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TESTIMONY ON HBI433 - POSITION: FAVORABLE WITH AMENDMENTS
Juvenile Court - Jurisdiction

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

FROM: Jeffrey S. Rubin

My name is Jeffrey S. Rubin. I am a resident of District 15. I am submitting this testimony in support with amendments of HBI433, Juvenile Court – Jurisdiction.

I have lived in Maryland for almost 40 years and have appreciated both the quality of life and demographic diversity here. Social justice and racial equity are important concerns for me; they are the foundation of a just society. As a retired physician scientist, I am familiar with the research concerning the impact of age on behavior, and how this relates to adolescent development. These factors have motivated me to provide testimony about the practice of charging youth as adults in Maryland.

Automatically charging youth as adults is a misguided and wasteful process that does not enhance public safety. Charging adolescents as adults ignores the well-established evidence that their brains have not fully matured, which makes them more prone to making bad choices, especially when in stressful circumstances. Rather than being sent to the adult justice system that focuses on punitive action, their charges should be addressed in the juvenile system where they would have access to rehabilitative and educational programs. Besides, court records indicate that 87% of youth who are automatically assigned to the adult justice system are ultimately sent to the juvenile system. This is a time-consuming and financially costly misuse of legal resources that delays the youth from having access to the rehabilitative and educational programs. Charges made in juvenile court must come to trial within 30 days unless the State files a waiver petition, whereas in adult court as many as 180 days can elapse prior to a trial. Not surprisingly, the prolonged lack of supportive services is associated with higher levels of recidivism.

It is shameful that Maryland sends more young people to adult court based on the type of charge than any other state per capita except for Alabama. The fact that 81% of youth charged

in adult court in Maryland are Black is indicative of a prevailing bias that perpetuates the criminalization and incarceration of Black youth.

I am grateful that HBI433 would eliminate the automatic charging of 14- and 15-year-old children as adults and reduce the list of charges for 16- and 17-year-olds. Still, I recommend the inclusion of an amendment that would end automatic charging as adults for all offenses and for all children 17 years old and younger. This amendment would specify that all youth would be initially charged in the juvenile system, but would allow cases to be transferred to adult court after judicial review.

I respectfully urge this committee to issue a favorable report on HBI433 with my recommended amendment.