

Date of Hearing: February 26, 2025, 1:00 PM

Linda Rae Bergofsky

Poolesville, MD 20837

TESTIMONY ON HBI433 - POSITION: FAVORABLE WITH AMENDMENTS

Juvenile Court – Jurisdiction

TO: Chair Clippinger, Vice Chair Bartlett, and members of the Judiciary Committee

FROM: Linda Bergofsky

My name is Linda Bergofsky. I am a resident of District 15. I am submitting this testimony in support with amendments of HBI433, 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 intellect. When I meet them, it maybe their best day ever or their worst day ever. At the end of the day, however, 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. I believe that all young people have a unique capacity for growth and achievement that can best occur in supportive and well-resourced communities outside of the legal system. The harsh treatment of young people under the cover of law, unduly punishing them for their juvenile and adolescent mistakes, is an attack on youth itself. In Maryland as elsewhere, this injustice falls disproportionately upon youth of color and particularly punishes Black teenagers.

Maryland sends more children into the adult judicial system than every other state except Alabama. Even though more than 80% of cases involving a person under age 18 that are originally heard in the adult system are ultimately remanded back to juvenile court, there are those who believe that it's necessary to achieve law and order. Enhanced public safety is not a natural outcome of autocharging; that is a myth that has its origins in racism and Jim Crow policies. In no other system are 13 year olds treated like adults, except when it comes to Maryland's overly putative criminal justice system. This system is traumatizing for the kids, their families, and their communities. Autocharging does not make us safer. That the juvenile justice system has been

deliberately under-resourced for years is a red herring and can be corrected by re-balancing where and how we make our investments.

While I favor the intent of this bill, I believe it should be amended to remove autocharging for any offense involving a person 18 or younger. That amendment is informed by research and best practices, not anecdotes and politically-motivated media hype. It directs 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.

I respectfully urge this committee to return a favorable report with the amendment I have suggested on HBI433.