

Aruna Miller
Lt. Governor

Wes Moore
Governor

Vincent Schiraldi
Secretary

Date: February 6, 2025
Bill Number/Title: HB441 - Minors Convicted as Adults-Sentencing-Transfer to Juvenile Court
Committee: Judicial Proceedings
DJS Position: Support

The Department of Juvenile Services (DJS) supports HB 441, which authorizes a court to transfer a youth convicted as an adult to the juvenile court for sentencing if the court determines by clear and convincing evidence the individual against whom the youth is convicted of committing the offense previously committed a sex crime or human trafficking against the youth within three months before the offense for which the minor was convicted.

This bill expands the opportunities for a court to transfer a youth convicted in adult court to juvenile court at sentencing. Specifically, HB 441, recognizing the significant impact of sexual abuse and/or human trafficking on a youth's development, cognitive functioning, and behavioral health, creates a pathway for a youth convicted as an adult to receive the rehabilitation and treatment services provided by the juvenile justice system.

Current law provides that when a youth is charged as an adult and convicted in the adult court, the court may transfer the child to the juvenile court at sentencing to receive a juvenile disposition under the following circumstances:

- (1) as a result of trial or a plea, all charges that excluded jurisdiction from the juvenile court do not result in a finding of guilty, and
- (2) pretrial transfer of the case was prohibited under specified statutes or the court did not transfer jurisdiction after a reverse waiver hearing.

In making a determination to transfer an eligible youth at sentencing, the court must consider:

- (1) the child's age;
- (2) the mental and physical condition of the child;
- (3) the child's amenability to any available treatment;
- (4) the nature of the child's acts as proven in the trial or admitted to in a plea; and
- (5) public safety.

DJS supports statutory changes that allow justice-involved youth to access the treatment and rehabilitative interventions in the juvenile justice system designed specifically to support positive youth development. DJS also recognizes the overwhelming evidence and research that indicates youth and communities are better served when justice-involved youth are removed from the adult legal system.

For these reasons, DJS requests a favorable report on HB 441.

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