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Secretary

**Date:** February 24, 2025  
**Bill Number/Title:** House Bill 1433 - Juvenile Court Jurisdiction  
**Committee:** Judicial Proceeding Committee  
**DJS Position:** Support

The Department of Juvenile Services (DJS) supports HB 1433.

**HB 1433 promotes efficiency, fairness, and positive public safety outcomes for Maryland communities.**

Current law in Maryland requires youth as young as 14 to be charged as adults for 33 offenses, resulting in lengthy incarceration, delayed treatment and rehabilitation, high costs and negative public safety outcomes. HB 1433 seeks to improve outcomes for youth by limiting the number of offenses that require direct charging of youth in the adult system while still allowing judges to waive youth into adult court, and increasing access to age-appropriate supports and interventions.

**HB 1433 promotes efficiency.**

In FY 24, the overwhelming majority of youth detained in Maryland's detention centers were youth charged as adults, creating a strain on facility operations. On any given day, 147<sup>1</sup> youth charged as adults were held in juvenile detention centers and accounted for 68%<sup>2</sup> of the detained population in DJS facilities. Youth charged as adults remain in juvenile detention nearly 100<sup>3</sup> days longer than youth charged in the juvenile system. This does not only impact the operation of detention centers, which are not designed for such long stays, but also greatly delays the delivery of behavioral interventions and supports designed to reduce recidivism and improve behavioral outcomes. Beyond operational inefficiency, Maryland spends an estimated 17 million dollars to accommodate youth charged as adults in juvenile detention facilities annually.

In contrast, the juvenile system is designed to quickly process, adjudicate, and provide treatment interventions to justice-involved youth. It is proven that connecting youth and families to supportive interventions and services as quickly as possible improves overall outcomes. Keeping youth in costly detention placements while awaiting adjudication and treatment reduces the available funding to serve youth and families in community evidence based programming.

**HB 1433 supports fairness.**

HB 1433 recognizes that the overwhelming majority of youth charged as adults do not receive a criminal conviction. In fact, about 87%<sup>4</sup> of the cases charged in the adult system are dismissed, sent to juvenile court, or sentenced to time served. In FY20, 271 youth were returned to the juvenile system from adult courts<sup>5</sup>. In FY24, nearly twice as many youth were returned to the juvenile system from adult courts as four years earlier (529)<sup>6</sup>. The charging of youth in adult court, and the increasing likelihood the case moves to the juvenile system creates backlogs of cases, expends state dollars unnecessarily, and exacerbates the inefficiencies experienced by all system stakeholders.

Moreover, Maryland's current system disproportionately impacts youth of color. Black youth are charged as adults at much higher rates than their white counterparts, making up 81% of these cases, even though black youth only represent

<sup>1</sup> Maryland Department of Juvenile Services. (2024). Data Resource Guide.

<sup>2</sup> Maryland Department of Juvenile Services. (2024). Data Resource Guide.

<sup>3</sup> Youth charged as adults spend on average, 126 days awaiting a transfer hearing in contrast to the 27 days youth in the juvenile system wait for their first hearing.

<sup>4</sup> Vera Institute (2010). Preliminary Findings: Youth Charged as Adults in Maryland [Powerpoint].

<http://dls.maryland.gov/pubs/prod/NoPblTabMtg/CmsnJuvRefCncl/Preliminary-Findings-Youth-Charged-as-Adults.pdf>.

<sup>5</sup> [https://djs.maryland.gov/Documents/DRG/Data\\_Resource\\_Guide\\_FY2020.pdf](https://djs.maryland.gov/Documents/DRG/Data_Resource_Guide_FY2020.pdf)

<sup>6</sup> Maryland Department of Juvenile Services. (2024). Data Resource Guide.



31% of Maryland's youth population<sup>7</sup>. Maryland also has a higher percentage of people incarcerated in adult prisons for crimes committed before age 18 than the national average, with most being youth of color<sup>8</sup>. Six percent of people sentenced to Maryland's prisons are under age 18 compared to an average of 3% nationally<sup>9</sup>. Maryland trails only South Carolina, Louisiana, and Wisconsin in terms of the percent of our adult inmates entering prisons as juveniles. The next three states on the list are Missouri, Mississippi, and Iowa.

#### **HB 1433 improves public safety outcomes for our communities.**

The research is clear, youth who enter the adult system are more likely to reoffend, and to do so more violently, than those who stay in the juvenile system<sup>10</sup>. The Centers for Disease Control's *Task Force on Community Preventive Services* examined six high quality studies that followed youth for between 18 months and 6 years and controlled for relevant characteristics to ascertain the impact of exposure to the adult vs. juvenile justice systems. The CDC found "that transfer policies have generally resulted in increased arrest for subsequent crimes, including violent crime, among juveniles who were transferred compared with those retained in the juvenile justice system. To the extent that transfer policies are implemented to reduce violent or other criminal behavior, available evidence indicates that they do more harm than good." DJS facilities are specifically designed and better equipped than local jails to address the unique needs of youth, offering comprehensive services that prioritize rehabilitation and development while ensuring public safety is upheld. As stated earlier, DJS is already serving the youth who are automatically charged as adults and have their case returned to juvenile court. Of the youth returned to the juvenile court, 60% are in the community, with 45% given a probation disposition and 15% having their case dismissed<sup>11</sup>. 40% of youth received a court order for commitment.

#### **HB 1433 is consistent with the established adolescent development research and science.**

The science clearly shows that youth and adults are different when it comes to decision-making, impulsivity, peer influence, and risk-taking. Youth are more likely to act without thinking and take risks, but they also have a greater ability to change and recover from trauma when provided the right support. Youth are more susceptible to peer influence which makes placement in adult facilities especially problematic. Research highlights that systems designed for youth, which focus on their brain development and individualized needs, lead to better outcomes than adult facilities. Moreover, locking kids up in adult jails worsens their development by cutting them off from vital education, health care, and mental health services. A study published in the *Journal of the American Medical Association*<sup>12</sup> found that incarcerating youth in adult correctional facilities was associated with a 33% increase in the risk of mortality between ages 18 and 39, likely due to worse mental and physical health.

#### **HB 1433 maintains important safeguards.**

HB 1433 does not prohibit youth from being tried in adult court, and the proposed legislation maintains important public safety safeguards. HB 1433 upholds adult charging when a youth is alleged to have committed the most serious offenses, such as rape, murder and carjacking<sup>13</sup>. Additionally, HB 1433 retains waiver, the ability for prosecutors to ask the juvenile court to move cases to the adult court for prosecution and sentencing. A juvenile court judge has broad discretion to waive a case to adult court if the youth is at least 14 and charged with 1st-degree murder, 1st-degree rape, or 1st-degree sex offense or when the youth is at least 15 years old for any charged offense<sup>14</sup>.

DJS requests a favorable report on HB 1433, as the proposed legislation will improve Maryland's justice system while increasing public safety.

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<sup>7</sup> <https://www.aecf.org/blog/survey-a-pandemic-high-for-the-number-of-black-youth-in-juvenile-detention>

<sup>8</sup> <https://humanrightsforkids.org/wp-content/uploads/Human-Rights-For-Kids-Crimes-Against-Humanity-The-Mass-Incarceration-of-Children-in-the-US.pdf>

<sup>9</sup> <https://humanrightsforkids.org/wp-content/uploads/Human-Rights-For-Kids-Crimes-Against-Humanity-The-Mass-Incarceration-of-Children-in-the-US.pdf>

<sup>10</sup> Hahn, R., McGowan, A., Liberman, A., Crosby, A., Fullilove, M., Johnson, R., Moscicki, E., Price, L., Snyder, S., Tuma, F., Lowy, J., Briss, P., Cory, S., & Stone, G. (2007). *Effects on violence of laws and policies facilitating the transfer of youth from the juvenile to the adult justice system: A report on recommendations of the Task Force on Community Preventive Services*. Centers for Disease Control and Prevention, Division of Health Communications, National Center for Health Marketing.

<sup>11</sup> <https://www.cdc.gov/mmwr/pdf/rr/rr5609.pdf>

<sup>12</sup> Maryland Department of Juvenile Services. (2024). Data Resource Guide.

<sup>13</sup> Silver IA, Semenza DC, Nedelec JL (July 5, 2023). Incarceration of Youths in an Adult Correctional Facility and Risk of Premature Death. *JAMA Netw Open*. 2023;6(7):e2321805.

<sup>14</sup> <https://mgaleg.maryland.gov/2025RS/bills/sb/sb0422F.pdf>

<sup>15</sup> MD Code, Courts and Judicial Proceedings, § 3-8A-06

