

February 26, 2025

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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: Andrew J. Miller

OPENING: My name is Andrew Miller. I am a resident of District 11B. I am submitting this testimony in support with amendments for HBI433, Juvenile Court - Jurisdiction. I am a long-time member and a Past President of Chizuk Amuno Congregation in Stevenson, MD. I am the current chair of our synagogue's Social Justice Advocacy committee as well as the Synagogue Social Justice Roundtable, which includes representatives from 13 congregations in Baltimore City, Baltimore County, and Howard County.

As a person of faith I believe in what our sacred texts tell us about pursuing justice. As a scientist I believe in looking at the facts, and not at false assertions that are disseminated to create fear. The "superpredator" myth that led to mass incarceration targeting Black youth in this country still persists in Maryland. I have heard it myself within the last few weeks coming out of the mouth of one of our States' Attorneys during a Senate committee hearing.

Maryland sends more youth ages 14 to 17 to adult court than any state in the U.S. other than Alabama per capita, and current law requires automatic charging of youth in adult court for 33 offenses. To "protect" them from the adult prisoners, we often place them in solitary confinement for 23 hours a day. Overuse of solitary confinement in Maryland prisons violates international standards against torture. And there are enormous racial disparities in who experiences this treatment. We are the only state other than Louisiana where more than 80% of the incarcerated youth are Black and where more than 6% of the adult prison population have been incarcerated since they were children. Statistics also show that Black children receive longer sentences for the same crime by comparison with other groups. This is unacceptable.

In 2022, all 871 teens automatically charged as adults faced lengthy and expensive processes to decide if their cases would stay in adult court, with average wait times 103 days longer than those in the juvenile system. This is not only inefficient and wasteful of public resources; it also causes an extended period of trauma for many of these youth who do not have access to services they need, including counseling and education. Many will eventually be sent back down to juvenile court and many will never be found guilty, but they will suffer permanent damage nonetheless. How does our state repay them for the damage done? It doesn't.

I learned another thing recently that also disturbs me. Children who are sent automatically to adult court under this system must demonstrate in a hearing that they are NOT a threat in order to be transferred to the juvenile system. This basically assumes they are guilty until proven innocent when deciding where their case should be heard. Furthermore, the criteria by which this question is answered depend in large measure on which judge is hearing the case; in one case a judge was documented as saying a child should stay in adult court because of his large physical size. Such arbitrary judgements based on physical appearance are not equal justice under the law; yet we permit them in Maryland.

Prosecutors can have a case moved from juvenile to adult court if they can demonstrate that the crime itself and the circumstances warrant making that change. Nothing in HB1433 prevents them from making that argument. This should be a universal standard.

Twenty-six states have greatly reduced the use of autocharging and eight states have eliminated the practice of autocharging, including red states like Texas, Kentucky, Missouri and Tennessee. As a Maryland voter and as a Jewish voter who believes in the pursuit of justice, I am deeply ashamed of our state's record. As legislators I hope you would be equally ashamed and that you would support a more humane and equitable approach.

For all of the reasons cited above and others that I cannot fit into the space available, **I respectfully urge this committee to return a favorable report with amendments on HB1433.**