

MARYLAND ALLIANCE FOR JUSTICE REFORM
Working to end unnecessary incarceration and build strong, safe communities



TO: Chair Luke Clippinter and House Judiciary Committee, and
Chair Vanessa Atterbeary and House Ways & Means Committee
FROM: Phil Caroom, MAJR Executive Committee
DATE: February 26, 2025

Maryland Alliance for Justice Reform (MAJR - www.ma4jr.org) supports HB 1433 to wisely narrow Maryland's statute which currently permits excessive charging of juveniles in adult court. Although not an official statement for the Maryland courts, I offer these remarks as a recently retired Juvenile administrative judge and based on more than 30 years cumulative experience in the system also as a prosecutor, defense attorney, and Juvenile Court master - n/k/a magistrate.

Legislators should recognize five key facts in relation to adult vs. juvenile jurisdiction:

- 1) Maryland's Juvenile Justice system offers much more extensive and individualized rehabilitative services for every juvenile committed to custody than state prisons, which provide too few rehabilitative services to incarcerated adult Marylanders.
- 2) Juveniles, given appropriate treatment services and time, have a much greater opportunity for rehabilitation than adults age 25 and over. Scientific studies, repeatedly accepted by the U.S. Supreme Court, make clear that "emerging adults" (those under age 25) have brains which still are developing and commonly may be expected to gain better judgment and behavior as they reach maturity. For example, see the discussion in "*The Intersection between Young Adult Sentencing and Mass Incarceration*," Wisconsin Law Review (2018). Through my juvenile court years, I have seen repeated success stories when serious juvenile offenders were fully rehabilitated.
- 3) It is well-known that commingling juveniles with a population of "higher risk" adult offenders increases the risk of future criminal behavior by the juveniles. For example, see "Effects [of] transfer of youth from the juvenile to the adult justice system." <https://www.cdc.gov/mmwr/pdf/rr/rr5609.pdf>.
- 4) Prosecutors are not required to receive any training as to juveniles or their prospects for rehabilitation. Thus, their decisions automatically to charge juveniles may be comparatively uninformed choices. The current system that permits so many children to be automatically charged as adults has resulted in huge racial disparities, according to one recent report, such that nearly 84% of those charged as adults are African-Americans. See, e.g., Univ.of Balt.Law School Forum, "Charging Children As Adults: The Case For Repealing Maryland's Automatic Waiver Statute," Feb.2024.
- 5) Finally, the practice of charging juveniles as adults mostly today is used as a convenient plea-bargaining tool by prosecutors. It's reported, for example, that 87% of such adult charges filed against juveniles between 2017 and 2019 ended up dismissed. See Baltimore Sun, 1/20/25. However, the dismissal of the adult charges doesn't mean there was no impact on the juveniles involved: Maryland's Department of Juvenile Services estimates that only about 25% of those who have been charged and detained as adults ever succeed in completing their high school education. This lack of education, in turn, results in a much higher, subsequent recidivism rate. *Id.*

HB 1433 is an excellent first step towards ending Maryland's overcharging of juveniles¹ which exceeds that of any other U.S. state, except for Alabama. For all these reasons, MAJR strongly supports HB 1433.

PLEASE NOTE: Phil Caroom files this testimony for MAJR and not for the Md. Judiciary or any other unit of state government.

¹ If any amendment to HB 1433 were considered, one improvement might add the requirement that the juveniles still charged as adults must be alleged to be the *principal or perpetrator of the offenses charged*. Currently, juveniles may be charged as adults even if they were only accessories with minimal involvement, for example, never even possessing a handgun used by adults in an offense. See, e.g., *Bellamy v. State*, 403 Md. 308, at 334 (2008).

MAJR, further, would support a complete repeal of automatic charging of juveniles in adult court as other provisions in Maryland law still would permit prompt transfers to adult court for the much smaller percentage of juveniles who appropriately should be there. See Md.Code, Courts & Jud.Proc.Art., sec. 3-8A-06, et seq. These decisions, thus, would be better made by trained juvenile judges with full knowledge of the juvenile rehabilitation vs. the adult correction systems.