

**Testimony in Support of House Bill 1433**  
**Juvenile Court Jurisdiction**  
**Position: Favorable**

To: Delegate Luke Clippinger, Chair, and the Members of the Judiciary Committee.

From: Iqra Ashraf, Student Attorney, Youth, Education, and Justice Clinic, University of Maryland Francis King Carey School of Law, 500 W Baltimore St. Baltimore, MD 21201 (admitted pursuant to Rule 19-220 of the Maryland Rules Governing Admission to the Bar).

Date: February 24, 2025

I am a student-attorney in the Youth Education and Justice Clinic at the University of Maryland Francis King Carey School of Law (“the Clinic”). The Clinic represents children in Maryland who have been pushed out of school via suspension, expulsion, or other means, as well as individuals serving life sentences for crimes committed when they were children or emerging adults. The Clinic supports HB 1433, which, if passed, will reduce the number of Maryland youth automatically entering an adult criminal legal system that: (1) disproportionately impacts Black children; (2) is ineffective and inefficient for children; and (3) inflicts lasting trauma on children, even during brief stays.

HB 1433 is necessary for Maryland to begin to address the racial injustice that has harmed generations of children who have automatically been charged as adults. The 1990s saw the emergence of the “super predator” theory, which predicted and ominously forewarned that the next generation of “inner city” Black children would be “more violent and less remorseful than previous generations.”<sup>1</sup> Although the United States Surgeon General subsequently debunked this myth,<sup>2</sup> the damage was done. Nearly 30 years ago, Maryland expanded ways to put children into the adult criminal legal system for certain crimes.<sup>3</sup> Today, our state automatically sends more 14

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<sup>1</sup> HUMAN RIGHTS FOR KIDS, DISPOSABLE CHILDREN: THE PREVALENCE OF CHILD ABUSE AND TRAUMA AMONG CHILDREN PROSECUTED AND INCARCERATED AS ADULTS IN MARYLAND, 9 (2024), <https://humanrightsforkids.org/publication/disposable-children-the-prevalence-of-child-abuse-and-trauma-among-children-prosecuted-as-adults-in-maryland-2/> (hereafter HUMAN RIGHTS FOR KIDS). See generally, Carroll Bogert & LynNell Hancock, *Analysis: How the media created a ‘super predator’ myth that harmed a generation of Black youth*, NBC NEWS, Nov. 20, 2020, <https://www.nbcnews.com/news/us-news/analysis-how-media-created-superpredator-myth-harmed-generation-black-youth-n1248101>

<sup>2</sup> See *State v. Belcher*, 342 Conn. 1, 15 (2022) (“In 2001, the United States office of the Surgeon General labeled the super predator theory a myth”) (citation omitted).

<sup>3</sup> See HUMAN RIGHTS WATCH, NO MINOR MATTER: CHILDREN IN MARYLAND’S JAILS (1999) (unpaginated) (noting that Maryland passed legislation 30 years ago to make it easier for children to be charged as adults against the backdrop of the super predator myth), <https://www.hrw.org/reports/1999/maryland/Maryland.htm#TopOfPage>

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to 17-year-old children to adult court than any other jurisdiction, except Alabama.<sup>4</sup> Between July 2023 and June 2024, 81% of those children were Black.<sup>5</sup>

Also, Maryland's auto-charging apparatus is ineffective and inefficient. Most children automatically charged in adult court ultimately wind up in youth court. Indeed, since 2021, approximately two-thirds of juvenile cases that began in adult court were transferred back to juvenile court.<sup>6</sup> On average, children spend seven and a half months in the adult system before they are returned.<sup>7</sup>

Last, for children, even brief stays in adult facilities inflict lasting trauma. Opponents of HB 1433 may argue that a child's stay in such facilities usually last "only" a few months. However, Professor James Forman Jr., in a very recently published article, compares a child spending time in an adult facility to "Russian roulette," emphasizing that both are "dangerous even in moderation."<sup>8</sup> As Human Rights for Kids implores, "[a]dult facilities are not equipped to house children."<sup>9</sup> Children are legally required to be separated from adults in custody.<sup>10</sup> As a result, many children held in Maryland's adult facilities are housed in solitary confinement.<sup>11</sup> Also, children held in adult facilities are particularly prone to be victimized. Human Rights for Kids surveyed individuals who had been charged as adults in Maryland and held in adult facilities<sup>12</sup> Approximately 82% reported that they were harmed by staff or other incarcerated individuals at least once during their stays.<sup>13</sup>

HB 1433 is an important step to address the criminalization of Black youth, the inefficiencies of the automatically charging children as adults, and the trauma inflicted on children who are charged as adults. For these reasons, the Youth, Education, and Justice Clinic asks for a favorable report.

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<sup>4</sup> HUMAN RIGHTS FOR KIDS, *supra* note 1 at 9

<sup>5</sup> State of Maryland, Governor's Office of Crime Prevention and Policy, Juveniles Charged As Adults Dashboard (as of June 30, 2024),

<https://app.powerbigov.us/view?r=eyJrIjoibmVzYTBTBhYmMtNzVmOC00OGE2LWFKNzktZDliYzg5NzEyODU2IiwidCI6IjYwYWZlOWUyLTQ5Y2QtNDliMS04ODUxLTU0ZGYwMjc2YTJlOCJ9>

<sup>6</sup> Rachel Baye, et al., *Judging Juveniles*, APM REPORTS, (Mar. 20, 2024),

<https://www.apmreports.org/story/2024/03/20/judges-use-arbitrary-horrendous-reasons-to-keep-teens-in-adult-court?>

<sup>7</sup> *Id.*

<sup>8</sup> James Forman Jr., *What Happened When America Emptied Its Youth Prisons*, THE NEW YORK TIMES MAGAZINE (Jan. 28, 2025), <https://www.nytimes.com/2025/01/28/magazine/juvenile-prison-crime-rates.html>

<sup>9</sup> HUMAN RIGHTS FOR KIDS, *supra* note 1 at 17.

<sup>10</sup> *Id.*

<sup>11</sup> *Id.*

<sup>12</sup> *Id.*

<sup>13</sup> *Id.*

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This written testimony is submitted on behalf of the Youth, Education, and Justice Clinic at the University of Maryland Francis King Carey School of Law, and not on behalf of the School of Law or the University of Maryland, Baltimore.