial, ethnic, economic, and gender justice. The Sentencing Project is also a member organization of the Maryland Youth Justice Coalition (MYJC).

We urge the committee to issue a **favorable with amendments** report on Senate Bill 422. As currently written, this legislation seeks to limit the number of youth that can, under Maryland law, be automatically charged as if they were adults for certain offenses. However, we ask the committee to amend the bill to end the practice of automatically charging people under 18 as if they were adults entirely and begin all cases involving youth (17 and younger) in juvenile court.

As written, this bill reflects a political compromise but not a policy solution. We welcome steps that would limit Maryland's aggressive use of automatically sending adolescents to adult courts based solely on the initial charge. However, there is no evidence to support the essential idea of this compromise: carving out certain offenses from starting in juvenile court is not better for youth and not better for public safety.

We support amending this bill to end the automatic charging of all of Maryland's youth as if they were adults for three reasons:

1. Charging youth as if they were adults harms public safety.
2. Starting all cases in juvenile court is more sensible and efficient.
3. Maryland's automatic transfer law is unusually harsh and unjust.

Charging Youth as If They Were Adults Harms Public Safety

Sending youth to the adult criminal justice system, for any offense, harms public safety. Youth in the adult system are more likely to commit future offenses and particularly more likely to commit the most violent offenses when compared with peers in the juvenile system. Howell, et al., note that "research consistently shows lower recidivism rates in the juvenile justice system than in the criminal justice system."¹

The CDC's Task Force on Community Preventive Services reviewed decades of literature and concluded that sending a youth to the adult system generally increases rates of violence among youth.² In addition, Maryland's process of automatically transferring children and adolescents accused of a lengthy but still specific list of offenses in the name of deterrence or public safety also contradicts findings from the National Research Council, which supports "a policy of retaining youth

¹ Howell, J. C., Feld, B. C., Mears, D. P., Petechuk, D., Farrington, D. P. and Loeber, R. (2013) Young Offenders and an Effective Response in the Juvenile and Adult Justice Systems: What Happens, What Should Happen, and What We Need to Know. Washington, D.C.: U.S. National Institute of Justice (NCJ 242935), p. 4, 10-11.

² The Community Preventive Services Task Force (2003, April). Violence Prevention: Policies Facilitating the Transfer of Juveniles to Adult Justice Systems.
<https://www.thecommunityguide.org/findings/violence-prevention-policies-facilitating-transfer-juveniles-adult-justice-systems>

in the juvenile justice system” both to keep punishments proportional with the age of offenders and to prevent additional offending.³

While opponents often suggest that charging youth as if they were adults means that the state is taking crime seriously, the truth is, that charging teenagers in adult courts creates more crime.

Despite its flaws, the juvenile justice system is designed to be youth-serving. Adult courts are generally tasked with determining guilt or innocence and then assigning a punishment to fit the crime. Juvenile courts have the added responsibility of understanding the young person accused. All courts are concerned with recidivism; juvenile courts are built to prevent it. Post-conviction programs and professional staff in the adult system are not designed or trained to work with young people. This is especially important because youth convicted as if they were adults are likely to receive probation, and ought to be served by juvenile probation officers.

Moreover, charging teenagers as if they were adults has collateral consequences. Youth tried in the adult criminal justice system generally leave with an adult criminal record and, possibly, news coverage that the Internet does not forget. Such a formal -- and informal -- record is a significant obstacle to a youth’s successful reentry into the community, limiting access to the employment and student loans that provide the path to self-sufficiency outside of the world of crime. The Council of State Governments has found 415 collateral consequences for a felony conviction in Maryland, the vast majority (367) of them limiting employment in some form.⁴ A 16-year old should not be saddled with such lifelong consequences based on a poor, though impulsive, decision.

Maryland’s Automatic Transfer Law is Unusually Harsh

In the 1960s, Maryland was one of just three states (Mississippi and Pennsylvania were the other two) to automatically charge youth (14 and older) as if they were adults on murder charges.⁵ By 1986, Maryland was one of just 14 states that automatically charged youth as if they were adults based on the offense, typically murder. Maryland, on the other hand, added armed robbery as a so-called adult charge in 1973; as of 1986, only six other states did the same.⁶

Throughout the 1980s and 1990s, this legislature repeatedly added offenses to that list. As of today, Maryland automatically transfers youth charged with 33 separate offenses into adult criminal courts. Per capita, the available data show only Alabama automatically sends more of its young people into adult courts based on the charge, and Alabama’s most recent numbers are so old (2016) that Maryland may actually rank last, not second-to-last, in this shameful statistic. (It is to Maryland’s credit that its dashboard on adult charges⁷ is more current than every other state.)

³ National Research Council (2013). Reforming Juvenile Justice: A Developmental Approach. Washington, DC: The National Academies Press. <https://doi.org/10.17226/14685>, p. 134.

⁴ The National Inventory of Collateral Consequences of Conviction was created by the Council of State Governments and is available at <https://niccc.nationalreentryresourcecenter.org/consequences>.

⁵ Feld, B. (1987). The Juvenile Court Meets the Principle of the Offense: Legislative Changes to Juvenile Waiver Statutes, *Journal of Criminal Law and Criminology* 78(3): 471-533 at 512-513.

⁶ Feld (1987) at 512-513.

⁷ [Juveniles Charged as Adults](#), created by the Governor’s Office of Crime Prevention and Policy.

It is important for this committee to understand after decades of tough-on-crime rhetoric and policies, Maryland law remains an outlier.

Six states (California, Hawaii, Kansas, Missouri, Oregon, and Texas) start all cases involving youth in juvenile court, and all six have judicial waivers that allow individual cases to move to adult criminal court.

Maryland law currently allows for discretionary waivers, under which any 15-, 16- and 17-year old can be transferred to criminal court. In fact, 20 percent of youth charged as adults between Jan. 1, 2013 and June 30, 2024 were charged discretionarily. **Eliminating automatic charging would still leave the discretionary pathway open.** Juvenile courts can and do use such discretionary waivers; and they would still be allowed under this amendment.

Racial disparities

The available data compiled by the Governor's Office of Crime Prevention and Policy⁸ show that youth of color are vastly more likely to be charged as if they were adults. In fact, over 80% of youth charged in adult court in Maryland are Black (there is no data on ethnicity, so we don't know what proportion of white youth charged as if they are adults are Latino). Moreover, among those youth automatically charged as if they were adults, white youth are vastly more likely to be reverse waived into the juvenile courts. In the MDEC Counties, white youth whose cases were not dismissed were transferred to juvenile court 94 percent of the time. In those same counties, only 26 percent of non-dismissed cases involving youth of color were transferred to juvenile court.

Youth Charged as If They Were Adults Are Not Typically Sentenced as Adults.

Maryland law, sensibly, allows for reverse waivers as one safety valve for the state's aggressive and unusual list of charges that must be filed in adult courts. Criminal court judges are then tasked with determining whether their courtrooms or those of family court judges, are the appropriate venue to proceed.

Youths transferred into adult court are often not sentenced there. In fact, roughly 85 percent of youth automatically sent to the adult justice system either have their case dismissed or sent back to the juvenile system. Clearly, too many young people begin their cases in adult courts under current law. The status quo sends hundreds of teenagers into adult courts to wait for a process that will dismiss the charge entirely or waive the youth back into the juvenile court more than 85 percent of the time. This is an astonishingly inefficient system likely to coerce guilty pleas from teenagers.

Conclusion:

The Sentencing Project urges the committee issue a favorable with amendment report on SB 422 and amend the current legislation to start all cases involving youth in juvenile court. We urge the Committee to advance the amended legislation as soon as possible. This evidence-based reform is long overdue.

⁸ [Juveniles Charged as Adults](#), created by the Governor's Office of Crime Prevention and Policy.

Thank you for your time and attention. If you have any questions or need any additional information I am happy to assist and can be reached at the email address below.

Josh Rovner
Director of Youth Justice
The Sentencing Project
jrovner@sentencingproject.org

Choice fav w amendments SB422 2025.pdf

Uploaded by: Kelly Quinn

Position: FWA



**Senate Bill 422: : Juvenile Court – Jurisdiction
Judicial Proceedings Committee
February 4, 2025**

Position: Favorable with Amendments

The Choice Program at UMBC is in support of Senate Bill 422 *with amendments*. Automatic charging children as adults is a misguided practice that should be abolished entirely. SB 422 eliminates automatic charging for some children [aged 14 and 15,] and reduces the list of charges for 16 and 17 year olds. We respectfully suggest amendments that would end automatic charging for all offenses and for all children 17 and younger. This amendment simply changes where youth's cases start, and would still allow cases to be waived up to adult court after judicial review.

As a mentoring program, we have served more than 27,000 Maryland youth who are systems-involved since 1988. Presently, Choice works with young people and their families in Baltimore City as well as Baltimore, Howard, Prince George's, and Montgomery Counties; we recently expanded to Harford and Anne Arundel Counties. Choice serves as an alternative to the school-to-prison pipeline. Our primary goal is to reduce the number of Black and Latine young people who are ensnared in the youth legal system. Our model seeks to dismantle racist structures and, instead, employs strengths-based approaches focused on positive youth development. We hold high expectations for youth and parents as well as high levels of support. Our youth remind us that they should not be defined by their worst mistake. These guiding principles are essential in addressing racial inequities at an individual and systemic level.

For more than a century in the United States, we have recognized that children are categorically different from adults. We are convinced by the overwhelming evidence that youth and communities are better served when children are removed from the adult legal system. Heartbreaking research indicates that when children are in the adult criminal legal system, they are at far greater physical, emotional, and psychological risks. They are less likely to receive rehabilitative services and more likely kept in solitary confinement as a protective custody measure. Further, they are not guaranteed

school while in adult jail. More than 90% of kids charged in adult court in Maryland are people of color; 81% are Black. Black children are more likely to be prosecuted as adults and receive longer sentences than white children for similar offenses, in part because Black children are more likely to be seen and treated as adults.

We maintain community repair and well being depends on a vision of community safety that treats kids as kids. We call upon our elected officials to recognize that the youth who are convicted adults are young people—humans—who deserve supportive services. This session offers the chance to recognize the importance of rehabilitation for young people.

For these reasons, The Choice Program urges a favorable *with amendments* report for SB 422.

For more information contact:
Kelly Quinn, Ph.D., Managing Director

SB422 OPD FWA 1 30 2025 .pdf

Uploaded by: Kimberlee Watts

Position: FWA



NATASHA DARTIGUE
PUBLIC DEFENDER

KEITH LOTRIDGE
DEPUTY PUBLIC DEFENDER

MELISSA ROTHSTEIN
CHIEF OF EXTERNAL AFFAIRS

ELIZABETH HILLIARD
DIRECTOR OF GOVERNMENT RELATIONS

POSITION ON PROPOSED LEGISLATION

BILL: SB422 Juvenile Court Jurisdiction

FROM: Maryland Office of the Public Defender

POSITION: Favorable With Amendments

DATE: January 30, 2025

The Maryland Office of the Public Defender respectfully requests that the Committee issue a Favorable report on SB422 with the following amendments: strike from Courts and Judicial Proceedings Article § 3-8a-03(d), strike from Criminal Procedure Article §§ 4-202, 4-202.1, and 4-202.2.

Introduction

SB422 changes the jurisdiction in which charges are filed against a child for certain offenses from Criminal Court (adult court) to Juvenile Court. In other words where a serious offense *starts*- in which jurisdiction the child is charged- not in which jurisdiction the case will be tried or where the child may be sentenced. Charging children in adult court is an inefficient and costly process which has a disproportionate impact on children of color from marginalized and impoverished communities, and which is detrimental to public safety in the long run. The Office of the Public Defender has consistently favored ending the automatic charging of all of Maryland's children as if they were adults. While this bill does not end the practice in its entirety, it represents a positive step for Maryland's children, promotes public safety, and represents areas of compromise that some opponents have previously found acceptable. For these reasons we urge a Favorable report on SB422 with the following amendments: strike from Courts and Judicial Proceedings Article § 3-8a-03(d), strike Criminal Procedure Article §§ 4-202, 4-202.1, and 4-202.2.

Current Law Regarding Charging Children as Adults

Maryland Office of the Public Defender, Government Relations Division, 45 Calvert St, Suite 108, Annapolis MD 21401
For further information please contact Elizabeth Hilliard, Elizabeth.hilliard@maryland.gov 443-507-8414.

--	--	--

Currently, the law defines adults as individuals over the age of 18 and children as individuals under the age of 18.¹ In general adults are charged in District or Circuit Court, whereas children are charged in Juvenile Court. However, there are thirty-three (33) enumerated charges outlined in the chart below, that are excluded from Juvenile Court Jurisdiction for 16 and 17 year olds, and two exclusionary charges for 14 and 15 year olds. Excluding from Juvenile Court Jurisdiction means those cases are automatically charged in District and Circuit Court as if the children were adults, rather than starting in Juvenile Court. These crimes range from a misdemeanor gun charge carrying a one year penalty to first degree murder.

AUTOMATIC ADULT JURISDICTION Source: § 3-8A-03 of the Maryland Courts & Judicial Proceedings Article		
AGE 14 AND OLDER	AGE 16 AND OLDER	
<ul style="list-style-type: none"> • Murder – 1ST Degree • Rape – 1ST Degree • Any attempts of above • Any conspiracies of above 	Serious/Violent Offenses: <ul style="list-style-type: none"> • Kidnapping • Assault – 1st Degree (CL, §3-202) • Carjacking & Armed Carjacking (CL, § 3-405) • Murder – 2nd Degree <ul style="list-style-type: none"> • Attempted Murder – 2nd Degree (CL, §2-206) • Voluntary Manslaughter • Rape – 2nd Degree <ul style="list-style-type: none"> • Attempted Rape – 2nd Degree (CL, §3-310) • Robbery w/ Dangerous Weapon <ul style="list-style-type: none"> • Attempted Robbery w/ Dangerous Weapon (CL, §3-403) • Sex Offense-- 3rd (CL, 3-307(a)(1)) (IE force, a weapon, or threat of force used) 	Firearms Offenses: <ul style="list-style-type: none"> • Wear, Carry, Transport Handgun (CL, §4-203) • Possession of Unregistered Short-barreled Shotgun or Short-barreled Rifle (PS, §5-203(a)) • Possession of Regulated Firearm (PS, §5-133--convicted of prior disqualifying offense, etc.) • Minor in Possession of Regulated Firearm (PS, § 5-133(d)(1)) • Use Wear, Carry, Transport Firearm during Drug Trafficking Crime (CL, §5-621) • Use of Firearm in Commission of Crime of Violence or Felony (CL, §4-204) • Possess, Own, Carry, Transport Firearm by Drug Felon (CL, §5-622) • Possess, Sell, Transfer Stolen Regulated Firearm (PS, §5-138) • Sell, Rent, Transfer Regulated Firearm (PS, §5-134(b)) • Sell, Rent, Transfer Regulated Firearm to Minor (PS, §5-134(d)) • Use or Possess Machine Gun in commission/attempted commission of Crime of Violence (CL, §4-404) • Use or Possess Machine Gun for Offensive or Aggressive Purpose (CL, §4-405) Miscellaneous: <ul style="list-style-type: none"> • Any felony IE prior felony conviction as an adult • Non-incarcerable Traffic & Boating Offenses • Domestic Violence Peace Order requests are heard in the adult court where the victim is: the current or former spouse of the respondent; a cohabitant of the respondent; a person related to the respondent by blood, marriage or adoption; a parent, stepparent, child, or stepchild of the respondent or victim who resides or resided with the respondent or victim for at least 90 days within 1 year before the filing of the petition; a vulnerable adult; or an individual who has a child in common with the respondent. CP, §3-8A-03(d)(6). The juvenile court retains jurisdiction over violations of this section by a juvenile.
Automatic Adult Jurisdiction – When Transfer to Juvenile Court is Prohibited (CP, §4-202(c)) <ul style="list-style-type: none"> • In an unrelated case, Juvenile was convicted of any of the above offenses (excluding “non-incarcerable traffic & boating” and excluding if adult jurisdiction is created only by a prior, non-excluded felony offense). • Offense is 1st degree murder and the juvenile was 16 or 17 years of age when the alleged crime was committed 		

Scope of the Bill

The Governor’s Office of Crime Control and Prevention publishes data regarding the number of children charged as adults via a data dashboard². In FY24 932 children were charged as adults, 87%

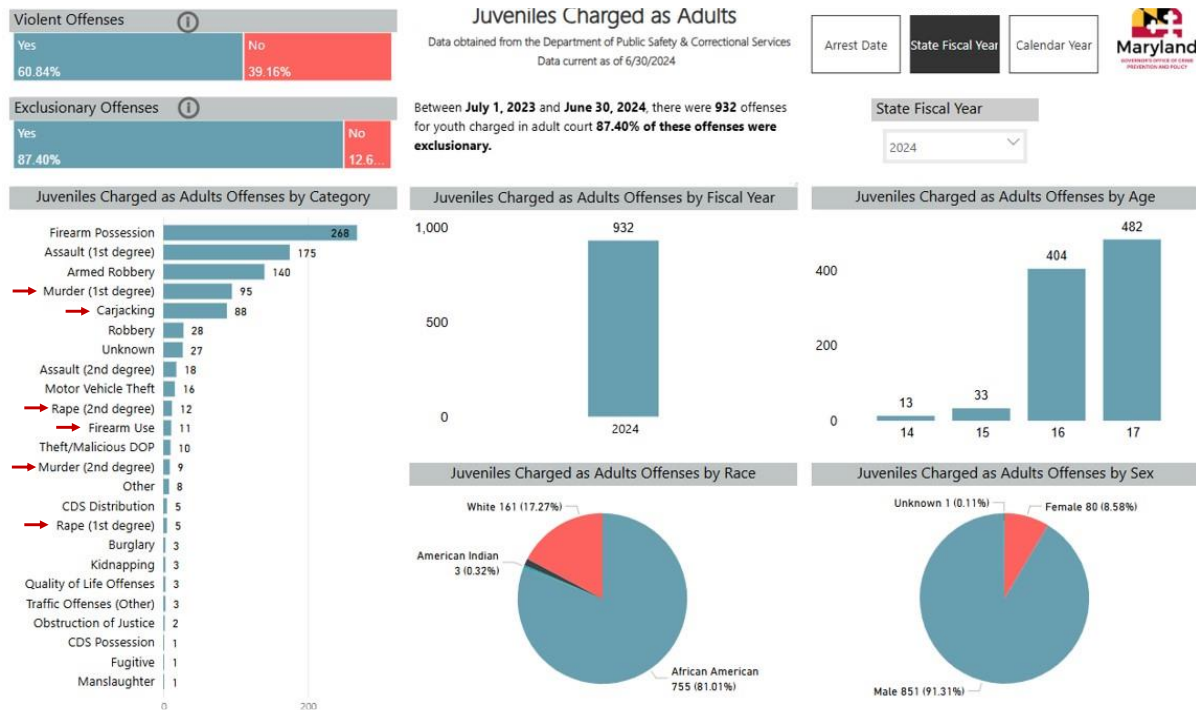
¹ Courts and Judicial Proceedings Article §3-8a-01

² The data dashboard can be found at

<https://app.powerbigov.us/view?r=eyJrIjojNzQzYTZhYmMtNzVmOC000GE2LWFKNzktZDliYzg5NzEyODU2IiwidCI6IjYwYWZlOWUyLTQ5Y2QtNDliMS04ODUxLTQ5Y2YwMjc2YTJlOCJ9>

--	--	--

of them (810 cases) were exclusionary offenses. SB422 would impact approximately 75% of those cases. A screenshot from the data dashboard detailing the numbers of cases as well as demographic information about those children is below. The charges which would continue to be excluded from Juvenile Court, and therefore start in adult court have been marked with red arrows.



Transfer and Waiver of Jurisdiction

Most cases where children are charged as adults can be transferred from adult District or Circuit Court to Juvenile Court, the only exception to this is 16 and 17 year olds charged with First Degree Murder.³ Similarly for cases against children who are least 15 years old, Juvenile Court Jurisdiction can be waived and the child can be tried as an adult.⁴ Both Transfer and Waiver Hearings are held after charges are filed, but prior to trial. In the adult court system charges are often initiated in District Court, where the case remains for a maximum of 15 days, until either a probable cause hearing is held before a District Court Judge or the State's Attorney files an Indictment in Circuit Court. In most jurisdictions Transfer motions are not acted upon by courts until a case is Indicted in Circuit Court, and nothing is happening with the case prior to that time. For children held in

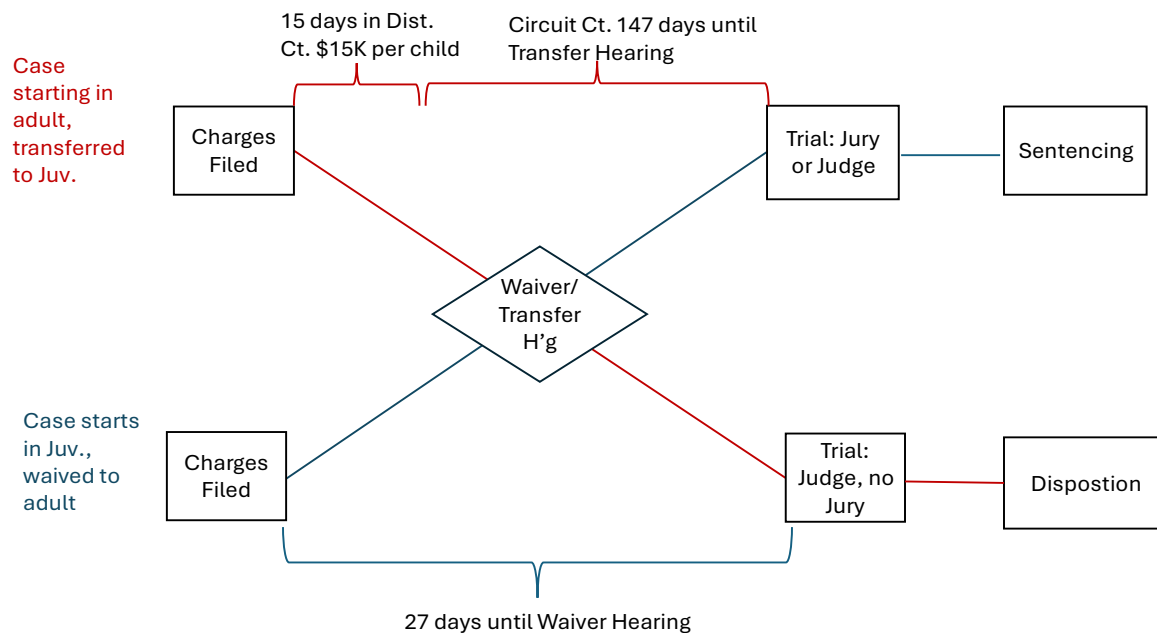
³ Criminal Procedure Article s 4-202.

⁴ Courts and Judicial Proceedings Article 3-8a-06

--	--	--

juvenile facilities the median per diem cost of detention is approximately \$1000 per day.⁵ Assuming, for the sake of argument, that all of the 810 children charged automatically as adults in FY24 were detained, eliminating the 15 days in District Court by starting charges in Juvenile Court would have saved the State approximately \$810,000 if the cases for all children started in Juvenile Court.

The adult court system moves significantly more slowly than the Juvenile Court system in general. For example, Circuit Court cases must be tried within 180 days, whereas Juvenile Court Cases must be tried within 60⁶. This slower process means that children sitting in detention (whether it be adult detention or juvenile detention) spend much more time waiting for a Transfer Hearing than children whose cases have started in Juvenile Court and are waiting for a Waiver Hearing. According to DJS the average time a child waits for a Transfer Hearing is 147 days, as compared to 27 days for a Waiver Hearing. DJS estimates cost savings of \$17 million dollars.



In anticipation of a Transfer Hearing DJS utilizes a Multidisciplinary Assessment Staffing Team (MAST) which includes a psychiatric evaluation, a psychological evaluation, and a psychosocial evaluation which is provided to the court. The court is required to consider five

⁵ DJS, Data Resource Guide, FY2023. P. 228.

https://djs.maryland.gov/Documents/DRG/Data_Resource_Guide_FY2023.pdf

⁶ Further, in Juvenile Court, the case must be tried within 30 days if a child is detained pending their trial date.

--	--	--

factors in any waiver or transfer decision: (1) the age of the child; (2) the child's physical and mental condition; (3) the child's amenability to treatment in any institution, facility, or programs available to delinquents; (4) the nature of the offense(s); and (5) public safety.⁷ One noteworthy distinction in these factors is that in a Waiver Hearing the court is required to presume that the child is guilty, whereas in a Transfer Hearing the Court is not required to do so.⁸ Additionally in a Waiver Hearing it is the State's burden to prove that a child is unfit for juvenile rehabilitative measures⁹, whereas at a Transfer Hearing the burden is on the child to prove that transfer is in the best interest of the child or society.¹⁰

Inefficient Process

Starting these 33 offenses in the slower moving adult court system extends the time it takes for Transfer Hearings to happen and therefore increases the length of time a child spends in detention. By comparison starting cases in Juvenile Court with the ability to waive cases to adult court is a much more efficient process that will better serve Marylanders. This bill, with OPD's proposed amendments, will streamline an inefficient system while still enabling prosecutors and courts to waive the most serious offenses to adult court. Our process as it currently stands also lengthens the amount of time it takes for children to be held accountable for their actions.

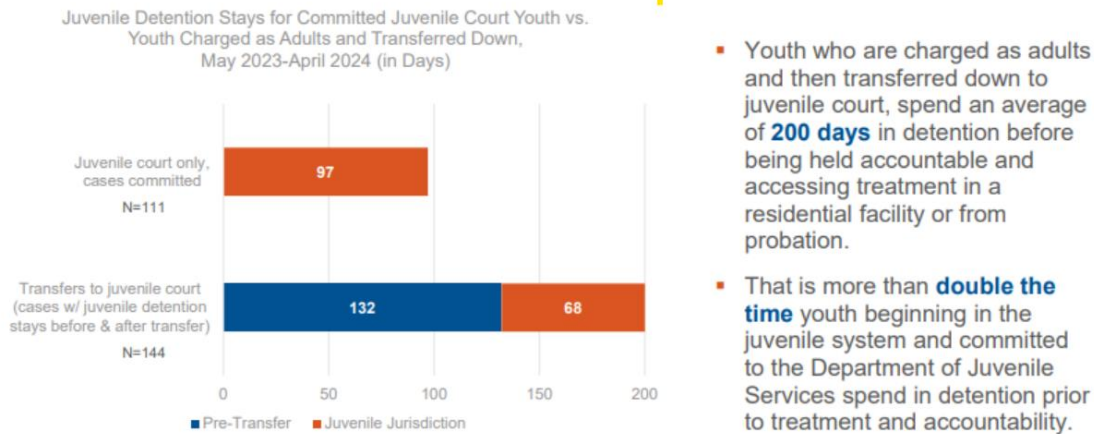
⁷ Courts and Judicial Proceedings Article 3-8a-06(e), and Criminal Procedure Article 4-202(d)

⁸ Whaley v. State, 186 Md. App. 429, 974 A.2d 951 (2009)

⁹ Courts and Judicial Proceedings Article 3-8a-06(d)

¹⁰ Criminal Procedure Article s 4-202(b)

Dead Time: Youth initially charged as adults take much longer to receive accountability and treatment in JJ system



Source: Juvenile detention data from Maryland Department of Juvenile Services Research and Evaluation Unit

Note: This only includes detention in a juvenile detention facility. It does not include time in adult jail, which would increase the time detained pre-transfer.

13

We also know that very few of the cases that start in adult court end in adult court. When the JJRC examined this issue they received technical support from the Vera Institute, which included analyzing data from Maryland's Courts on the cases of children charged as adults¹¹. It should be noted that Vera only analyzed data from 21 Counties and Baltimore City. Two of Maryland's largest jurisdictions, Prince George's County and Montgomery County, were not yet utilizing MDEC.¹² As can be seen by the graph below, the vast majority of cases did not end in an adult conviction.

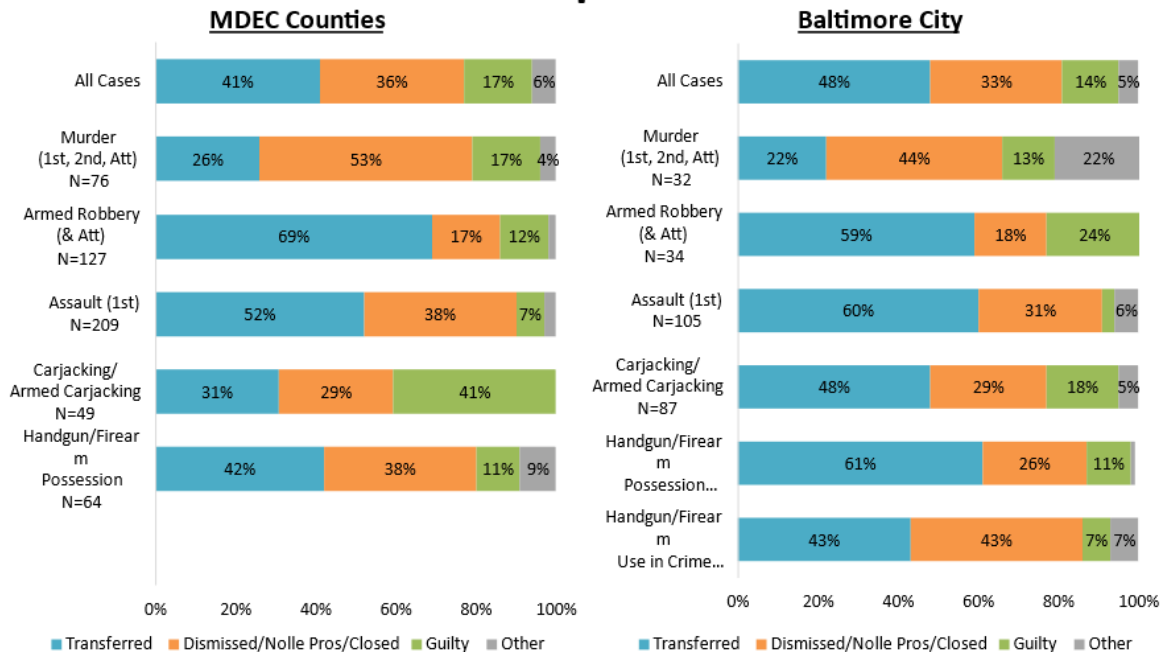
Roughly 30% of the cases charging children as adults were dismissed outright. Over 40% of the cases were transferred to Juvenile Courts. In some of those cases, the SAO agreed to transfer, in others there was lengthy litigation before a Judge ultimately granted the transfer motion.

¹¹ https://dls.maryland.gov/pubs/prod/NoPblTabMtg/CmsnJuvRefCncl/Juveniles_Charged_as_Adults_Data.pdf

¹² Juveniles Charged As Adults Data, presented July 2021.

--	--	--

Case Dispositions



Notes: N = cases with dispositions; limited to offense categories with at least 10 cases

Vera

12

Excluding cases from Juvenile Court Jurisdiction is detrimental to public safety.

The problems created by automatically *charging* children as if they were adults are separate and apart from the problems created by actually trying them and *sentencing* them as if they were adults, and so this testimony will first address the latter issue. As previously discussed the time it takes for children to have a Transfer Hearings is significantly longer than the time it takes to have a Waiver Hearing. The delays inherent in the adult criminal court system are detrimental to children. “Delays in youth justice can have negative consequences for youth, their families, and their communities. Especially given the developmental immaturity of adolescents, swift intervention is likely to be more effective with youthful offenders, both in achieving the specific deterrent effects of punishment and in realizing the potential benefits of treatment and other services.”¹³

¹³ Jeffrey A. Butts, Gretchen Ruth Cusick, and Benjamin Adams, “Delays in Youth Justice.” 2009. <https://www.ojp.gov/pdffiles1/nij/grants/228493.pdf>

--	--	--

Further, when children are charged as adults they will automatically be held in adult detention, usually in solitary confinement, until they are seen by a Judge for a bail review hearing.¹⁴ While Maryland law allows Judges to hold children charged as adults at DJS facilities, not all do. When children are held in adult jails the Prison Rape Elimination Act requires children to be sight and sound separated from adult inmates.¹⁵ Local detention centers are not equipped to maintain separate units for children and adults. Instead, children are often held in solitary confinement while they wait for a transfer hearing.

Mental Health Professionals have long known that solitary confinement causes significant harm. The American Psychological Association has come out solidly against the use of prolonged solitary confinement for children.¹⁶ As has the American Academy of Child and Adolescent Psychiatry noting “the potential psychiatric consequences of prolonged solitary confinement are well recognized and include depression, anxiety and psychosis. Due to their developmental vulnerability, juvenile offenders are at particular risk of such adverse reactions. Furthermore the majority of suicides in juvenile correctional facilities occur when the individual is isolated or in solitary confinement.”¹⁷ Courts have also acknowledged the harms caused by solitary confinement, holding that for inmates already suffering with mental illness it can amount to cruel and unusual punishment.¹⁸

We know that trauma plays a role in both offending and re-offending. And so to inflict these harmful conditions on children before we have even decided whether to try them as children or adults, let alone determined whether they are guilty or innocent, increases the likelihood that they will get into trouble with the law in the future. Given that the vast majority of these children will be released someday regardless of where the case is tried, or what the ultimate outcome of the case is, we are doing a grave disservice to our communities by inflicting further trauma on them.

¹⁴ While it is possible for a Commissioner to release a child charged as an adult on bond this rarely, if ever, happens.

¹⁵ 28 CFR § 115.14

¹⁶ APA Position Statement on Solitary Confinement (Restricted Housing) of Juveniles <https://www.psychiatry.org/getattachment/7bc96d18-1e73-4ac1-b6b5-f0f52ed4595a/Position-2018-Solitary-Confinement-Restricted-Housing-of-Juveniles.pdf>

¹⁷ American Academy of Child and Adolescent Psychiatry, Juvenile Justice Reform Committee. Solitary Confinement of Juvenile Offenders (2012). https://www.aacap.org/aacap/Policy_Statements/2012/Solitary_Confinement_of_Juvenile_Offenders.aspx

¹⁸ Palakovic v. Wetzol, 854 F.3d. 209 (2017).

--	--	--

Racial Equity Impact

Between 1986 and 1994, Maryland and 48 other states expanded the automatic charging of children in adult court as a response to the race-based fear-mongering and false predictions of increased crime and the rise of “super-predator” youth. As a result, children in Maryland are now automatically be charged in adult court. Most of the children we charge in adult court are children of color from marginalized communities. When providing technical assistance for the JJRC, the Vera Institute examined data related to youth charged in adult court between 2017 and 2019. Vera found that in MDEC counties at that time (which did not include Prince George’s and Montgomery County) youth of color made up 72.8% of youth charged in adult court, but only 39% of youth transferred to juvenile court. By comparison white youth made up only 21% of kids charged in adult court in MDEC counties, but 49% of youth who are transferred down.¹⁹ The charts provided by Vera are below for reference. Under the current law, Maryland is charging an inordinate amount of children of color in adult court. According to the Department of Public Safety and Correctional Services (DPSCS), between July 1, 2023 and July 30, 2024, 81.01% of youth who were charged as adults were Black. In FY20, Maryland sent more children to adult court than Arizona, Massachusetts, California, and Pennsylvania combined. Those states have nearly 10 times Maryland’s population. The damage caused by this practice is inflicted primarily on children of color from marginalized communities, who are ultimately not convicted in adult court, may be a contributing factor to why Maryland imprisons a higher percentage of Black people (70%) than any other state in the nation.

¹⁹ Juveniles Charged As Adults Data, presented July 2021.
https://dls.maryland.gov/pubs/prod/NoPblTabMtg/CmsnJuvRefCncl/Juveniles_Charged_as_Adults_Data.pdf

--	--	--

Profile of Cases for Youth Charged as Adults

MDEC COUNTIES (DC & CC)

Total Cases: 1,295

Average Age: 16.5 years old

89.3% Boys
10.0% Girls
0.7% Unknown

72.8% Black
21.2% White
6.0% Other/Unknown

% of cases that include an
exclusionary offense: 85%

% of cases where an exclusionary
offense is the top charge: 77%

BALTIMORE CITY (CC)

Total Cases: 476

Average Age: 16.5 years old

95.2% Boys
4.6% Girls
2.1% Unknown

94.1% Black
2.1% White
3.8% Other/Unknown

% of cases that include an
exclusionary offense: 93%

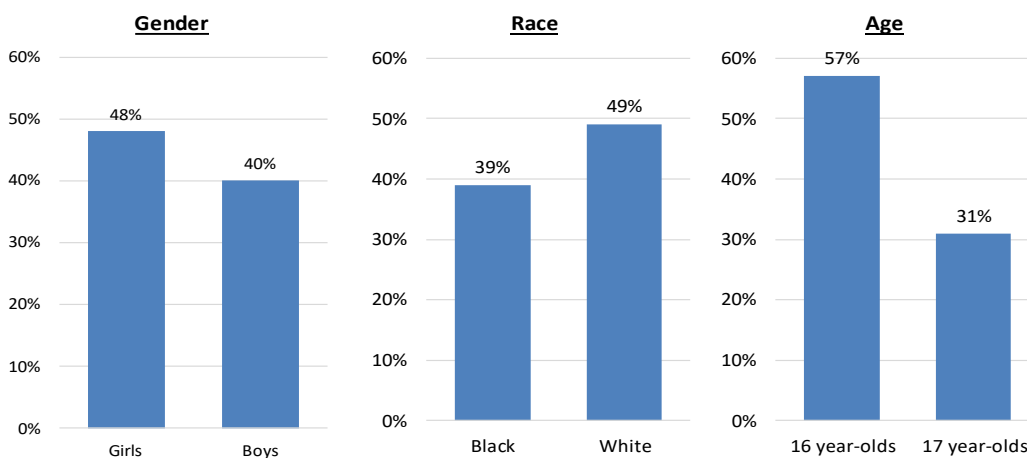
% of cases where an exclusionary
offense is the top charge: 91%

Vera

6

Cases Transferred Down to Juvenile Court, MDEC Counties

41% of all cases with a disposition were transferred to juvenile court



Note: While 48% of cases in Baltimore City were transferred to juvenile court, differences by race and gender could not be calculated due to such a homogenous sample with so few white youth/girls

Vera

11

--	--	--

In the long run prosecuting children in the adult criminal system does more harm to Marylanders than prosecuting them in the Juvenile Court.

As stated earlier, the problems created by automatically charging children as if they were adults are separate and apart from the problems created by actually trying them and *sentencing* them as if they were adults. Nevertheless, one might be concerned that by charging more children in Juvenile Court we could be undermining public safety if more children are therefore also ultimately tried and sentenced in Juvenile Court. The simple fact of the matter is that the opposite appears to be true. Decades of research published by governmental agencies responsible for public safety and health - Office of Juvenile Justice and Delinquency Prevention (OJJDP) and the Centers for Disease Control (CDC) - make clear that prosecuting children as adults increases recidivism among juvenile offenders, rather than reducing it. In 2007, the CDC published an article entitled "Effects on Violence of Laws and Policies Facilitating the Transfer of Youth from the Juvenile to the Adult Justice System" reviewing several studies. The authors of the CDC Report concluded "the transfer policies have generally resulted in increased arrest for subsequent crimes, including violent crime, among juveniles who were transferred [to the adult criminal system] compared with those retained in the juvenile justice system."²⁰

Four years later the OJJDP published a bulletin where they found "[I]nsofar as these laws are intended to deter youth crime generally, or to deter or reduce further criminal behavior on the part of youth subjected to transfer, research over several decades has generally failed to establish their effectiveness."²¹ ... Six large-scale studies have all found greater overall recidivism rates among juveniles who were prosecuted as adults than among matched youth who were retained in the juvenile system. Criminally prosecuted youth were also generally found to have recidivated sooner and more frequently. Poor outcomes like these could be attributable to a variety of causes, including the direct and indirect effects of criminal conviction on the life chances of transferred youth, the lack of access to rehabilitative resources in the adult corrections system, and the hazards of association with older criminal 'mentors.'²²

²⁰ Robert Hahn, et al. *Effects on Violence of Laws and Policies Facilitating the Transfer of Youth from the Juvenile to the Adult Justice System*, MORBIDITY AND MORTALITY WEEKLY REPORT, Vol 56, No:RR9, Nov. 2007.

²¹ Patrick Griffin, et al, *Trying Juveniles as Adults: An Analysis of State Transfer Laws and Reporting*, Sept. 2011, 1, 8 JUVENILE JUSTICE BULLETIN, WASHINGTON, D.C., OFFICE OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION at p. 26. (Hereinafter *OJJDP 2011 Report*)

²² Id. At 26

--	--	--

In 2012 OJJDP examined a longitudinal study conducted in Maricopa Co., Arizona. This study showed evidence of differential effects of prosecuting children as adults.²³ They explain that children who had been prosecuted as adults “experience many challenges in the community while on probation or following release from an adult facility. Although the vast majority are involved in gainful activity quickly (within 2.5 months) and consistently (for nearly three-quarters of the months they spend in the community), the majority (77%) also resumed some level of antisocial activity and two-thirds were subsequently re-arrested or placed in an institutional setting. Only 18 of these youth (out of 193) managed to break out of this antisocial pattern completely.”²⁴

Children are held accountable for their illegal actions in the Juvenile Court system. In fact,

Charging Children As Adults Is a Failed Policy

Regardless of what the data shows, the perception of the public is that things are worse than ever before. If that is in fact true, then we need to consider how decades of this failed policy may have contributed to the problem rather than solving it. Many kids charged and tried as adults have cases that are dismissed after they have been incarcerated, often for months. That is a concrete implication of our current process that starts off by putting children in solitary confinement, which we all know is harmful. But what happens after we’ve harmed those kids by virtue of charging them as adults and not starting in Juvenile Court? We are all living in communities with those children. We are all better off with policies that start with a presumption of rehabilitation rather than retribution. Our current laws impact not only the most terrifying scenarios, but also comparatively immature conduct. To use a real world example, if a child punches someone who falls and hits their head causing a momentary loss of consciousness, that child will be automatically charged as an adult. Whether that child happens to be a student taking Advanced Placement or Gifted and Talented classes with no prior incidents of problematic behavior, or a child who has previously been on probation will not matter at the point of charging. Both of those children will start in adult court and are subjected to the harms outlined above merely by starting in adult court. Even without OPD’s proposed amendments, SB422 would allow a case like this to be charged in Juvenile Court. If a prosecutor felt that the circumstances of the case, the child’s history, and potential risk for

²³ Edward P. Mulvey and Carol A. Schubert, *Transfer of Juveniles to Adult Court: Effects of a Broad Policy in One Court.*, JUVENILE JUSTICE BULLETIN, WASHINGTON, D.C. OFFICE OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION, December 2012.. (Hereinafter OJJDP 2012 Report).

²⁴ Id. At 11.

--	--	--

public safety justified waiving Juvenile Jurisdiction they would be able to file a Waiver Petition and have a full hearing on the issue.

The Office of the Public Defender remains in favor of ending the automatic charging of all of Maryland's children as if they were adults, and proposes the following amendments to effectuate that. OPD acknowledges that while SB422 does not end the practice in its entirety, it does take step in the direction of making Maryland's communities safer. For these reasons we urge a Favorable report on SB422 with the following amendments: strike from Courts and Judicial Proceedings Article § 3-8a-03(d), strike from Criminal Procedure Article §§ 4-202, 4-202.1, and 4-202.2.

Submitted by: Maryland Office of the Public Defender, Government Relations Division.
Authored by: Kimber D. Watts, Forensic Mental Health Division Supervisor.
Kimberlee.watts@maryland.gov 410-767-1839.

SB0422 end auto charging juveniles as adults FAV W

Uploaded by: Laura Salganik

Position: FWA



Committee: Judicial Proceedings
Testimony: SB0422 – Juvenile Court – Jurisdiction
Organization: Jewish Community Relations Council of Howard County, MD
Submitting: Laura Salganik, Chair
Position: FAVORABLE WITH AMENDMENTS
Hearing Date: February 4, 2025

Dear Chair Smith and Committee Members:

The Jewish Community Relations Council is submitting this testimony in favor of SB0422 with amendments. We favor ending the practice of automatically charging youth as adults, and we believe the bill should be amended to end the practice for all youth including those who are 16- and 17-years old.

Maryland sends more young people to adult court based on offense types than any other state per capital except Alabama. A major reason is that Maryland requires that some 14 and 15 year olds and most 16 and 17 year olds be automatically prosecuted in adult court for 33 offenses, putting us out of step with other states.

It may seem like youth who are accused of very serious crimes should be subject to the type of consequences that are designed for adults. However, as a strategy for deterring future criminal behavior, it is ineffective. It has been demonstrated that youth who are charged as adults have a higher recidivism rate when completing their sentences than those charged as juveniles for similar acts.

Similarly, charging juveniles as adults exacerbates racial inequities that begin with how young children are treated when they first enter school. In Maryland, 81 percent of juveniles charged in adult courts are Black. And studies have shown that Blacks receive harsher sentences than Whites for the same acts.

As Jews, we are taught to pursue justice of all kinds. We do not believe the current system of automatic charging of youth as adults is just. It is high time to change it. We urge the committee to give a favorable report with the amendments discussed above to this important legislation.

SB422_LindaBergofsky_FWA.pdf

Uploaded by: Linda Bergofsky

Position: FWA

Hearing Date: February 4, 2025

Linda Rae Bergofsky
Poolesville, MD 20837

TESTIMONY ON SB422- POSITION: FAVORABLE WITH AMENDMENTS
Juvenile Court – Jurisdiction

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

FROM: Linda Bergofsky

OPENING: My name is Linda Bergofsky. I am a resident of District 15. I am submitting this testimony in support with amendments of SB422, Juvenile Court – Jurisdiction.

By way of background, I am a member of Oseh Shalom synagogue in Laurel, MD and serve as the chair of its Social Justice committee. I am also a substitute teacher in Montgomery County, where I have had, for the past 5 years, the privilege of working with students ranging in age from 6 to 18. My professional training and experiences as both a social worker and teacher have exposed me to many children and adolescents who come from different backgrounds, and have achieved varying levels of maturity and intellectual development. When I meet them, it maybe their best day ever or their worst day ever. It is a biological, psychological, and social reality that most kids don't make good decisions as they push boundaries and test the patience of parents and teachers. But, at the end of the day, they are still just kids, no matter how much bravado or worldliness they exhibit or how big they are

Everyone agrees that getting serious about public safety and the well-being of young people are both important. Yet, the practice of automatically charging kids as adults sends children to adult detention facilities with fewer resources and less access to education than in the juvenile system. In Maryland as elsewhere, this injustice falls disproportionately upon youth of color and particularly punishes Black teenagers. More importantly, it does not improve public safety.

Senator Smith's bill, SB422, 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. I am requesting 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.

I am in favor of this bill with amendments because its premise is based on research and best practices, not anecdotes and media hype. Once amended as I have suggested, SB422 would direct children and adolescents accused of crimes into a system that is best prepared to address the full scope of their needs while respecting their constitutional rights. We owe them nothing less.

Laurel is at the crossroads of four counties. Our state is at the crossroads when it comes to balancing juvenile justice with the need to protect public safety. I hope the Judicial Proceedings Committee makes the right choice to let kids be kids, even on the worst days of their lives.

I respectfully urge this committee to return a favorable report with amendments on SB422.

2025 MAYSB - SB 422 FWA - Juvenile Court Jurisdict

Uploaded by: Liz Park

Position: FWA



"Being here for Maryland's Children, Youth, and Families"

Testimony submitted to Senate Judicial Proceedings

February 4, 2025

Senate Bill 422: Juvenile Court – Jurisdiction

Support with Amendment

The Maryland Association of Youth Service Bureaus (MAYSB), which represents a network of bureaus throughout the State of Maryland, supports SB 422 - Juveniles Courts - Jurisdiction. Youth Service Bureaus provide prevention, intervention and treatment services to youth and their families. SB 422 will eliminate automatic charging for children aged 14 and 15, and reduces the list of charges for 16 and 17 year olds.

MAYSB requests an amendment that would extend the automatic charging for all offenses to all children 17 and younger. This amendment would change where juvenile cases start, and would still allow cases to be waived up to adult court after judicial review. These changes to the current law will allow all to youth begin in the juvenile court system, which MAYSB believes is in line with the State's efforts to have a juvenile justice system that is developmentally informed.

A developmentally informed approach to juvenile justice recognizes the need to hold youth accountable for their actions while also offering them the resources and opportunities to be rehabilitated. It recognizes that youth are still maturing and that their brains are not fully developed until after age 24. Youth who commit violent crimes should be held accountable for their actions and the harm they have done to others. They should not, however, be left without the possibility of rehabilitation. Allowing youth to be under the jurisdiction of the juvenile court system will decrease the exposure of youth to the adult system, a system whose mission is punishment rather than rehabilitation.

Maryland should be a leader in advocating that all children are capable of, and worthy of, redemption and deserve an opportunity for a second chance, regardless of their race, socio-economic background, or the crime of which they have been accused.

A developmentally informed system is also fair and works to ensure that all youth receive fair and equal treatment. This bill will assist the State of Maryland in addressing racial and ethnic

(over)

disparities found in the juvenile justice system. Data in Maryland shows that youth of color are disproportionately impacted at each decision point in the juvenile justice system. The Data Resource Guide 2023 for the Department of Juvenile Services indicates that of the total complaints received by DJS in 2023 84.4% were youth of color. In addition, over 90% of youth charged in adult court in Maryland are people of color—81% are Black. This bill will help increase the opportunity for fair treatment for youth of color as they move through the court system.

MAYSB believes that following a developmental informed approach to juvenile justice is important and allows youth the opportunity to be held accountable for their actions while also offering them the resources to develop and be rehabilitated. At its core this model recognizes that the thinking and maturity of juveniles is not equal to that of adults and works to offer them opportunities to change and learn from their mistakes.

We ask you to support this bill with the requested amendment.

Respectfully Submitted:

Liz Park, PhD
MAYSB Chair
lpark@greenbeltmd.gov

SB422_MaraGreengrass_FWA.pdf

Uploaded by: Mara Greengrass

Position: FWA

February 4, 2025

Mara Greengrass
Rockville, MD 20852

TESTIMONY ON SB422 - POSITION: FAVORABLE WITH AMENDMENTS
Juvenile Court - Jurisdiction

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

FROM: Mara Greengrass

My name is Mara Greengrass and I'm a resident of District 18. I am submitting this testimony in support of SB422, Juvenile Court - Jurisdiction *with amendments*.

I'm a 25-year resident of Montgomery County, member of Congregation Beth El in Bethesda, and a nearly lifelong Marylander. I appeal to your sense of compassion and fairness to support this bill with an amendment to end automatic charging for all offenses and for all children 17 and younger.

I was deeply unhappy to learn a few years ago that the only state that sends more kids to adult court per capita than Maryland is *Alabama*. That's a disgrace. Even more of a disgrace: More than three-quarters of the kids sent to adult court are Black.

According to Jewish tradition, we are all *b'tzelem elohim*, made in the image of God, but there is a special duty and obligation to care for children. I believe this obligation includes treating children like children by default rather than assuming that an accusation of involvement in certain crimes turns them into adults.

I'm the mother of two kids, one who just turned 20 and one who will turn 16 in a few weeks, and let me tell you...if you've spent any time with kids and teens, you know their brains aren't fully formed. All the science will tell you that too, but it's just common-sense if you've ever had to argue with a teenager about why they have to brush their teeth *every* night.

In addition to the scientific and moral arguments against automatically charging kids as adults, sending kids to adult court only to have them sent back to juvenile court (which happens almost 90% of the time) is a waste of money, which is ridiculous in a tight budget year like 2025.

Please end the automatic charging of kids as adults for all offenses. Let the judge familiar with the case make the decision, rather than making it for them. **I respectfully urge this committee to return a report of favorable with amendments on SB422.**

Letter to Maryland Legislature SB422.pdf

Uploaded by: Marlon Tilghman

Position: FWA

January 30, 2025

As an Elder in the United Methodist Church for the last twenty years and past co-chair of the Restorative Justice Team of the Baltimore-Washington Conference, I support SB422 with amendments. Over the years I have worked with troubled youth, and I have personally seen the effects of not having this bill in place.

Proverbs 31:8-9 states:

Speak up for those who cannot speak for themselves; ensure justice for those being crushed. Yes, speak up for the poor and helpless, and see that they get justice.

The prophet Micah tells us: to see that justice is done, love kindness and walk humbly with our God. We have a responsibility to look out for those who cannot look out for themselves. Justice is important and calls us to act on behalf of others.

Maryland sends more youth to adult courts based on offense types, per capita than any other state except Alabama. This is unacceptable!

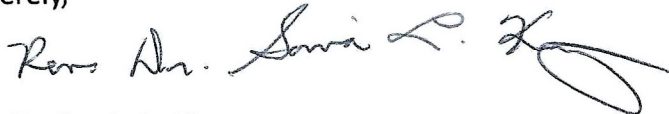
When we send our children to adult prisons, we are subjecting them to:

- Additional trauma
- Longer sentences
- Increased abuse: including assault and rape, which can lead to increase suicide.
- Increased recidivism rates

No child deserves to be abused no matter what they have done. Everyone deserves a second chance. Give our children the opportunity to grow up, heal, change and give back to their communities. It is our hope and prayer that we train a child in the way in which they shall go and when they get old, they will not depart.

As God told Jeremiah: *For I know the plans I have for you. They are plans for good and not for disaster, to give you a future and hope.* Please allow this for our children.

Sincerely,



Rev. Dr. Sonia L. King
Retired Elder in the Baltimore-Washington Conference of the United Methodist Church.
Revslkzeta@gmail.com
410.320.3482

SB422 Automatic Charging of Children as Adults.pdf

Uploaded by: Marlon Tilghman

Position: FWA

Senate Bill 422
Chairman; Will Smith
Judicial Proceedings Committee
February 4, 2025 1 p.m.
BRIDGE Maryland, Inc

Dear Chairman Will Smith and Members of the Committee,

I am Rev. Dr. Marlon Tilghman, and on behalf of BRIDGE Maryland, Inc., we support SB422 with amendments. We earnestly believe that the automatic charging of any child 18 and under as an adult is an unjust law. Any law that adultifies a child to justify their imprisonment is unjust. Any law that can traumatize a youth indefinitely and into their adulthood is unjust. Any law that can place our children in danger of rape, abuse, isolation, or mental anguish is unjust. And we demand that our lawmakers and governor do better.

Give judges back their discretion, wisdom, and duty to look at alleged crimes FIRST in the juvenile legal system based on the situation, thus giving the youth a chance to reach their potential instead of their demise. Our youth are redeemable, not to be thrown away. Our children deserve #carenotcages. Our God requires we do Justice and to love mercy. Automatically charging a youth as an adult is an unjust law and NOW is the time to *let Justice rolled down like a mighty stream*.

Again, we support SB422 with amendments that ensure that no child under 18 years old is placed in the adult legal system without first being reviewed by a judge in the juvenile legal system.

Sincerely,

Rev. Dr. Marlon Tilghman

Leader, BRIDGE Maryland, Inc. (A non-profit Interfaith Community Organizing in Baltimore City and five surrounding counties of Maryland)

SB422 testimony Taynisha Gross-Matin.pdf

Uploaded by: Marlon Tilghman

Position: FWA

Senate Bill 422
Chairman; Will Smith
Judicial Proceedings Committee
February 4, 2025 1 p.m.
(Your organization/Organization)

Testimony on the Need for Juvenile Justice Reform in Maryland

Dear Chairman Will Smith and Members of the Committee,

I am Taynisha Gross-Matin, and I am associated with BRIDGE Maryland, Inc. and I am writing to speak about the urgency for reform in Maryland's youth justice system. As revealed in a variety of studies and reports, including *Disposable Children: The Prevalence of Child Abuse and Trauma Among Children Prosecuted as Adults in Maryland*, such a practice of charging children indiscriminately is a profound miscarriage of justice. It disproportionately affects poor and marginalized communities, exacerbates trauma in early life, and yields catastrophic long-term consequences (Human Rights for Kids, 2024).

The Injustice of Automated Charging

Maryland is ranked first in the nation's youth prosecution in adult courts. Remarkably, six out of 100 incarcerated persons in Maryland have been in prison since a young age, and a little over 90% of them are racial minorities (Human Rights for Kids, 2024). The *YES Act Fact Sheet* further confirms that Maryland transfers more youth to adult courts per capita than any state but Alabama (Maryland Youth Justice Coalition, n.d.). It is a systemic failure to go on and criminalize youth and not rehabilitate them.

The Impact of Trauma on Incarcerated Youth

The vast majority of youth who have been tried in an adult court have a background of severe trauma in life preceding imprisonment. In a survey of youth in Maryland, nearly 70% have experienced six or more Adverse Childhood Experiences (ACEs), including physical abuse, parental imprisonment, and family abuse of drugs (Human Rights for Kids, 2024). Rather than working with such traumas, such traumas are compounded through confinement in an adult institution, and such youth stand at a high risk of abuse and solitary confinement (Human Rights

for Kids, 2024). According to studies, youth in an adult prison have five times a more significant opportunity for sexual abuse and a nine times more fantastic opportunity for committing suicide in comparison with youth in a youth institution (Maryland Youth Justice Coalition, n.d.).

Legislative Reforms: The Need for the YES Act and SB422

The passage of the *Youth Equity and Safety (YES) Act* is a critical step toward justice. According to the Act, all youth under 18 have cases initiated in juvenile court, and judges, not arbitrary legislation, decide to send a child to the adult system (Maryland Youth Justice Coalition, n.d.). SB422 seeks to repeal the practice of automatic charging of children in a similar manner to adults, reinstating judicial discretion and prioritizing rehabilitation over sentencing (BRIDGE Maryland, Inc., 2024). All these reformative actions are critical in an attempt to cease ongoing abuse of children’s human rights in Maryland’s judicial system.

Call for Action

We must stop treating kids as disposables. There is a wealth of evidence: reform in youth justice is not only a moral imperative but a scientific and legal imperative. We must make Maryland one of 26 states that have ceased to charge kids in an age-neutral manner (Maryland Youth Justice Coalition, n.d.). We must have policies that care, not cage our kids. As BRIDGE Maryland's Reverend Dr. Marlon Tilghman testified, “Our youth are redeemable, not to be thrown away” (BRIDGE Maryland, Inc., 2024).

Conclusion

The moment for Maryland to confront its failed justice system for its most vulnerable youth is at present. Instead of piling trauma, we must have doors for rehabilitation and hope. I urge legislation to enact SB422 to protect the dignity and future of Maryland's youth. Justice must roll down like floodwaters—now is that opportunity.

References

BRIDGE Maryland, Inc. (2024). *SB422 Automatic Charging of Children as Adults*.
 Human Rights for Kids. (2024). *Disposable Children: The Prevalence of Child Abuse and Trauma Among Children Prosecuted as Adults in Maryland*.
 Maryland Youth Justice Coalition. (n.d.). *YES Act Fact Sheet*.

NYJN_SB422_FAV w amnd.pdf

Uploaded by: Melissa Goemann

Position: FWA



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:

My name is Melissa Coretz Goemann, a resident of Silver Spring, Maryland, and Senior Policy Counsel for the National Youth Justice Network (NYJN). On behalf of NYJN, we **urge the committee to issue a Favorable with Amendments report on SB 422**. NYJN is a membership organization comprised of 73 state-based organizational members and nearly 100 Youth Justice Leadership Institute (YJLI) members and alumni in 42 states across the country, including Maryland. NYJN works towards our vision of anti-racist, community-based, healing-centered justice.

We are very appreciative of the reforms that SB 422 would enact. SB 422 would take Maryland a big step forward in ending the practice of automatically charging youth as adults – a process that now occurs without the thoughtful deliberation of a judge. This bill would end automatic charging for all fourteen and fifteen-year-olds and limit the offenses that sixteen and seventeen-year-olds can be charged with. This will help to ensure that the decision as to whether to charge a young person as an adult is given the serious consideration by a juvenile court judge that this significant, life-altering decision requires. The negative impacts of treating youth as adults are substantial and often life-long, affecting individual youth, their families, and communities.¹

Our goal should be to rehabilitate these young people so that they can lead healthy, productive lives – that is the humane thing to do and is also the best route to protecting public safety.² Keeping large numbers of our youth in adult court and adult facilities runs counter to this goal.

Poor conditions for youth in adult facilities

In 2023, multiple problems for youth housed at the Baltimore County Detention Center (an adult facility) surfaced including “rodent-infested cells that sometimes flood with sewage water.”³ In January, 2024, Baltimore County agreed to move minors “when space allows” to the Youth Detention Center in Baltimore City, run by the adult correctional system (Maryland Department

¹ See, e.g., Campaign for Youth Justice, “The Consequences Aren’t Minor: The Impact of Trying Youth as Adults and Strategies for Reform” (March 2007), https://www.nyjn.org/uploads/digital-library/CFYJNR_ConsequencesMinor.pdf.

² Research shows that adult system processing and incarceration increases recidivism among teens. “Effects on Violence of Laws and Policies Facilitating the Transfer of Juveniles from the Juvenile to the Adult Justice System: A Report on Recommendations of the Task Force on Community Preventive Services” (Centers for Disease Control and Prevention, April 2007): 6-8, www.cdc.gov/mmwr/pdf/rr/rr5609.pdf.

³ Cassidy Jenson, “Youth at Baltimore County jail kept in cells for 23 hours a day in poor conditions, state public defender says.” *Baltimore Sun*, March 10, 2023, <https://www.baltimoresun.com/2023/03/10/youth-at-baltimore-county-jail-kept-in-cells-for-23-hours-a-day-in-poor-conditions-state-public-defender-says/>.



of Public Safety and Correctional Services (DPSCS)).⁴ However, by last August, the detention center was already overcrowded.⁵ This has led to issues including teens sleeping on cots in the gym and an inability of the one facility psychologist to see all the youth that need care.

Insufficient mental health treatment for youth in adult facilities

It is well known that many youth in the justice system are in need of mental health treatment. The Department of Juvenile Services offers a number of programs to help these youth, including dialectical behavioral therapy and family systems therapy, offered both in their residential facilities and in the community.⁶ By contrast, mental health treatment in Maryland's adult facilities is generally "self-directed," by giving young people a workbook to do, rather than an actual therapist.⁷ If a teen can get into the Patuxent Youth Program (run by DPSCS), at best they will get once a week group therapy but not individual therapy. **The Patuxent psychiatrist stated that their staff members are not trained to work with teens and they can't treat youth as successfully there as they could be in the juvenile system. As he further stated, "Having a youth receive services at the Department of Juvenile Services is always more beneficial than anything they would receive in the adult system."**⁸

Conclusion

The bottom line is that youth can only receive developmentally appropriate and humane treatment, which has the best chance of turning their lives around and thereby best protecting public safety, in a system and facilities created for youth – the juvenile justice system. If the enactment of this law needs to be extended by a year for the Department of Juvenile Services (DJS) to make any necessary adjustments to accommodate this population, then this body could certainly do that. But without the motivation of passing a law such as this which requires DJS to serve most youth charged as adults, it is far less likely to happen.

We urge this committee to amend SB 422 to fully end the automatic charging of young people who are aged seventeen and younger as adults in Maryland and vote in favor of such legislation.

Respectfully Submitted,
Melissa Coretz Goemann, Senior Policy Counsel

⁴ Cassidy Jensen, "Baltimore County Agrees to Move Youth Detainees to City Juvenile Jail When Space Permits," *Baltimore Sun*, Jan. 9, 2024, <https://www.baltimoresun.com/2024/01/09/baltimore-county-agrees-to-move-youth-detainees-to-city-juvenile-jail-when-space-permits/>.

⁵ Rachel Baye, "Detention Center for Maryland Teens Charged as Adults Overcapacity for Months," *WYPR*, August 7, 2024, <https://www.wypr.org/wypr-news/2024-08-07/detention-center-for-maryland-teens-charged-as-adults-overcapacity-for-months>.

⁶ Rachal Baye, Jennifer Lu, and Claire Keenan-Kurgan, "Judges Use 'Arbitrary,' 'Horrendous' Reasons to Keep Teens in Adult Court," *WYPR*, March 20, 2024, <https://www.wypr.org/wypr-news/2024-03-20/judges-use-arbitrary-horrendous-reasons-to-keep-teens-in-adult-court>.

⁷ Ibid.

⁸ Ibid.

Massey_SB422.pdf

Uploaded by: Michael Massey

Position: FWA

Michael Massey, PhD, MSW, M.Ed., Assistant Professor, Catholic University of America

SB0422: Juvenile Court – Jurisdiction

Position: Favorable with Amendments

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

My name is Michael Massey and I am a resident of District 18 and this testimony represents my individual views. I am submitting this testimony urging 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.

I am a father of a 10 year old and I want her to live in a safe place that cares for its citizens. Charging kids as adults does not make Maryland safer and sends the message that we don't care about all of our children.

Auto-charging is costly and ineffective

I am also a Professor of Social Work at Catholic University and do extensive research on the school to prison pipeline. The research is clear—**charging kids as adults is costly and it doesn't work**. Kids who are tried and sentenced in the adult system are more likely to recidivate than those that enter the juvenile system (see This excellent study by [Kurlycheck et al., 2022](#); Also see [The Sentencing Project, 2022](#); [UCLA School of Law, 2010](#)). That make us less safe! We also know that Youth of color are more likely to be tried as adults than white youth, even when being charged with similar crimes. In Maryland between 2017-2019, 93% of juveniles tried as adults were youth of color; more than 80% were Black. That is not acceptable.

Auto-charging does not serve victims, it creates more of them

In reviewing this issue in Maryland, I have seen that some proponents of auto-charging claim that auto-charging serves the victims of crime. But any close examination suggests that these claims are either seeing the issue from a very narrow perspective or totally disingenuous. First, victims are not a monolith. The evidence suggests that a large number of victims of juvenile crime do not favor harsher punishments (see [Alliance for Safety and Justice, 2022](#); [Victim Support, 2012](#)). Rather, they want effective rehabilitation processes and bigger investments in education and economic opportunity. Second, and maybe more importantly, auto-charging **creates more victims!** Since kids who spend time in the adult system are more likely to commit more crime, auto-charging puts more Marylanders at risk in the short and long term. Additionally, the research is overwhelming that youth in adult prisons are denied mental health and educational resources, are more likely to be victims of physical and sexual abuse, experience higher levels of trauma, and are at increased risk for early death (see [Human Impact Partners, 2017](#)). A [recent JAMA study](#) by Siver et al. (2023) found that incarceration in an adult

correctional facility before the age of 18 years was associated with a 33% increase in the risk of mortality between 18 and 39 years of age. In essence, auto-charging is its own cycle of victimhood.

Maryland can do better

Senate Bill 422 starts the process of reversing the current costly, cruel, and ineffective policy. With amendments to make it stronger, Maryland has an opportunity to remove itself from the [shameful list of states](#) that see many of its children as disposable and makes us less safe in the process. **I respectfully urge this committee to 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.

SB0422_QVM_Testimony_FAV_w_AMENDMENTS.pdf

Uploaded by: Molly Finch

Position: FWA



January 31, 2025

Dear Chairman Smith, Jr., Vice Chairman Waldstreicher, and Members of the Committee,

Quaker Voice of Maryland is submitting this testimony - SB0422 - Juvenile Court - Jurisdiction: FAVORABLE with AMENDMENTS

Quakers believe that all people can change and have historically been active in criminal justice system reform work to ensure that people who enter the system are provided with the appropriate rehabilitative services so they can return to our communities as successful members. This bill stands out to our members as important legislation because it would protect our youth who are entering the justice system. Ending automatic charging for children leads to improved community safety and better long term outcomes for children that enter the criminal justice system.

There are many reasons this legislation can lead to better outcomes for individuals and communities, but I will highlight two in this piece of testimony: (1) Youth who are charged in adult court may be less likely to have access to rehabilitative services that are appropriate for their needs, which can lead to reoffending in the future, and (2) Youth who are charged as adults are at an increased risk of sexual assault, physical harm, and being placed in solitary confinement as a protection mechanism. To be clear, this bill does not mean youth cases can never reach adult court, but it does change the way youth charged with serious felonies enter the justice system. As written, SB422 eliminates automatic charging for children aged 14, and 15, and reduces the list of charges for 16 and 17 year olds. **Quaker Voice of Maryland supports the request of Maryland Youth Justice Coalition for amendments that would end automatic charging for all offenses and for all children 17 and younger.**

If you are interested in learning more about the issue and how passing this legislation, with amendments, will lead to positive change for youth I recommend you review the Maryland Youth Justice Coalition website:

<https://www.mdyouthjustice.org/youth-equity-safety-act>

We encourage a FAVORABLE with amendments report for this essential legislation.

Sincerely,

Molly Finch

Working Group Member, on behalf of Quaker Voice of Maryland

Personal email: masfinch@gmail.com

Organization email: quakervoicecmd@gmail.com

SB422 Rachel Doyle (1).pdf

Uploaded by: Rachel Doyle

Position: FWA

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

My name is Rachel Doyle. I am a resident of District 21. I am submitting this testimony urging 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.

In Maryland, children as young as 14 can be tried in adult court depending on what charge a police officer decides to levy against them. 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 leads to higher rates of recidivism. When young people are automatically charged in adult court, they are more likely to reoffend, sooner, with more violent crime than children who are charged in juvenile court. This practice undermines the purpose of the juvenile court system, pursues punishment rather than rehabilitation, and conflicts with what we know from developmental science. Furthermore, laws that allow youth to be tried in adult court reinforce and perpetuate the racial inequities that characterize the criminal legal system in the United States.

The Current System is Biased Against Youth of Color

Youth of color are overrepresented at every stage of the Maryland court system.² Rampant racial inequities are evident in the way youth of color are disciplined in school, policed and arrested,³ detained, sentenced, and incarcerated.⁴ These inequities persist even after controlling for variables like offense severity and prior criminal record. Research shows that youth of color receive harsher sentences than white youth charged with similar offenses.⁵

¹

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

² 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.

³ 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

⁴ <https://goccp.maryland.gov/wp-content/uploads/juvenile-dmc-201101.pdf>

⁵ Soler M. Health issues for adolescents in the justice system. *Journal of Adolescent Health*. 2002;31(6):321–333.

Youth of color are more likely to be tried as adults than white youth, even when being charged with similar crimes. In Maryland between 2017-2019, 93% of juveniles tried as adults were youth of color; more than 80% were Black.⁶

“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 communities of color. 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 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.

I respectfully urge this committee to 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.

Sincerely,
Rachel Doyle
District 21

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>.

SB422_MDU_FWA.docx.pdf

Uploaded by: Stephanie Joseph

Position: FWA



Maryland Defenders Union
Local 423, AFSCME Council 3
marylanddefendersunion@gmail.com



Testimony for the Senate Judicial Proceedings Committee
February 4, 2025
SB 422 – Juvenile Court - Jurisdiction
FAVORABLE WITH AMENDMENTS

To Chair Smith, Vice Chair Waldstreicher, and members of the Committee,

We at the Maryland Defenders Union have the privilege of representing thousands of children in courts around the state, so we observe the system's inequities firsthand on a daily basis. More than 90 percent of the children charged as adults are children of color. Despite our zealous advocacy, these children often are convicted of adult offenses and languish in adult jails and prisons. The recent report from Human Rights for Kids shares many heartbreaking examples of children suffering in our adult facilities. As the report explains, Maryland ranks 4th in the country for the number of children convicted of adult offenses.

We have seen the devastating impact of our current law on thousands of children and their families, as well as the larger community. After serving their sentences, many of our clients return to the community more traumatized and unable to gain employment due to their adult convictions. Fortunately, Maryland offers a robust array of rehabilitative services to address trauma and other underlying causes of delinquent behavior through the juvenile court system. The juvenile system also provides children with the opportunity to obtain their high school diplomas and learn vocational skills to help them become productive members of our community.

As the great Marylander Frederick Douglass said, "It is easier to build strong children than to repair broken men." We believe that this bill is a good start but ask for amendments to end automatic charging for all offenses and for all children under 17-years-old. Thank you for your consideration.

Sincerely,
Maryland Defenders Union

SB0422_Susan Tafler_FWA.pdf

Uploaded by: Susan Tafler

Position: FWA

Committee: Judicial Proceedings
Testimony: SB0422 – Juvenile Court – Jurisdiction
Submitting: Susan Tafler
Position: FAVORABLE WITH AMENDMENTS
Hearing Date: February 4, 2025

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

My name is Susan Tafler and I am a resident of Odenton, District 21. I am submitting this testimony urging 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. Passing an amended SB0422 would allow all kids who are accused of crimes to receive support and rehabilitation, reducing violent crime and recidivism while treating them more fairly and humanely. It would also reduce the amount of time that these children wait for their cases to be heard and would prevent them from being incarcerated in adult jails. An amended SB0422 simply changes where juvenile cases start and would still allow cases to be waived up to adult court after judicial review

The Jewish values that I have grown up with have long recognized the differing capacities of children and adults. *Yetzer harah*, the "evil inclination," is seen as a drive toward pleasure that can be tempered by *yetzer hatov*, the "good inclination" or moral sense that leads to benefits toward oneself and society. The ability to "tame" the basic instincts, *yetzer harah*, with higher level reasoning, *yetzer hatov*, grows stronger as we mature, warranting different treatment of children and adults.

I taught high school biology for a good number of years, and I think I know what teenagers are like. In my classroom I certainly had my share of kids who were immature, impulsive, and disruptive and a few who have gotten themselves into trouble in the larger community. I could understand that adolescent brains are not adult brains! I did feel confident that given support and steady guidance those young troublemakers could eventually mature and settle down to turn into pretty good adults. In 2013, Massachusetts (which is where I had taught many years earlier) raised the age to 17 to keep in the juvenile system children accused of criminal behavior. Since then, Massachusetts has seen a 51% reduction in juvenile crime – outperforming national reductions in both property and violent crime – and found that older adolescents processed in juvenile system had a 34% lower recidivism rate than those in the adult system.

That is why I have been appalled at the practice in Maryland of automatically charging youth as adults for 33 different offenses, which sends children as young as 14 to adult detention facilities with fewer rehabilitative resources and less access to education than in the juvenile system. Autocharging especially harms Black youth, who are disproportionately targeted by police and our justice system. In fact, 81% of kids charged in adult court in Maryland are Black. Not only is this practice damaging to the children facing prosecution, it does not further the safety of the communities they live in. When it comes to public safety, what is best for kids is best for everyone.

I respectfully urge this committee to return a favorable with amendments report on SB0422.

SB 422.pdf

Uploaded by: Taylor Dickerson

Position: FWA



PO Box 368 Laurel, MD 20725

410-992-4258

www.marylandpsychology.org

OFFICERS OF THE BOARD

President

David Goode-Cross, Ph.D.

Past President

Brian Corrado, Psy.D.

Secretary

Meghan Mattos, Psy.D.

Treasurer

Andrea Chisolm, Ph.D.

Representatives-at-large

Rachel Singer, Ph.D.

Deborah Williams, Psy.D.

Representative to APA Council

Peter Smith, Psy.D.

COMMITTEE CHAIRS

Communications

Robyn Waxman, Ph.D.

Diversity

Mindy Milstein, Ph.D.

Early Career Psychologist

Alayna Berkowitz, Ph.D.

Educational Affairs

Sarah Crawley, Ph.D.

Ethics

LaShaun Williams, Psy.D.

Legislative

Stephanie Wolf, JD, Ph.D.

Professional Practice

Karin Cleary, Ph.D.

PROFESSIONAL AFFAIRS

OFFICER

Paul C. Berman, Ph.D.

EXECUTIVE DIRECTOR

Taylor Dickerson

January 31, 2025

Senator Pamela Beidle, Chair

Senator William C. Smith, Jr. Chair

Senator Jeff Waldstreicher, Vice Chair

Senate Judicial Proceedings Committee

Room 101

House Office Building

Annapolis, Maryland 21401

Dear Chair Smith, Vice Chair Waldstreicher, and Members of the Committee:

RE: SB0422 - Juvenile Court - Jurisdiction

Position: SUPPORT with Modifications

The Maryland Psychological Association, (MPA), which represents over 1,000 doctoral-level psychologists throughout the state, asks the Senate Judicial Proceedings Committee to report FAVORABLY on SB0422, with some modifications.

The adolescent brain is not capable of the same level of rational thought as the adult brain; adjudicating children and adolescents in an adult judicial system places them in a process that was neither built to accommodate their needs nor suited to prevent them from committing further crimes. Juveniles processed in the adult criminal system have significantly higher rates of recidivism than those processed in the juvenile system, with some estimates finding the rates over 80%. Further auto-charge is used disproportionately in the African-American population, with 80% of juvenile cases being auto-charged being those of African-American youth despite those youth representing only 30% of the state population.

If the goal of our judicial system is to decrease crime, then it is clear that processing youth in the adult criminal system is not the path to reach that goal. Some might express concern that extremely violent youth who have not been able to be served in the juvenile system will not be able to be served should this law be enacted, but this law will only serve to remove the automaticity of the process. Youth who fail services in the juvenile system will still be able to be waived to the adult system should the need arise. We support this bill and would like to see it expand to stopping auto-charge completely, as the results of auto-charge are completely negative with no positive outcomes.

Thank you for considering our comments on SB0422. If we can be of any further assistance as the Judicial Proceedings Committee considers this bill, please do not hesitate to contact MPA's Legislative Chair, Dr. Stephanie Wolf at mpalegislativcommittee@gmail.com.

Respectfully submitted,

David Goode-Cross, Ph.D.

David Goode-Cross, Ph.D.

President

Stephanie Wolf, JD, Ph.D.

Stephanie Wolf, JD, Ph.D.

Chair, MPA Legislative Committee

cc: Richard Bloch, Esq., Counsel for Maryland Psychological Association
Barbara Brocato & Dan Shattuck, MPA Government Affairs

SB422 (Juv Ct-Jurisdiction) 2025_ Ditz_ FWA.pdf

Uploaded by: Toby Ditz

Position: FWA

Feb 4, 2025

Toby Ditz

Baltimore, MD 21217

TESTIMONY ON SB0422: Favorable with Amendment
Juvenile Court - Jurisdiction

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

FROM: Toby Ditz

I am Toby Ditz, a resident of District 40 in Baltimore City. I am submitting testimony in **support of SB422 with amendments.**

I am also a retired historian of the United States. One of my specialties is the history of family life. Historical scholarship shows that this country has never been willing to grant to Black children the same protections as we do white children. Until the nineteenth century, children of the poor were treated as little laborers, not as vulnerable youngsters requiring special care. But our failure to respect or even to recognize Black childhood is also the legacy of enslavement, with its brutal labor regimes and utter disregard for the integrity of Black families—a legacy reinforced by the era of Jim Crow segregation. As implicit bias studies have shown again and again, racist stereotypes of Black children persist strongly to this day. We see them as more dangerous and impulsive than white children, and as older than they are.

In the 20th and the 21st centuries, the criminal justice system has been one of the main inheritors and perpetrators of our differential treatment of white and Black children and families. The criminalization of Black childhood is at its most extreme when we treat children as *if they were adults* in criminal courts, where they do not have access to rehabilitative and educative services that should be available to the young, more exposure to violence and solitary confinement (a violation of human rights law). This practice is also pointlessly cruel because the majority of pre-conviction detention cases will ultimately end up in juvenile court or will be dismissed. But what is wrong for them is wrong for all minors, before or after conviction.

Maryland, we can do better. We must act decisively to disrupt the dismaying history of disparate treatment of black children in the criminal justice system. We must not give in to the current media obsession with crimes committed by youth, when the facts show that they commit a small percentage of violent crimes. This hysteria is fed by and reinforces the persisting stereotyping of black children.

So Let's start by making sure children are treated as children when they first come to court. I am pleased to see that SB422 greatly narrows the number of cases that are automatically sent to adult court. This is a great start. But I support the MYJC request for amendments that

would would end automatic charging for all offenses and for all children 17 and younger.” *Please keep in mind this amendment changes only where cases start. It would still allow cases to be waived up to adult court after judicial review.*”

I respectfully urge this committee to return a favorable report with amendments SB422.

TylerDratch_FWA_SB422.pdf

Uploaded by: Tyler Dratch

Position: FWA

February 4, 2025

Rabbi Tyler Dratch
Baltimore, 21217



TESTIMONY ON SB422 - FAVORABLE WITH AMENDMENTS
Juvenile Court - Jurisdiction

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

FROM: Rabbi Tyler Dratch, Associate Rabbi Beth Am Synagogue

My name is Rabbi Tyler Dratch. I am a resident of District 40. I am submitting this testimony in support with amendments of SB422, Juvenile Court - Jurisdiction on behalf of Jews United for Justice (JUFJ). JUFJ organizes over 6,000 Jewish Marylanders and allies in support of local campaigns for social, racial, and economic justice.

I serve as Associate Rabbi of Beth Am Synagogue of Baltimore. A synagogue of 420 families who live, work, and pray in our city and are deeply committed to helping build a more just community, especially for our children. In my role at the synagogue, I run spiritual and educational programming for over 100 children who are affiliated with the synagogue. I also interact regularly with children affiliated with our partner organizations and residents of our neighborhood. Inspired by my faith, the Jewish textual tradition, and my deep work with youth in our community, I strongly urge this 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. Automatic charging puts our youth in dangerous situations without giving them the chance to learn from their mistakes and to commit to do better.

I believe that the greatest assets of our communities across Maryland are our children. They are the ones who will continue to improve our state for generations; they have the unique ability to see a more just future for all of us. As children, their minds and their life trajectories are deeply malleable, and it is up to the adults to provide meaningful structures and opportunities for them to grow and thrive.

As an educator I understand that holding our children accountable when they fall short is essential. We are responsible for helping them take responsibility for their actions, and to guide them toward ways to repair harm that they have caused. I also know that punitive measures and excessive incarceration do not allow for this kind of accountability. At our synagogue and in

Reservoir Hill, we know that accountability comes when children are able to acknowledge their wrong and get the support that they need to become healthy adults. Incarcerating more children for longer sentences diverts important funding from programs that are proven to change behavior, and increases racial disparities in our youth incarceration system. Our current system of incarceration also increases youth recidivism making us all less safe.

We have an opportunity to create holistic programs that not only increase youth accountability when they do commit crimes, but also provide children the help that they need to become the kinds of adults that we expect and need them to be. It takes a full community to raise a child, and the practice of automatically charging young people as adults ignores not only that sacred responsibility, but also twenty years of research on effective ways to hold children accountable and increase safety.

Judaism asks each human to engage daily in a process of accountability and return, called *teshuvah* in hebrew. The practice asks us to name specifically where they have fallen short, and then to return back to our communities and the best version of ourselves. We know that each person will need to hold themselves accountable through a different process that makes sense for them. Children will need different processes than adults, and judges should be empowered to help children take this appropriate level of accountability and have access to critical supportive services.

Without ending automatic charging entirely, our current system will continue to subject youth to some of the most horrific effects of our current juvenile justice system, making it incredibly challenging for them to receive the services they need and to return to our communities ready to continue the path toward healthy adulthood.

For all of these reasons I respectfully urge this committee to return a favorable with amendments report on SB 422.

SB422_Willie Flowers_NAACP_HoCo.docx.pdf

Uploaded by: Willie Flowers

Position: FWA



NAACP

Howard County Branch
#7020

Senate Bill 422

Chairman; Will Smith

Judicial Proceedings Committee

February 4, 2025 1 p.m.

NAACP Howard County Branch #7020

Willie Flowers; Branch President

To Chairman Will Smith and the Committee. I am Willie Flowers, Branch President of the NAACP Howard County #7020. I am writing in support of SB-422 with amendments. The idea of charging and sentencing a child as an adult and then incarcerating them in a prison with adults is cruel and unusual punishment and should end in Maryland.

Regardless of how you look at it, the fact that our state imprisons youth sends a terrible message to our state and the world that we are still using an antiquated practice to represent what we think about young people in our state. Continuing to do so on showcases that we have complete contempt for youth in our community have made mistakes and trying them as adults says that we don't believe that they will ever change their lives.

Like the period that we are in now, (when politics and marketing wins of good sense) the political call to arms that propelled such a policy was ill-conceived and the long-term effects have been devastating especially to African American families. From the time that the punitive class said "do adult crime, you do adult time." The message stuck and the statute that caused children to be tried as adults has been policy in the state of Maryland. This took away the judges oversight of discretion. That is the problem.

The history of it says that we followed other states but many states have rescinded the practice out of compassion for the individuals and their families who have had to pick up the pieces after seeing their children grow into returning

citizens who come home traumatized and in many cases disabled. It is time for Maryland to do the same thing.

We understand the young people should be held to order but we also know that most young people don't have positive access points so negative options about lifestyles are what they have to live by. We are just saying also that compassion should mean that we can give the judge discretion to determine if youth should appear in juvenile court where young people should belong. Ultimately, the decision should be made on a case-by-case basis and not by a statute that doesn't work.

I urge a favorable report on SB-422.

UNFAVORABLE Report for SB422 Juvenile Cort - Jurid

Uploaded by: Hassan Giordano

Position: UNF



OFFICE OF THE STATE'S ATTORNEY FOR BALTIMORE CITY

February 4th, 2024

The Honorable Senator William Smith.
Chair, Judicial Proceedings Committee
2 East Miller Senate Office
Annapolis, MD 21401

RE: OPPOSITION of SBo422

Dear Chairman Smith and Honorable Members of the Judicial Proceedings Committee,

I am writing to express my strong and unequivocal opposition to **SBo422**, a bill that would overhaul our judicial system, overburden the Department of Juvenile Services (DJS), and create chaos in our communities. The current system is designed to ensure that law enforcement can swiftly and effectively remove violent offenders from our streets – even if DJS doesn't always act in an expedited manner. Time is of the essence, especially in protecting innocent citizens from violent delinquents.

SBo422 would completely overhaul that timeline and the current juvenile charging system as we know it, forcing this body to revamp several policies related to juvenile jurisdiction and charging, and force prosecutors from across the state to readjust their entire juvenile division. While DJS currently must divert felonies for charging, they can also refuse to detain – which means a lack of pre-trial supervision without judicial review. Of the more than 500+ crimes of violence our juvenile division charged last year, more than 300 of those juveniles were released with absolutely no supervision. Passing this legislation would merely exacerbate that.

Let me remind you of a recent case from January 12, 2025 where a 15-year-old juvenile allegedly shot and killed a Maryland resident and security guard at a McDonald's here in Baltimore City. Had SBo422 been law at the time, that respondent would be charged as a juvenile with murder, held in a juvenile facility facing severe consequences and the onerous would have been on my office to argue that this offender should be waived as an adult based on the severity of this case. This would have caused great strain on the system given that there is already a "waitlist" for hardware secure placement and many of these facilities do not want to accept offenders accused of violent offenses.

Furthermore, the waiver process outlined in Courts and Judicial Proceedings § 3-8A-06—which allows the most violent juvenile offenders to be transferred to adult court—is an



OFFICE OF THE STATE'S ATTORNEY FOR BALTIMORE CITY

inadequate solution for the changes proposed in this bill. The burden rests entirely on prosecutors to prove, by a preponderance of the evidence, that "the child is an unfit subject for rehabilitative measures" (Courts and Judicial Proceedings Article § 3-8A-06(d)(1)). Simply arguing that rehabilitation services exist does nothing to ease the suffering of rape or murder victims and their families—nor does it enhance public safety. The current rehabilitative programs at DJS are overtaxed and leave a lot to be desired, there would be absolutely no way they could handle the influx of offenders that this bill would cause if passed.

The waiver process for moving juveniles to adult court fundamentally differs from the transfer hearings that defense attorneys use to move juveniles back to the juvenile system. Prosecutors are at a distinct disadvantage. In waiver cases, they only have access to the DJS report and cannot compel independent assessments due to the respondent's Fifth Amendment right against self-incrimination. As a result, under **SB0422**, the State would be severely hindered in holding juveniles accountable for serious, life-altering crimes—including murder, rape, carjacking, and first-degree assaults that cause significant injuries.

This bill sends the wrong message, emboldening juvenile offenders who no longer fear accountability for their crimes. SB0422 is anti-justice and disregards the trauma and lasting fear of crime victims. In addition, this bill's financial burden will extend beyond victims and their families and will strain the State's already limited budget. As you continue your critical discussions on the State's budget, it is important to consider the significant financial impact of overhauling our judicial system. Implementing new guidelines and procedures will be costly, inefficient, and challenging, complicating an already overburdened system.

For these reasons, and many more that I will not share here but gladly speak to you offline about if you so desire, I strongly urge the committee to issue an **unfavorable** report on **SB0422**.

This bill would weaken public safety, overwhelm our judicial system, and embolden violent offenders while ignoring the lasting trauma of victims. The proposed changes place an unnecessary burden on prosecutors, limit accountability, and risk putting dangerous individuals back into our communities. I ask you to stand with victims, law enforcement, and public safety by rejecting this legislation.



OFFICE OF THE STATE'S ATTORNEY FOR BALTIMORE CITY

Sincerely,

Hassan Giordano

Hassan Giordano

Office of the State's Attorney for Baltimore City

Chief, External Affairs Division

SB 422 - Juvenile Court - Jurisdiction.pdf

Uploaded by: Scott Shellenberger

Position: UNF

Bill Number: SB 422

Scott D. Shellenberger, State's Attorney for Baltimore County

Opposed

WRITTEN TESTIMONY OF SCOTT D. SHELLENBERGER,
STATE'S ATTORNEY FOR BALTIMORE COUNTY,
IN OPPOSITION OF SENATE BILL 422
JUVENILE COURT - JURISDICTION

I write in opposition to Senate Bill 422 that will start many crimes committed by juveniles in Juvenile Court instead of adult court as has been the Law for many years in Maryland.

The list of crimes are violent crimes or dangerous crimes and to start them all in Juvenile Court would pose a public safety risk. In addition, the Department of Juvenile Services (DJS) will need additional resources because every State's Attorney will likely try to "waive up the juvenile" to adult court which will require DJS to do more waiver/transfer summaries.

In addition, with the shortened time limitations that must be adhered to both DJS and State's Attorney's Office will need additional staff to handle the work load.

Let me outline a few of the cases that had this Bill be in effect when these Defendants committed their crimes, they would have all started in Juvenile Court.

Baltimore County – Nick Browning

On February 2, 2008 Nick Browning snuck into his home, put a gun to the back of his father's head and executed him while he slept on the couch. He then went upstairs where he proceeded to execute his mother, brother Gregory age 14, and brother Benjamin age 11.

At the time he committed these murders he was 15 years old. He was also 6'2", 200 pounds, with an I.Q. of 125.

Before he left the home after the murders, he staged the scene to look like a burglary. He opened his mother's jewelry cabinet and scattered its contents across the floor. He disconnected the Xbox and Wii video games and placed them on the pool table.

Browning then returned to a friend's home where he was at a sleepover. The next day he played video games and went to the mall with his friends while calling his parent's home leaving messages expressing his love for his family.

He confessed to the murders. He admitted that he had a long standing plan to kill his family. He murdered them all because he wanted his family's money.

Should he be treated as a juvenile?

The killer who is the size of a man, with high intellect is one of the most manipulative, conniving, dangerous people I have come across in recent years. Do we want this Defendant in a juvenile facility for two years?

He pled guilty to four murders. Received two life sentences. He is serving his sentence in North Branch, Maryland, One of the most secure correctional facilities we have in the State.

He did not deserve to be treated as a juvenile for the State to hope to waive him up to adult court. He would be too dangerous.

Now let me tell you about some others.

Baltimore County – Felix Fitzgerald

In 1999 Fitzgerald was an inmate at the Charles Hickey School and the victim was the school nurse. Keep in mind this crime happened in the place that the Defendants' will be housed if you change the law. Obviously since Fitzgerald was at the Hickey School he was still a juvenile. For some reason, the nurse's station was in the building with either the cafeteria or gym and was virtually deserted when those facilities were not being used. On the date of the incident, the Defendant jumped over the dutch door into the nurse's station that was a room not much bigger than a closet. He was wearing a t-shirt over his face. He grabbed the nurse from behind, strangled her and anally raped her. No one could hear her pleas for help. Although the victim was a nurse, she was so traumatized by this incident that she could no longer work in that capacity and eventually moved out of State. The Defendant received a forty year sentence for First Degree Sex Offense. Do we want him treated as a juvenile? That is how he was being treated when he committed his crime.

Baltimore County – Ty'aris Washington

Ty'aris Washington, 16, and his 14 year old co-defendant in 2016 when the crimes were committed. On November 16, five males walked towards three victims, including a 6 year old. One male who had a black bandana covering the lower part of his face, had a handgun in his hand and stated, "Give me your shit." One of the males pushed a victim to the ground and took her phone. Another male slapped another victim in the face with an open hand multiple times and grabbed her purse off her body, she resisted, but the assailant continued to take the purse, breaking one of her fingers in the process. Yet another male took the purse of the third victim. They then got back in the car and fled.

Approximately fifteen minutes later a witness observed three or four male suspects throwing a car seat and other items out of a vehicle. The items were later determined to belong to one of the victims. The witness stopped and asked what they were doing and the Defendant ran on foot to the parking lot of a 7-Eleven across the

street where he observed them drop purses. Those purses were later identified as belonging to two of the victims.

Approximately thirty minutes later officers were dispatched for a hit and run involving a silver Chrysler Town and Country with extensive damage matching the description of the vehicle involved in the robbery. Investigation would reveal a tampered ignition and that the vehicle was reported stolen two days earlier in Baltimore City. A witness heard the crash and looked outside, observing suspicious subjects and called 911 telling them the suspects were headed north. While following their path of flight a red leather wallet and a BOA check were found belonging to the victims.

Within a minute of the hit and run, officers were dispatched to an armed carjacking just up the street. Another victim advised he was approaching his Volkswagen Jetta when he observed a group of approximately five males walking down the street. He was about to unlock his car when he was surrounded by the males. One of the individuals pulled a gun out and pointed it at the victim's head demanding his keys, cell phone and wallet. After handing over his keys and cell phone the victim grabbed the gun and pushed it over his head and then the two began to struggle. During the struggle another individual put a sharp pointed object in his ribs. The suspects then fled the area stopping briefly to dump the contents of the victim's vehicle on the side of the road. Ty'aris Washington was one of the Defendant's. He does not belong in juvenile court for his participation in this crime spree.

Baltimore County – Destiny Fields

When she was 15 years old, she and a younger juvenile named Joy Jones, planned to attack a group home worker. They beat her with a fire extinguisher, dragged her down the basement stairs, barricaded the door with chairs and other furniture so she couldn't escape, then stole her car keys and took the victim's car for a joyride. This Defendant crashed the car then called her dad bragging about it. Originally sentenced to twenty years suspend all but five years on Robbery with a Deadly Weapon, ten years consecutive all suspended, on False Imprisonment. She had several Violation of Probation's and it was successfully argued for all the back-up time at her last Violation of Probation hearing. The Defendant was also convicted in Baltimore City of driving a stolen car with a handgun under the seat. Does she belong in Juvenile Court?

Howard County – Monti Fleming

In 2006, at the age of 15, the Defendant was convicted of First Degree Murder. He and the victim had a verbal argument. The victim walked away. While he was walking away the Defendant shot at him striking him in the back and killing him. The Judge described his actions as brutal and barbaric. He was sentenced to fifty years in prison.

The Defendant was also convicted of two additional cases. The Defendant was convicted of armed robbery where he robbed and pistol whipped the victim. He was also convicted of Attempted First Degree Murder. The Defendant accused the victim of speaking to the police about drug dealing in the area. The victim went home. The Defendant went to the victim's home and asked him to come outside. The victim did.

When the victim went outside the Defendant started shooting at him. The victim was shot in the leg.

Howard County – Melvin Jacome

In October of 2018, the Defendant, age 15, planned to rob an individual during a marijuana transaction. The Defendant came to the robbery with a semi-automatic Keltec handgun loaded with hollow-point bullets and affixed with a green laser pointer. When the robbery fell apart the two groups separated. The Defendant got back into his vehicle and opened fire. He fatally struck the 14 year old victim.

Are these the kind of Defendants you want in Juvenile Court? Six juveniles who committed adult crimes. I am sure there are many more. Should they really start as juveniles?

Over the last several years the Legislature and Rules Committee has done a great deal to protect the rights of juveniles. In 2009 and updated in 2015, the Legislature passed Criminal Procedure 10-105(a)(7) and 10-106. This expungement procedure allows for the immediate expungement of an adult criminal record once a case has been waived back to juvenile court. There is no need to wait until the juvenile case is completed or juvenile probation is done.

The Legislature also changed Criminal Procedure 4-202. This statute establishes a presumption that juveniles charged as adults will be housed in a juvenile facility unless there is no space, the juvenile is released or the State proves and a judge finds on the record that such a transfer is not in the interest of public safety. Another change that was not available before.

In cases where juveniles are charged as adults and residing in an adult facility the State's Attorney's Office must act quickly.

Criminal Procedure 4-202.1 requires a preliminary hearing date on these juveniles to be set within fifteen days. The adult time period is thirty days. This is one half the time required in adult cases. This means an attorney will screen these cases quickly and if it is determined the case should proceed, then they will take the case to a Grand Jury or preliminary hearing. This assures that another independent body finds probable cause to proceed with the case. Yet another protection put in place for the juvenile.

The time periods in these cases will prevent a complete investigation if everything must move so quickly. The Department of Juvenile Services will not be able to handle this additional workload. Public safety must be paramount. This is a Bill that endangers public safety.

There is no reason to change the statutory scheme that was put in place decades ago to handle violent juveniles. When you review the crimes committed by the

above all of these crimes are very adult crimes and the criminals should be treated as adults.

I urge an unfavorable report.

MEJC Written Testimony Informational SB 422 2-4-25

Uploaded by: MECJ Maryland Equitable Justice Collaborative

Position: INFO



POSITION ON PROPOSED LEGISLATION

BILL: Senate Bill 422 – Juvenile Court - Jurisdiction

FROM: Maryland Equitable Justice Collaborative (MEJC)

POSITION: INFORMATIONAL(SUPPORT IN CONCEPT)

DATE: February 4, 2025

The Maryland Equitable Justice Collaborative (MEJC) submits this testimony supporting the goals of Senate Bill 422. This legislation represents an essential step toward more positive outcomes for Maryland’s children by ensuring that we invest in solutions that reduce crime and long-term societal costs.

About the Maryland Equitable Justice Collaborative

The Maryland Equitable Justice Collaborative (MEJC) was established by the Office of the Attorney General (OAG) and the Office of the Public Defender (OPD) to address racial disparities in mass incarceration in Maryland. This initiative is the first of its kind. It was developed based on listening sessions the Attorney General and Public Defender held with impacted people, advocates, and other community members. Academic partners, including the Judge Alexander Williams Center for Education, Justice & Ethics at the University of Maryland at College Park and the Bowie State University Institute for Restorative Justice, were brought in to ensure the work is evidence-based and data-driven statewide.

The MEJC comprises over 40 representatives from state agencies, community groups, subject matter experts, and people directly impacted by the system. Its initiatives are organized into workgroups focusing on various factors influencing incarceration rates. Each workgroup is led by a staff member from the Office of the Attorney General, a staff member from the Office of the Public Defender, and a community advocate with relevant expertise. Community voices and public input have shaped the recommendations developed by the workgroups of the MEJC. In December 2024, the MEJC approved 18 recommendations for legislative and agency reforms, program development, data collection, and other measures designed to reduce the mass incarceration of Black men and women and other marginalized groups in Maryland prisons and jails. Recommendation 17 proposes limiting the automatic charging of children in adult criminal court by restricting laws that allow the automatic adult charges to more serious felonies or providing more judicial review opportunities before transferring children to adult court.

Reducing Racial Disparities in Youth Incarceration

National data shows that Black children are over four times more likely than White children to be incarcerated, according to studies conducted by the Sentencing Project.¹ In Maryland, this disparity is even more severe, with Black children making up a staggering 77% of those charged as adults despite being only 31% of the state's youth population.² And over 70% of children are held in detention centers.³ Structural biases contribute to these disparities, such as the excessive policing of Black neighborhoods and the prosecutorial discretion that often leads to Black children encountering more severe charges and reduced access to diversion programs in comparison to their White peers.⁴ Research shows that Black children are less likely to receive alternatives to incarceration, such as community service or probation, and are more often sent to detention facilities or adult correctional institutions, which exacerbates the cycle of disadvantage and recidivism.⁵ By restoring judges' discretion, SB 422 ensures cases are reviewed individually, reducing unnecessary punishments and keeping more children out of adult facilities.

Acknowledging Adolescent Brain Development and Capacity for Rehabilitation

Scientific research shows that adolescents' brains are still developing, particularly in areas responsible for impulse control, decision-making, and understanding long-term consequences. This developmental stage makes children more capable of rehabilitation than adults. Studies indicate that children processed through the juvenile court system are 34% less likely to re-offend compared to those tried in adult courts. Adult facilities often lack the rehabilitative resources that are crucial for child development and reintegration into society. SB 422 aims to ensure children receive developmentally appropriate interventions focused on rehabilitation rather than punishment. This approach will reduce recidivism and ultimately promote long-term public safety.

Addressing the Long-Term Consequences of Adult Prosecution

Children who are prosecuted as adults face significant long-term consequences, including a 50% lower likelihood of graduating from high school and an unemployment rate that is twice as high as their peers without criminal records. The adult justice system subjects these children to harsher sentences, fewer educational opportunities, and limited access to rehabilitative services,

¹ The Sentencing Project. Youth Justice by the Numbers. Accessed January 29, 2025.

<https://www.sentencingproject.org/policy-brief/youth-justice-by-the-numbers/>.

² Annie E. Casey Foundation. Child Population by Race/Ethnicity. KIDS COUNT Data Center.

<https://datacenter.kidscount.org/>.

³ Maryland Department of Juvenile Services. Data Resource Guide: Fiscal Year 2022. Baltimore, MD: Maryland Department of Juvenile Services, 2022.

https://djs.maryland.gov/Documents/DRG/Data_Resource_Guide_FY2022.pdf.

⁴ Osher, Julia Van Zandt. "Addressing Racial Disparities in Maryland's Juvenile Justice System: What the Juvenile Restoration Act Could Mean for Maryland's Black Youth Tried as Adults." University of Baltimore Law Review, October 29, 2021. <https://ubaltlawreview.com/2021/10/29/addressing-racial-disparities-in-marylands-juvenile-justice-system-what-the-juvenile-restoration-act-could-mean-for-marylands-black-youth-tried-as-adults/>.

⁵ Maryland Judiciary Equal Justice Committee. Report on Access to Fairness and Equity in the Maryland Judiciary. Annapolis, MD: Maryland Judiciary, 2021.

which often perpetuates cycles of poverty, criminal behavior, and adverse life outcomes.⁶ By keeping more children within the juvenile justice system, SB 422 seeks to address these long-term issues, providing young people with access to resources that can enhance their chances of successfully reintegrating into their communities.

National Trends and Evidence-Based Practices

Across the country, states recognize the need to reform youth charging laws and are moving toward limiting automatic adult prosecution.⁷ California and Vermont have implemented reforms similar to SB 422, resulting in better youth outcomes and reduced recidivism.⁸ Maryland can follow their lead and adopt practical, evidence-based reforms that work. Judicial discretion allows courts to assess individual cases and determine the most appropriate course of action rather than relying on automatic processes that often lead to overly punitive outcomes.

Conclusion

Automatically charging youth as adults has proven ineffective and costly, leading to worse outcomes for children and the broader community. SB 422 presents an opportunity for reducing crime by ensuring that children can participate in programs that address their developmental needs and facilitate future criminal behavior. Investing in solutions that work—such as rehabilitation programs, education, and community support—will benefit both the children involved and the communities to which they return. By limiting automatic charges and expanding judicial discretion, Maryland can ensure that the unique circumstances of each child offender are considered, allowing for tailored interventions that promote rehabilitation and reduce recidivism. Furthermore, SB 422 will also yield economic benefits by reducing the financial burden of long-term incarceration and reallocating resources to community-based services, education, and mental health programs—all of which contribute to safer and healthier communities.

We urge the Committee to consider this testimony and support the development of a juvenile court system that reflects Maryland's commitment to child well-being and opportunity for all.

Submitted by: Maryland Equitable Justice Collaborative

**Anthony Brown, Co-Chair
Maryland Attorney General**

**Natasha Dartigue, Co-Chair
Maryland Public Defender**

⁶ Youth Charged as Adults data from Maryland Department of Public Safety and Correctional Services via Governor's Office of Crime Prevention and Policy (GOCPP) dashboard, pulled August 2024.

⁷ Campaign for Youth Justice., "State Trends: Legislative Victories from 2005 to 2020 Removing Youth from the Adult Criminal legal system." Washington, DC: Campaign for Youth Justice, 2020.
https://www.campaignforyouthjustice.org/images/state_trends_2020_final.pdf.

⁸ National Governors Association. "Age Boundaries in Juvenile Justice Systems." https://www.nga.org/wp-content/uploads/2021/08/Raise-the-Age-Brief_5Aug2021.pdf

2025_02_04 SB 422 - Support in Concept.pdf

Uploaded by: Tiffany Clark

Position: INFO

CAROLYN A. QUATTROCKI
Chief Deputy Attorney General

LEONARD J. HOWIE III
Deputy Attorney General

CARRIE J. WILLIAMS
Deputy Attorney General

ZENITA WICKHAM HURLEY
Chief, Equity, Policy, and Engagement



STATE OF MARYLAND
OFFICE OF THE ATTORNEY GENERAL

ANTHONY G. BROWN
Attorney General

PETER V. BERNIS
General Counsel

CHRISTIAN E. BARRERA
Chief Operating Officer

February 4, 2025

TO: The Honorable William Smith, Jr.
Chair, Judicial Proceedings Committee

FROM: Tiffany Clark
Chief, Legislative Affairs, Office of the Attorney General

RE: Senate Bill 422 – Juvenile Court - Jurisdiction– **Support in Concept**

The Office of the Attorney General (OAG) supports **Senate Bill 422** – Juvenile Court – Jurisdiction in concept.

Current Maryland permits automatic charging of juveniles for certain offenses making Maryland one of the only states with such a broad and punitive approach. Most other states either limit automatic adult charges to more serious felonies or provide more opportunities for judicial review before transferring children to adult court. This automatic approach fails to account for the unique developmental stage of adolescents and is a source of racial disparities in the State's criminal legal system.

While the OAG agrees that, under current Maryland law, far too many enumerated crimes permit prosecutors to direct file against juveniles in adult court, we do believe that permitting prosecutors to direct file for the worst of violent crimes should continue. Because Department of Juvenile Services intake decisions (i.e. whether to commit or leave a juvenile in community supervision) are not immediately reviewable, it makes sense to permit prosecutors the discretion to remove particularly violent juvenile offenders from the community. Many of these same juveniles will have significant criminal histories warranting their separation from society at large pending trial on only the most violent of crimes.

CC: Judicial Proceedings Committee Members