

HON. STACY A. MAYER  
CIRCUIT COURT  
JUDGE  
BALTIMORE COUNTY  
CHAIR

HON. RICHARD SANDY  
CIRCUIT COURT  
JUDGE  
FREDERICK COUNTY  
VICE-CHAIR



KELLEY O'CONNOR  
ASSISTANT STATE COURT  
ADMINISTRATOR  
GOVERNMENT RELATIONS  
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## MARYLAND JUDICIAL COUNCIL LEGISLATIVE COMMITTEE

### MEMORANDUM

**TO:** House Judiciary Committee  
**FROM:** Legislative Committee  
Suzanne D. Pelz, Esq.  
410-260-1523  
**RE:** House Bill 441  
Minors Convicted as Adults – Sentencing – Transfer to Juvenile  
Court  
**DATE:** January 23, 2025  
(2/6)  
**POSITION:** Oppose, as drafted

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The Judiciary recognizes that the subject of this bill is within the legislature's prerogative and takes no position as to the policy aims of the legislation. However, the drafting of the bill causes concern.

The bill does not amend § 4-202.2 of the Criminal Procedure Article, which governs the transfer of jurisdiction to juvenile court. Instead, the bill only amends § 6-235, addressing the sentencing of a minor who is convicted as an adult. This would result in statutory inconsistency, if passed as currently drafted. This inconsistency could be addressed by replacing the proposed § 6-235(b)(2) with the language contained in CP § 4-202.2(e)(1): "If the court transfers its jurisdiction to the juvenile court, the court shall conduct a disposition under the regular procedures of the juvenile court."

It should also be noted that existing law provides a vehicle for taking into account the circumstances provided by the legislation. If the court finds the circumstances provided by the bill, the court could consider it as a mitigating factor at sentencing.

cc. Hon. Karen Simpson  
Judicial Council  
Legislative Committee  
Kelley O'Connor