
TESTIMONY IN SUPPORT OF HOUSE BILL 1433

Juvenile Court – Jurisdiction

Judiciary Committee

February 26, 2025

Social Work Advocates for Social Change strongly supports HB 1433, which would expand the jurisdiction of the juvenile court in Maryland so that more children start their cases before the juvenile court. Current Maryland law requires children as young as 14 to be charged as adults for certain alleged acts, even if their cases are ultimately resolved by the juvenile court. HB 1433 would expand the juvenile court's jurisdiction and reduce exposure to the adult system for Maryland children.

Expanding the juvenile court's jurisdiction is more efficient than continuing to charge children as adults. Under Maryland's current system, children charged as adults have their cases transferred to the juvenile court or dismissed at a rate of over 33%.¹ As the adult court processes the case, children spend on average three and a half months detained in juvenile facilities awaiting a transfer hearing. The transfer hearing determines whether the case will remain in adult court or transfer to the juvenile court. Passing HB 1433 would decrease the number of children detained and the length of time they spend in detention waiting for the adult court to process their cases for transfer to the juvenile court. HB 1433 ensures that cases that ultimately end up in the juvenile court will begin there, thus streamlining an existing process.

Exposing children to the adult system undermines public safety. Processing and punishing children like adults harms young people and undermines public safety and community well-being. Neuroscience and developmental research shows that children require different interventions and supports in the carceral system than the adult system provides.² For instance, children charged as adults lose months when they could be pursuing their education. When children lose out on quality education due to incarceration, their chances of continuing their education after release decrease while their likelihood of recidivism increases.³ Charging children as adults only to have their case transferred to the juvenile court or dismissed altogether increases recidivism rates among children who were low-risk to begin with, dealing a significant blow to public safety and the future prospects

¹ Maryland Juvenile Justice Reform Council Final Report. Juvenile Justice Reform Council Final Report January 2021. (2021). <https://dls.maryland.gov/pubs/prod/NoPblTabMtg/CmsnJuvRefCncl/JJRC-Final-Report.pdf>

² Illinois Juvenile Justice Commission. (n.d.). Trial and sentencing of youth as adults in the Illinois justice system: transfer data report. <https://ijjc.illinois.gov/wp-content/uploads/2021/12/2018-Juvenile-Transfer-Report-v1-NP.pdf>

³ "Justice and Education Departments Announce New Research Showing Prison Education Reduces Recidivism, Saves Money, Improves Employment." Office of Public Affairs, 22 August 2013. <https://www.justice.gov/opa/pr/justice-and-education-departments-announce-new-research-showing-prison-education-reduces-recidivism-saves-money-improves-employment>. Press release.

for these children.⁴

Maryland's current practice is harsh and out of step with most of the country, while disproportionately impacting Black children. In 1945, Maryland became the second state to begin charging children as adults for murder.⁵ Eighty years later, more than 85% of children automatically charged as adults in Maryland are Black, and our State sends more children to adult court than 48 other states.⁶ In 2020, Black residents only accounted for 31.6% of the population according to the United States Census Bureau.⁷ Maryland is leading the way, but in the wrong direction. In a 2024 report covering the high prevalence of trauma among children prosecuted and incarcerated as adults in Maryland, Human Rights for Kids recommended that Maryland amend all waiver and transfer statutes to start all cases involving children in the juvenile court.⁸ HB 1433 does not go so far as to meet the terms of that recommendation, but it will be a crucial first step toward improving our justice system.

Over-incarceration negatively impacts Maryland's communities and economy..

Incarcerating more people costs taxpayers money. Individuals who could otherwise become contributing members of society in Maryland, socially, economically, and culturally, are deprived of educational and employment opportunities. HB 1433 will advance Maryland toward more just and fair treatment for children involved in the juvenile justice system for the betterment of their lives and Maryland communities.

For these reasons, Social Work Advocates for Social Change urges a favorable report on HB 1433.

Social Work Advocates for Social Change is a coalition of MSW students at the University of Maryland School of Social Work that seeks to promote equity and justice through public policy, and to engage the communities impacted by public policy in the policymaking process.

⁴ Feeney, M., & Lesley, A. (2024, May 10). Raise the age: Ensuring all kids have access to the Juvenile Justice System - Human Rights for kids: Working to end children's rights abuses. Human Rights for Kids | Working to End Children's Rights Abuses. <https://humanrightsforkids.org/publication/raise-the-age-ensuring-all-kids-have-access-to-the-juvenile-justice-system/>

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 Editorial Advisory Board. (2023, March 28). Maryland lawmakers should vote yes on "The yes act." Maryland Daily Record. <https://thedayrecord.com/2023/03/24/maryland-lawmakers-should-vote-yes-on-the-yes-act/>

⁷ U.S. Census Bureau quickfacts: Maryland. (n.d.-c). <https://www.census.gov/quickfacts/fact/table/MD/RHI225223>

⁸ Disposable children: The prevalence of child abuse and trauma among children prosecuted as adults in Maryland - human rights for kids: Working to end children's rights abuses. Human Rights for Kids | Working to End Children's Rights Abuses. (2024, November 20). <https://humanrightsforkids.org/publication/disposable-children-the-prevalence-of-child-abuse-and-trauma-among-children-prosecuted-as-adults-in-maryland-2/>