

February 26, 2025

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TESTIMONY ON HB1433 - POSITION: FAVORABLE WITH AMENDMENTS

Juvenile Court - Jurisdiction

TO: Chair Luke Clippinger, Vice Chair Sandy Bartlett, and Members of the Judiciary Committee

FROM: Steven G. Asin

My name is Steven G. Asin. I am a resident of District 16. I am submitting this testimony in support of HB1433 – Juvenile Court – Jurisdiction (with Amendments).

I am a 74-year-old attorney whose career and retirement have been devoted to providing representation to people charged with or convicted of crimes who cannot afford to retain a lawyer to represent them. In addition to representing individuals, I have addressed systemic issues in both juvenile and adult court systems and, in particular, the ability of both systems to address issues presented by children who are brought within their jurisdictions.

In Maryland, most children charged with criminal conduct who begin their adjudication process in adult court end up having their cases transferred to juvenile court. The transfer decision, however, can take months to be made and, while it is pending, the children are harmed. They are removed from their families and communities and held in damaging solitary confinement conditions in order to avoid contact with incarcerated adults. They are held in facilities whose staff are not trained in meeting the needs of children. The children do not receive the schooling or support services available in youth detention facilities. By the time they are finally brought before a juvenile court, they have been harmed in ways that will have aggravated the issues which caused them to run afoul of the law and make the road to rehabilitation and a positive future more challenging.

If these children were instead initially brought within the juvenile court's jurisdiction, not only would these harms be avoided, but a decision could be relatively quickly made to transfer to the adult court system those few children whom a judge concluded warranted being removed from the juvenile court's jurisdiction.

HB1433 would also help Maryland address its current budgetary shortfall. Securing the well-being of a child incarcerated in an adult facility requires is more costly than maintaining an adult detainee in the same facility, reducing a facility's overall detention capacity. Placing a child in a juvenile facility allows the child to be detained without imposing a special burden on Maryland's already strained adult system. At the same time, Maryland's Juvenile Justice system is designed to securely and safely detain children while providing them with individualized rehabilitative services.

HB1433, as it stands now, would reduce automatic charging but not end it entirely. The amendments I am supporting that would end automatic charging for all offenses and for all children 17 and younger. This amendment simply changes where juvenile cases start; it would still allow cases to be waived up to adult court after judicial review."

I respectfully urge this committee to return a FAVORABLE report on HB1433 (with Amendments).