

# **Testimony in Support of HB-1433.pdf**

Uploaded by: Antonio Palmer

Position: FAV

Dear Chairman Luke Clippinger and Members of the Committee,

My name is Bishop Antonio Palmer, and I represent the United Black Clergy of Anne Arundel County. I write to express my strong support for HB-1433 and to urge its passage. The practice of trying, convicting, and sentencing children as adults is deeply flawed and has inflicted lasting harm on countless families, particularly within African American communities. Maryland must take a stand to correct this injustice.

The rigid approach of “adult crime, adult time” has led to devastating consequences, including the loss of judicial discretion. This policy fails to consider the unique circumstances and developmental differences of young people. Many states have recognized the harm caused by this practice and have chosen to reverse course, demonstrating a commitment to both justice and compassion. Maryland must do the same.

While accountability is essential, we must also acknowledge that many young offenders lack positive influences and adequate resources. A more just approach would allow judges the discretion to determine, on a case-by-case basis, whether a youth should be tried in juvenile or adult court. This is not about excusing wrongdoing but about ensuring fair and appropriate treatment that prioritizes rehabilitation over retribution.

I urge you to support HB-1433 and bring an end to the harmful practice of charging children as adults in Maryland.

Thank you for your time and consideration.

Sincerely,

**Bishop Antonio Palmer**

United Black Clergy of Anne Arundel County

# **HB1431\_DevinKrol\_FAV.pdf**

Uploaded by: Devin Krol

Position: FAV

Devin Krol  
Baltimore, 21208

**Testimony in Support of HB 1431**

State and Local Agencies- Enforcement of Federal Immigration Law- Restrictions on Access to  
Information (Maryland Data Privacy Act)

House Judiciary Committee  
February 27, 2025

Dear Honorable Chair Clippinger, Vice Chair Bartlett, and Members of the Committee,

My name is Devin Krol, I am a resident in Stevenson, District 11. I am submitting this testimony in support of HB1431, (Maryland Data Privacy Act). A little background about me, I was born in Baltimore County and as a child attended Jewish day schools in the county. My father was born and raised in Baltimore City and attended schools in Northwest Baltimore and Pimlico. His parents were Holocaust survivors, David and Rose Krol; they settled in Baltimore City and then the county when they arrived as refugees. My grandparents met and got married in a displaced persons camp after the Holocaust while waiting for an American sponsor in order to come to here. My mother immigrated to Baltimore City from Argentina when she was just 6 years old and finally obtained her green card when she was a young adult, at around 20- quite the feat! As any immigrant to the USA will tell you it often takes years, even decades, to get a green card! My family background and Jewish education gave me a deep sense of justice and civil action, a need to repair the world called Tikkun Olam. This has led me to working towards immigrant justice; we must protect all members of our Maryland community regardless of their country of origin or documentation status.

In recent years, the erosion of data privacy protections has led to increased fear and uncertainty within immigrant communities. The Maryland Data Privacy Act HB 1431 takes critical steps to restore trust by ensuring that state and local agencies, as well as law enforcement entities, are prohibited from sharing personal information, facial recognition data, and access to public facilities with federal immigration authorities unless a valid warrant is presented.

I stand with immigrant communities and support the Maryland Data Privacy Act because it will limit access to databases and facilities, protect personal information, provide accountability and transparency, and ensure enforcement and penalties for state employees who fail to comply.

People are too scared to go to school, the hospital, or even to report a crime committed out of fear that they might have their information shared with ICE and subsequently be deported. Having any of our neighbors live in this constant fear is unacceptable, we must make a stand to



protect one another. This legislation is crucial not only for protecting the privacy of all Maryland residents but also for fostering trust between immigrant communities and public institutions. By clearly delineating the boundaries of federal immigration enforcement within our state, we promote the values of dignity, safety, and fairness.

In 2021, this legislature took action to protect immigrants and safeguard their sensitive data. I am calling on this legislature to act. I urge the committee to provide a favorable report on HB 1431. Thank you.

# **HRFK HB 1433 2025 TESTIMONY.pdf**

Uploaded by: Emily Virgin

Position: FAV



---

## TESTIMONY IN SUPPORT OF HB 1433 BEFORE THE MARYLAND JUDICIARY COMMITTEE

---

*February 24, 2025*

Dear Chairman Clippinger and Members of the Maryland House Judiciary Committee:

Human Rights for Kids respectfully submits this testimony for the official record to express our support for HB 1433. We are grateful to Delegate Toles for her leadership in introducing this bill and appreciate the Maryland Legislature's willingness to address these important human rights issues concerning Maryland's children.

Over the years too little attention has been paid to the most vulnerable casualties of mass incarceration in America — children. From the point of entry and arrest to sentencing and incarceration our treatment of children in the justice system is long overdue for re-examination and reform.

Human Rights for Kids is a Washington, D.C.-based non-profit organization dedicated to the promotion and protection of the human rights of children. We work to inform the way the nation understands Adverse Childhood Experiences (ACEs) from a human rights perspective, to better educate the public and policymaker's understanding of the relationship between early childhood trauma and negative life outcomes. We use an integrated, multi-faceted approach which consists of research & public education, coalition building & grassroots mobilization, and policy advocacy & strategic litigation to advance critical human rights on behalf of children in the United States.

Human Rights for Kids supports HB 1433 because it will reform the process of automatically sending children to adult court in Maryland. The continuing practice of disregarding child status and automatically sending children to adult criminal court is a clear human rights abuse. Specifically, Article 10 and 14 of the International Covenant on Civil and Political Rights require that “juvenile offenders shall be segregated from adults and be accorded treatment appropriate to their age and legal status . . . the procedure shall be such as will take account of their age and the desirability of promoting their rehabilitation.” As such, automatically treating children as adults, regardless of the underlying charge, is a human rights abuse.

### **High Rates of Adverse Childhood Experiences**

In the vast majority of cases, children who come into conflict with the law are contending with early childhood trauma and unmitigated adverse childhood experiences (ACEs), including psychological, physical, or sexual abuse; witnessing domestic violence; living with family members who have substance abuse disorders, suffer from mental illness or are suicidal, or are formerly incarcerated.

In Maryland, nearly 70% of children who were tried and convicted as adults had experienced at least 6 out of 10 Adverse Childhood Experiences prior to their incarceration. The average ACE score for this population was 6.4 out of 10. Nearly 74% had experienced physical abuse and around 40% experienced sexual abuse. The average age that this group of children first experienced abuse was *six years old*.

Childhood trauma is the primary driver and root cause for how and why so many kids end up in the criminal legal system. Policies that permit children to be automatically charged as adults ignore this truism and divest juvenile court judges – who are trained in child development – from making a decision of what is in the best interest of the child and society.

Because most of the children accused of crimes have been victims themselves, automatic adult charging policies ignore and disregard both the victim and child status of these offenders. That is not to say that in appropriate cases public safety considerations may require the court to waive juvenile court jurisdiction, but that decision should rest with juvenile court judges. These judges are in the best position to weigh a child's trauma history with their potential for rehabilitation if kept within the juvenile system.

When a child comes before the juvenile system, their cases are processed fairly quickly. Children in the juvenile system are held in detention for an average of 71 days. During this time, youth are in the custody of the Department of Juveniles Services (DJS), which conducts a risk assessment and develops a treatment plan tailored to address the child's behavior and reduce the likelihood of recidivism.

However, less than a third of children placed in DJS facilities were originally charged in juvenile court. The other 68% are children who were automatically charged as adults are waiting for a judge to determine whether adult or juvenile court is the right venue. It takes an average of 132 days, or over four months, before these cases are transferred from adult court to juvenile court and the child can begin receiving services in the juvenile system.

Even though a child is initially charged as an adult, 80% of the time they will be transferred back to juvenile court. But before the judge makes this decision, the child, who has most likely experienced severe trauma and abuse, sits in detention with no services, treatment, or accountability. This inefficient process delays true accountability for the children and does nothing to improve public safety.

While many children are placed in DJS facilities with other youth during this waiting period, some are held in adult jails, where they do not have access to the age-appropriate services they

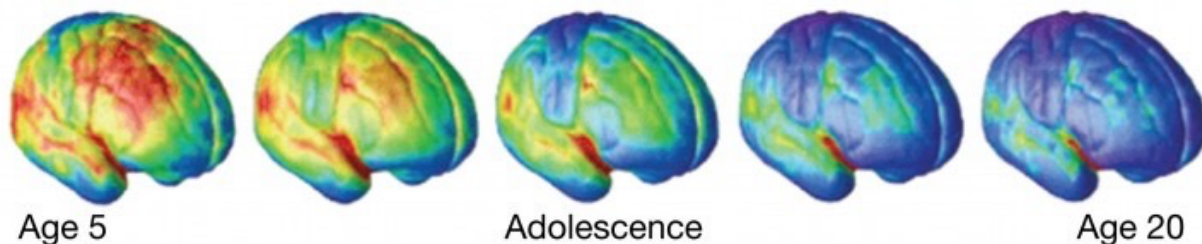
need to treat their underlying trauma. Because federal law requires that children in adult facilities be separated from adult offenders, they are held in what amounts to solitary confinement. Imagine being a child who has already faced unimaginable trauma and abuse, and then being placed in a cell, alone, with very few opportunities to interact with other people.

### **Juvenile Brain & Behavioral Development Science**

Studies have shown that children's brains are not fully developed. The pre-frontal cortex, which is responsible for temporal organization of behavior, speech, and reasoning continues to develop into early adulthood. As a result, children rely on a more primitive part of the brain known as the amygdala when making decisions. The amygdala is responsible for immediate reactions including fear and aggressive behavior. This makes children less capable than adults to regulate their emotions, control their impulses, evaluate risk and reward, and engage in long-term planning. This is also what makes children more vulnerable, more susceptible to peer pressure, and being heavily influenced by their surrounding environment.

Children's underdeveloped brains and proclivity for irrational decision-making is why society does not allow children to vote, enter contracts, work in certain industries, get married, join the military, or use alcohol or tobacco products. These policies recognize that children are impulsive, immature, and lack solid decision-making abilities.

### **Dynamic mapping of human cortical development**



Source: "Dynamic mapping of human cortical development during childhood through early adulthood," Nitin Gogtay et al., Proceedings of the National Academy of Sciences, May 25, 2004; California Institute of Technology.

*In this picture the blue areas can be thought of as representing 'more mature' sections of brain. The frontal areas are among the last to mature.*

It is for these reasons that children should also not be automatically subject to criminal court jurisdiction. In every aspect of our society, we require individuals who work with or make decisions about our children to be specially trained in child development, i.e. teachers, day care workers, pediatricians, nurses, etc. However, Maryland's policy of automatically charging so many children as adults and vesting judges in criminal court with ultimate decision-making authority over them is counter to how we treat children in every other aspect of our society. Like pediatricians and teachers in health care and learning settings, we should bestow decision making authority over our children in the legal system with juvenile court judges who have been trained specifically on child development.

### **Human Rights Violations**

Because of the way children are treated in the criminal justice system, we designated Maryland one of the "Worst Human Rights Offenders" in the nation in our 2020 National State Ratings Report. Maryland was penalized in our assessment, in part, for its automatic charging policy that

has resulted in the state being second in the nation, only to Alabama, in the number of youth charged in adult court every year. It should be noted that more than 80% of youth charged as adults in Maryland are Black. Such practices are contrary to human rights law and have made Maryland a national outlier.

While it is important to note that the vital reforms to the juvenile justice system passed since the aforementioned 2020 report resulted in Maryland's recognition as the "most improved state" in the 2022 edition of our National State Ratings Report, Maryland is still penalized for its automatic charging policy.

In late 2022, Human Rights for Kids requested and received data from the State of Maryland on people who are currently incarcerated for crimes they were convicted of as children. According to our analysis of the data provided by the State, there are 1,132 currently incarcerated people who fit this description. This number represents 6.09% of Maryland's overall prison population, which is more than double the national average of 3%. Maryland ranks 5<sup>th</sup> highest in the nation for the percentage of its overall prison population that has been incarcerated since they were children. Only Michigan, Louisiana, Wisconsin, and South Carolina have higher percentages.

When considering the current law on automatic charging, Maryland's status as one of the top incarcerators of children in the entire country should not be surprising. The state's high rates of incarcerating children are a direct result of the longstanding policy of automatically charging high numbers of children as adults.

### **Redemption for Maryland**

Nelson Mandela once said, *"There is no keener revelation of a society's soul than the way in which it treats its children."* What does it say about our soul then if we allow so many children, the vast majority of whom are Black, to be automatically charged as adults?

By beginning so many children in adult court and thereby becoming a mass incarcerator of children, Maryland is disregarding international human rights norms, juvenile brain and behavioral development science, and the fact that so many of these children are victims themselves.

With the passage of HB 1433, Maryland can find redemption by recognizing that kids are different and should be treated differently in the legal system. We have juvenile courts and juvenile court judges for a reason – to determine how children should be treated when they come into conflict with the law.

**It is for the foregoing reasons that Human Rights for Kids respectfully requests that the Committee issue a favorable report on HB 1433 by Delegate Toles.**

Thank you for your time and consideration.

Submitted by:  
Emily Virgin  
Director of Advocacy & Government Relations  
Human Rights for Kids  
1250 Connecticut Ave NW  
Washington, DC 20036  
Phone: (405) 306-4294  
[evirgin@humanrightsforkids.org](mailto:evirgin@humanrightsforkids.org)

# **TGCS House Bill 1433 Support.pdf**

Uploaded by: Gen Cure

Position: FAV



February 24, 2025

House Bill 1433  
Chairman; Luke Clippinger  
House Judiciary  
February 26, 2025 1 p.m.



Two Gems Consulting Services,  
Bahá'í Faith leadership council member writing individually and independently

Dear Chairman Luke Clippinger and Members of the Committee,

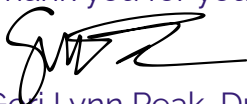
I am Dr. Geri Lynn Peak, an independent public health and research consultant; former administrator of Baltimore Youth Initiative H.S. (2012-2016); and a member of the democratically and anonymously elected local governing body of the Bahá'í Faith community in Baltimore City.

I am writing to express my strong support for HB-1433. To urge lawmakers to reject the exploitative policy of trying, convicting, and sentencing children as adults. This practice is fundamentally flawed and has had devastating effects on many families, particularly within African American communities. It is time for Maryland to correct this injustice.

God's divine policy is to show mercy to all. The punitive mindset that promotes the notion of "adult crime, adult time" has led to serious consequences, most notably the loss of judicial discretion. This law has become a blunt instrument that disregards the unique circumstances of youth. Many states have recognized the harms of this practice and successfully rescinded it out of compassion for the individuals and families affected. It is time for Maryland to follow suit.

While we acknowledge the necessity of accountability for young people, we must also recognize that many lack positive influences and resources. Compassion should guide us in allowing judges the discretion to determine the appropriate venue for young offenders, whether juvenile or adult court, on a case-by-case basis. I urge you to support HB-1433 to end the harmful practice of charging children as adults in Maryland.

Thank you for your consideration and Harambee! (we all pull together)



Geri Lynn Peak, DrPH, MPH  
Chief Insight Facilitator and Spiritual Demographer  
Owner and Chief Insight Facilitator, Two Gems Consulting Services

## **YEJ Clinic - HB 1433 (FAV).pdf**

Uploaded by: Iqra Ashraf

Position: FAV

**Testimony in Support of House Bill 1433**  
**Juvenile Court Jurisdiction**  
**Position: Favorable**

To: Delegate Luke Clippinger, Chair, and the Members of the Judiciary Committee.

From: Iqra Ashraf, Student Attorney, Youth, Education, and Justice Clinic, University of Maryland Francis King Carey School of Law, 500 W Baltimore St. Baltimore, MD 21201 (admitted pursuant to Rule 19-220 of the Maryland Rules Governing Admission to the Bar).

Date: February 24, 2025

I am a student-attorney in the Youth Education and Justice Clinic at the University of Maryland Francis King Carey School of Law (“the Clinic”). The Clinic represents children in Maryland who have been pushed out of school via suspension, expulsion, or other means, as well as individuals serving life sentences for crimes committed when they were children or emerging adults. The Clinic supports HB 1433, which, if passed, will reduce the number of Maryland youth automatically entering an adult criminal legal system that: (1) disproportionately impacts Black children; (2) is ineffective and inefficient for children; and (3) inflicts lasting trauma on children, even during brief stays.

HB 1433 is necessary for Maryland to begin to address the racial injustice that has harmed generations of children who have automatically been charged as adults. The 1990s saw the emergence of the “super predator” theory, which predicted and ominously forewarned that the next generation of “inner city” Black children would be “more violent and less remorseful than previous generations.”<sup>1</sup> Although the United States Surgeon General subsequently debunked this myth,<sup>2</sup> the damage was done. Nearly 30 years ago, Maryland expanded ways to put children into the adult criminal legal system for certain crimes.<sup>3</sup> Today, our state automatically sends more 14

---

<sup>1</sup> HUMAN RIGHTS FOR KIDS, DISPOSABLE CHILDREN: THE PREVALENCE OF CHILD ABUSE AND TRAUMA AMONG CHILDREN PROSECUTED AND INCARCERATED AS ADULTS IN MARYLAND, 9 (2024), <https://humanrightsforkids.org/publication/disposable-children-the-prevalence-of-child-abuse-and-trauma-among-children-prosecuted-as-adults-in-maryland-2/> (hereafter HUMAN RIGHTS FOR KIDS). See generally, Carroll Bogert & LynNell Hancock, *Analysis: How the media created a ‘super predator’ myth that harmed a generation of Black youth*, NBC NEWS, Nov. 20, 2020, <https://www.nbcnews.com/news/us-news/analysis-how-media-created-superpredator-myth-harmed-generation-black-youth-n1248101>

<sup>2</sup> See *State v. Belcher*, 342 Conn. 1, 15 (2022) (“In 2001, the United States office of the Surgeon General labeled the super predator theory a myth”) (citation omitted).

<sup>3</sup> See HUMAN RIGHTS WATCH, NO MINOR MATTER: CHILDREN IN MARYLAND’S JAILS (1999) (unpaginated) (noting that Maryland passed legislation 30 years ago to make it easier for children to be charged as adults against the backdrop of the super predator myth), <https://www.hrw.org/reports/1999/maryland/Maryland.htm#TopOfPage>

## CLINICAL LAW PROGRAM

to 17-year-old children to adult court than any other jurisdiction, except Alabama.<sup>4</sup> Between July 2023 and June 2024, 81% of those children were Black.<sup>5</sup>

Also, Maryland's auto-charging apparatus is ineffective and inefficient. Most children automatically charged in adult court ultimately wind up in youth court. Indeed, since 2021, approximately two-thirds of juvenile cases that began in adult court were transferred back to juvenile court.<sup>6</sup> On average, children spend seven and a half months in the adult system before they are returned.<sup>7</sup>

Last, for children, even brief stays in adult facilities inflict lasting trauma. Opponents of HB 1433 may argue that a child's stay in such facilities usually last "only" a few months. However, Professor James Forman Jr., in a very recently published article, compares a child spending time in an adult facility to "Russian roulette," emphasizing that both are "dangerous even in moderation."<sup>8</sup> As Human Rights for Kids implores, "[a]dult facilities are not equipped to house children."<sup>9</sup> Children are legally required to be separated from adults in custody.<sup>10</sup> As a result, many children held in Maryland's adult facilities are housed in solitary confinement.<sup>11</sup> Also, children held in adult facilities are particularly prone to be victimized. Human Rights for Kids surveyed individuals who had been charged as adults in Maryland and held in adult facilities<sup>12</sup> Approximately 82% reported that they were harmed by staff or other incarcerated individuals at least once during their stays.<sup>13</sup>

HB 1433 is an important step to address the criminalization of Black youth, the inefficiencies of the automatically charging children as adults, and the trauma inflicted on children who are charged as adults. For these reasons, the Youth, Education, and Justice Clinic asks for a favorable report.

---

<sup>4</sup> HUMAN RIGHTS FOR KIDS, *supra* note 1 at 9

<sup>5</sup> State of Maryland, Governor's Office of Crime Prevention and Policy, Juveniles Charged As Adults Dashboard (as of June 30, 2024),

<https://app.powerbigov.us/view?r=eyJrIjoibmVzYTBTBhYmMtNzVmOC00OGE2LWFKNzktZDliYzg5NzEyODU2IiwidCI6IjYwYWZlOWUyLTQ5Y2QtNDliMS04ODUxLTY0ZGYwMjc2YTJlOCJ9>

<sup>6</sup> Rachel Baye, et al., *Judging Juveniles*, APM REPORTS, (Mar. 20, 2024),

<https://www.apmreports.org/story/2024/03/20/judges-use-arbitrary-horrendous-reasons-to-keep-teens-in-adult-court?>

<sup>7</sup> *Id.*

<sup>8</sup> James Forman Jr., *What Happened When America Emptied Its Youth Prisons*, THE NEW YORK TIMES MAGAZINE (Jan. 28, 2025), <https://www.nytimes.com/2025/01/28/magazine/juvenile-prison-crime-rates.html>

<sup>9</sup> HUMAN RIGHTS FOR KIDS, *supra* note 1 at 17.

<sup>10</sup> *Id.*

<sup>11</sup> *Id.*

<sup>12</sup> *Id.*

<sup>13</sup> *Id.*

CLINICAL LAW PROGRAM

This written testimony is submitted on behalf of the Youth, Education, and Justice Clinic at the University of Maryland Francis King Carey School of Law, and not on behalf of the School of Law or the University of Maryland, Baltimore.

# **HB 1433 DJS Draft.docx.pdf**

Uploaded by: Karalyn Aanenson

Position: FAV

Aruna Miller  
Lt. GovernorWes Moore  
GovernorVincent Schiraldi  
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.

---

<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.

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

<sup>11</sup> Maryland Department of Juvenile Services. (2024). Data Resource Guide.

<sup>12</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>13</sup> <https://mgaleg.maryland.gov/2025RS/bills/sb/sb0422F.pdf>

<sup>14</sup> MD Code, Courts and Judicial Proceedings, § 3-8A-06





# **2025 MAYSB - HB 1433 FAV - Juvenile Court Jurisdic**

Uploaded by: Katrina Emerson

Position: FAV



*"Being here for Maryland's Children, Youth, and Families"*

**Testimony submitted to the House Judiciary Committee**

**February 26, 2025**

**House Bill 1433: Juvenile Court – Jurisdiction**

**Support**

The Maryland Association of Youth Service Bureaus (MAYSB), which represents a network of bureaus throughout the State of Maryland, supports House Bill 1433 - Juveniles Courts - Jurisdiction. Youth Service Bureaus provide prevention, intervention and treatment services to youth and their families. HB 1433 will eliminate automatic charging for children aged 14 and 15, and reduces the list of charges for 16 and 17 year olds.

A developmentally informed approach to juvenile justice recognizes the need to hold youth accountable for their actions while also offering them the resources and opportunities to be rehabilitated. It recognizes that youth are still maturing and that their brains are not fully developed until after age 24. Youth who commit violent crimes should be held accountable for their actions and the harm they have done to others. They should not, however, be left without the possibility of rehabilitation. Allowing youth to be under the jurisdiction of the juvenile court system will decrease the exposure of youth to the adult system, a system whose mission is punishment rather than rehabilitation.

Maryland should be a leader in advocating that all children are capable of, and worthy of, redemption and deserve an opportunity for a second chance, regardless of their race, socio-economic background, or the crime of which they have been accused.

A developmentally informed system is also fair and works to ensure that all youth receive fair and equal treatment. This bill will assist the State of Maryland in addressing racial and ethnic disparities found in the juvenile justice system. Data in Maryland shows that youth of color are disproportionately impacted at each decision point in the juvenile justice system. The Data Resource Guide 2023 for the Department of Juvenile Services indicates that of the total complaints received by DJS in 2023 84.4% were youth of color. In addition, over 90% of youth charged in adult court in Maryland are people of color—81% are Black. This bill will help increase the opportunity for fair treatment for youth of color as they move through the court system.

*(over)*

MAYSB believes that following a developmental informed approach to juvenile justice is important and allows youth the opportunity to be held accountable for their actions while also offering them the resources to develop and be rehabilitated. At its core this model recognizes that the thinking and maturity of juveniles is not equal to that of adults and works to offer them opportunities to change and learn from their mistakes.

We ask for a favorable report on House Bill 1433.

Respectfully Submitted:

Liz Park, PhD  
MAYSB Chair  
[lpark@greenbeltmd.gov](mailto:lpark@greenbeltmd.gov)

# **YES Act Fact Sheet 2024.pdf**

Uploaded by: Michele McKoy

Position: FAV

# Youth Equity and Safety Act (YES Act)



Everyone benefits when kids accused of breaking the law go to the juvenile justice system – and a judge decides if they should be tried as an adult.

- 26 other states have passed laws to **treat kids like kids and limit the pathways into adult courts**
- Seven states (California, Hawaii, Kansas, Kentucky, Oregon, Tennessee and Texas) **already start all cases involving their youth in their juvenile courts**

**Maryland sends more youth, ages 14-17, to adult court – automatically, without input from a judge – than any other state except Alabama.**

## WHAT THE YES ACT DOES:

Current law in Maryland requires youth as young as 14 to be charged as adults—in adult criminal court—for up to 33 offenses. The YES Act ensures that kids under age 18, regardless of charges, begin their cases in juvenile court—where they have access to age-appropriate services and protections.

## WHAT THE YES ACT DOES NOT DO:

**The YES Act does NOT prevent teenagers from being tried in adult court.**

Prosecutors can ask for cases to be moved from juvenile to adult court. Judges will determine the appropriate venue for the trial.

**The YES Act does NOT release teens charged with serious crimes back into the community.**

Juvenile Judges and Magistrates decide who is released or held before trial.

## REINCARCERATION RATES ARE HIGHER FOR YOUTH IN THE ADULT SYSTEM

■ Youth transferred out of adult court and treated by DJS (3yr reincarceration rate)

■ DPSCS Under Age 25 (3yr return to custody rate)



# THE CURRENT LAW IS WASTEFUL AND INEFFICIENT

**In 2022, only 12% of teenagers charged as adults received a criminal conviction.** But all 871 teens went through a long, expensive process waiting to find out if their case would stay in adult court. They also waited an average of 85 days longer than their peers who were charged as juveniles. This is inefficient, leads to large backlogs of cases, and wastes the time of Maryland's courts, public defenders and prosecutors.

---

## THE YES ACT CAN REDUCE CRIME AND INCREASE SAFETY

- **Youth charged in adult court are less likely to receive rehabilitative services, which makes them more likely to reoffend than similarly situated youth charged in juvenile court.**  
Research overwhelmingly shows that charging kids as adults does not improve public safety. **According to the U.S. Department of Justice** – “To best achieve reductions in recidivism, the overall number of juvenile offenders transferred to the criminal justice system should be minimized.”
- **Adult charging results in increased physical violence, sexual violence, and isolation.**  
Evidence shows that youth charged as adults are at increased risk of physical and sexual assault and isolation from their families, which may contribute to future criminality. **The YES Act protects kids and preserves families.**
- Adolescent brains are not adult brains. **Charging youth as adults ignores definitive research that adolescent brains are rapidly developing and have yet to reach full maturity.** Services and treatment in juvenile facilities are evidence-based and preventative. According to the U.S. Dept. of Justice, “intensive juvenile placements are relatively more beneficial than either adult prison or mild juvenile sanctions.” **The YES Act is backed by brain science.**

## THE YES ACT PROMOTES RACIAL JUSTICE

- **86% of youth charged in adult court in Maryland are Black.**
  - **Black youth are more likely to be sent to adult prison and receive longer sentences than their white counterparts for similar offenses.**
  - Implicit bias research shows that Black kids are more likely to be seen and treated as adults than white kids. **The YES Act protects Black youth from discrimination.**
- 



To learn more and get involved, visit [mdyouthjustice.org](https://mdyouthjustice.org)

## **scan image.pdf**

Uploaded by: Miner Brown

Position: FAV

**HB #1433**

Miner L. (Moe) Brown

**Favorable**

**Title: Juvenile Court-Jurisdiction**

Judiciary Committee: Chair, Luke Clippinger and  
Vice-Chair, Sandy Bartlett

Testimony submitted by Miner L (Moe) Brown of District 11

A CASA Ally, Active in City Scouting for years, former Habitat for Humanity volunteer for 9+ Years,  
Years, and Member, Social Advocacy Committee at Chizuk Amuno Congregation, Pikesville, MD

First, thank you for leading the discussion of this important bill, (HB#1433). In many ways this legislation follows previous enactments over the last four years, but now recognizes ways in which a better balance of firm justice can be employed; it could still go further in correcting the existing law.

Goals for any new legislation need to deal with juvenile justice issues expressed below:

1. **A shocking statistic-** Maryland sends more youth to adult court based on offense types; more than any other state per capita in the country except Alabama! Is this where Maryland belongs?
2. **Charging kids as adults is short-sided and has continually led to poor results.** Youth incarceration increases the likelihood of recidivism and harms their educational attainment, life me wages, and future health outcomes as adults. Continuing to operate under the same failed system, on-going costs to the State continue to rise and a kid's future life is lost, gone-a statistic of the "System";
3. **Automatically charging all youth in adult court absolutely ignores solid research** that shows adolescent brains are still developing and have some years before they reach maturity; and
4. **Properly fund the Juvenile Division of the Office of Public Defender (JDOPD).** They know their job. They have evidence-based successes while functioning under unnecessary monetary handicaps. Their results are measurable. Take some of the saved money from eliminating jail me before arraignment, and put it here to enhance the success of JDOPD expanded role.

Current practice of automatically charging children as adults puts these kids directly into adult detention facilities. More than a half-decade of falling youth arrests and declining rates of youth incarceration had occurred by 2020 while the average per day state cost of secure youth confinement was calculated to be over \$588. With the number of average days of initial confinement now at 103 days, the cost per youth is over \$60,600. before arraignment. Only 12% of teenagers tried as adults were convicted in 2022. What a waste of financial and human resources!

**It is time to treat kids like kids like the overwhelming majority of other states who have passed laws.** Thank you for the opportunity to submit testimony as a concerned long me resident of Maryland and 84- year-old voter with a professional career in health care management who is very concerned with the future success of all of our youth.



# **Gibson Banks Center for Race and the Law testimony**

Uploaded by: Monique Dixon

Position: FAV

**Testimony Concerning House Bill 1433  
Juvenile Court - Jurisdiction  
Position: Favorable**

To: Delegate Luke Clippinger, Chair  
Delegate J. Sandy Bartlett, Vice Chair  
Members of the Judiciary Committee

From: Monique L. Dixon, Executive Director and Michael Pinard, Faculty Director, Gibson-Banks Center for Race and the Law

Date: February 24, 2025

On behalf of the Gibson-Banks Center for Race and the Law (“Gibson-Banks Center” or “Center”) at the University of Maryland Francis King Carey School of Law,<sup>1</sup> we appreciate the opportunity to submit testimony concerning House Bill 1433 (HB 1433), which would limit the number of offenses for which a child could be automatically charged in adult criminal court. HB 1433 is a step in the right direction toward ending Maryland’s inefficient, racially disproportionate and harmful practice of *automatically* charging children as adults. The bill would allow the cases of more young people to begin in the juvenile court system where a judge may conduct a hearing to determine, *on a case-by-case basis*, if a young person’s case should be moved to the adult criminal legal system. Accordingly, we urge you to issue a favorable report for HB 1433.

The Gibson-Banks Center works collaboratively to transform institutions and systems of racial inequality, marginalization, and oppression. Through education and engagement, advocacy, and research, the Center examines and addresses racial inequality, including the intersection of race with sex or disability, and advances racial justice in a variety of issue areas, including the youth and criminal legal systems. The Center has served as a member of the Maryland Equitable Justice Collaborative (MEJC). Led by Maryland Attorney General Anthony Brown and Maryland Public Defender Natasha Dartigue, the MEJC aims to research, develop, and recommend reforms that reduce racial disparities in Maryland’s incarcerated population. In

---

<sup>1</sup> This written testimony is submitted on behalf of the Gibson-Banks Center and not on behalf of the University of Maryland Francis King Carey School of Law or the University of Maryland, Baltimore.

December 2024, the MEJC recommended limiting the automatic charging of children in adult criminal court.<sup>2</sup> HB 1433 would codify this recommendation.

**HB 1433 would move more children who find themselves in trouble with the law to the juvenile court system, which is designed to address their needs as well as the alleged offense, and is therefore more efficient and effective than automatic charging in the adult court system.**

For centuries, Maryland policy makers have been of two minds about how to treat children and youth who are accused of committing a crime. On the one hand, since 1830, Maryland has maintained separate institutions and a juvenile court system for these children, acknowledging that they are different from adults and are more amenable to rehabilitative services.<sup>3</sup> On the other hand, since the 1970s, Maryland law has allowed children to be charged and treated as adults in two ways.<sup>4</sup> First, charges against a child could be filed in juvenile court, where a judge could waive jurisdiction and send the child to the adult criminal court after determining that the child “is an unfit subject for juvenile rehabilitative services;” this is known as a waiver.<sup>5</sup> Second, Maryland law provides for the automatic charging of children and youth in adult criminal court for certain offenses<sup>6</sup> with the opportunity to ask the adult criminal court judge to transfer the case to juvenile court if the judge determines it would be “in the interest of the child or society,” to do so; this is known as a transfer.<sup>7</sup>

In the mid-1990s, Maryland policymakers expanded the number of offenses for which a child could be automatically charged as an adult<sup>8</sup> at a time when nationwide, violent crimes committed by young people had reached its peak; yet fearmongering and forewarnings by the media and criminologists of “super-predator” youth, particularly Black youth,<sup>9</sup> who would continue to commit violent crimes persisted.<sup>10</sup> While “the fear of an impending generation of superpredators proved to be unfounded ... and the scholar credited with originating that term has

---

<sup>2</sup> MEJC, *History Made: Maryland Equitable Justice Collaborative (MEJC) Passes Recommendations to Address Mass Incarceration of Black Marylanders in State Prisons and Jails*, Dec. 12, 2024, <https://www.marylandattorneygeneral.gov/press/2024/121224.pdf>.

<sup>3</sup> See, Maryland Chapter 64, Acts of 1830 (establishing “A House of Refuge for Juvenile Delinquents”), <https://msa.maryland.gov/megafile/msa/speccol/sc2900/sc2908/000001/000212/pdf/am212--61.pdf>. See also, Maryland Department of Juvenile Services, *History of Juvenile Justice in Maryland*, <https://djs.maryland.gov/Pages/about-us/History.aspx> (last visited Feb. 20, 2025).

<sup>4</sup> See, Patrick Griffin, *et al*, *Trying Juveniles as Adults: An Analysis of State Transfer Laws and Reporting*, 8, U.S. Department of Justice, Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention, (Sept. 2011)(displaying map of states, including Maryland, where before and during the 1970s state laws either allowed juvenile courts to waive jurisdiction over children, sending “hard cases” to adult criminal court or required the automatic charging of children in adult criminal court), <https://www.ojp.gov/pdffiles1/ojjdp/232434.pdf>.

<sup>5</sup> See generally, MD. CODE ANN. CTS. AND JUD. PROC. § 3-8A-06 (2020).

<sup>6</sup> MD. CODE ANN. CTS. AND JUD. PROC. § 3-8A-03 (2023).

<sup>7</sup> MD CODE ANN CRIM PROC § 4-202(b)(3)(2023)

<sup>8</sup> 1994 Maryland Laws Ch. 641 (removing over a dozen offenses from juvenile court jurisdiction).

<sup>9</sup> See generally, John J. DiIulio, Jr., *My Black Crime Problem, and Ours Why are so many blacks in prison? Is the criminal justice system racist? The answer is disquieting*, City Journal (1996), <https://fbaum.unc.edu/teaching/articles/DiIulioCityJournal1996.pdf>.

<sup>10</sup> Marcy Mistrett and Mariana Espinoza, *Youth in Adult Courts, Jails, and Prisons*, 1, The Sentencing Project (Dec. 2021), <https://www.sentencingproject.org/reports/youth-in-adult-courts-jails-and-prisons/>.

acknowledged that his characterizations and predictions were wrong,”<sup>11</sup> Maryland’s entrenched tough-on-youth crime approach has resulted in a reflexive and harmful system of automatically charging children in adult criminal court.

Maryland holds the shameful distinction of automatically sending youth to adult criminal courts at higher rates than any other state, except Alabama.<sup>12</sup> In Maryland, children and youth as young as 14 may be automatically charged in adult criminal court if they are accused of committing one of 33 offenses.<sup>13</sup> Notably, this entire system is inefficient and ineffective, as only a small percentage of children and youth receive a conviction in adult criminal court (16%).<sup>14</sup> The cases of most children are either transferred to the juvenile court (45%) or dismissed (35%).<sup>15</sup>

Yet, hundreds of children and youth linger in youth detention centers or adult jails awaiting their transfer hearings. For example, the Maryland Department of Juvenile Services (DJS) reports that up to 68% of its pre-disposition detention population is youth charged as adults and their average length of stay is 147 days.<sup>16</sup> By comparison, children and youth whose cases originate in the juvenile court system are detained pre-disposition for an average of 27 days.<sup>17</sup> By limiting the number of offenses that results in the automatic charging of youth as adults, HB 1433 would reduce DJS’s average daily population by 120 children and youth and allow the agency to close one of its youth detention facilities and use a portion of the savings for post-disposition rehabilitation services for youth.<sup>18</sup>

Importantly, HB 1433’s limitation on the number of offenses for which a child may be automatically charged in adult criminal court would not prohibit a juvenile court judge from considering a request for a waiver hearing to determine if a child’s case should be sent to adult criminal court. Rather, HB 1433 would only prohibit *initially* charging children and youth in adult criminal court for some offenses.

**HB 1433 is a necessary step to addressing the disproportionate charging, prosecution, and criminalization of Maryland’s Black children and youth, the physical and psychological harms that follow entry into the adult criminal legal system, and adolescent brain development science, which has proved that children are different from adults in ways that are relevant to culpability and rehabilitation.**

---

<sup>11</sup> Brief of Jeffrey Fagan, *et al.*, Amici Curiae in Support of Petitioners, 8 (Jan. 17, 2012), *Miller v. Alabama*, 567 U.S. 551 (2012), <https://eji.org/wp-content/uploads/2019/11/miller-amicus-jeffrey-fagan.pdf>.

<sup>12</sup> The Sentencing Project, *National Trends in Charging Children as Adults*, 6 (July 20, 2021), <http://dls.maryland.gov/pubs/prod/NoPblTabMtg/CmsnJuvRefCncl/Sentencing-Project-National-Trends-in-charging-children.pdf>.

<sup>13</sup> MD. CODE ANN. CTS. AND JUD. PROC. § 3-8A-03 (2023).

<sup>14</sup> Vera Institute of Justice, Preliminary Findings: Youth Charged as Adults in Maryland, 13 (Dec. 2020), <https://dls.maryland.gov/pubs/prod/NoPblTabMtg/CmsnJuvRefCncl/Preliminary-Findings-Youth-Charged-as-Adults.pdf>.

<sup>15</sup> *Id.* at 12.

<sup>16</sup> Department of Legal Services, Maryland General Assembly 2025 Session, *Fiscal and Policy Note House Bill 1433*, 4, [https://mgaleg.maryland.gov/2025RS/fnotes/bil\\_0003/hb1433.pdf](https://mgaleg.maryland.gov/2025RS/fnotes/bil_0003/hb1433.pdf).

<sup>17</sup> *Id.*

<sup>18</sup> *Id.*

Black children and youth bear the burden of Maryland's system of automatically charging children in the adult criminal court. In fiscal year 2024, Black children comprised 81% of youth charged as adults statewide,<sup>19</sup> well above their percentage in the state's youth population (31%),<sup>20</sup> while white children comprised 17% of youth charged as adults,<sup>21</sup> well below their percentage in the state's youth population (39%).<sup>22</sup> Black children who are automatically charged in adult criminal court are also overrepresented among children detained pre-disposition as they await their transfer hearings (82%), while their white peers are underrepresented (8%).<sup>23</sup>

National research shows that Black youth are overrepresented in the youth and adult criminal legal systems, in part, because they are often seen as being older and less innocent than their white peers.<sup>24</sup> Consequently, Black youth are often unfairly feared and criminalized by the general public and decisionmakers. This adultification and criminalization of Black youth is rooted in history<sup>25</sup> and continues to lead to unjust outcomes for Black youth.<sup>26</sup> By limiting the number of offenses for which a child could be automatically charged in adult criminal court, HB 1433 may have a positive impact on Black youth who are disproportionately charged as an adult.

Also, automatic charging exacts upon children and youth a heavy physical and psychological toll. Children and youth who are automatically charged as adults may be held in youth detention centers operated by DJS or adult jails operated by Maryland counties or the Maryland Department of Public Safety and Correctional Services (DPSCS).<sup>27</sup> Research has

---

<sup>19</sup> Maryland Governor's Office of Crime Prevention and Delinquency, Juvenile Charged as Adults Dashboard (June 30, 2024), <https://gocpp.maryland.gov/data-dashboards/juveniles-charged-as-adults-dashboard/>. [Hereinafter "MD Dashboard"].

<sup>20</sup> Maryland Department of Juvenile Services, *Data Resource Guide Fiscal Year 2024*, Appendix D (Dec. 2024), [https://djs.maryland.gov/Documents/DRG/Data\\_Resource\\_Guide\\_FY2024.pdf](https://djs.maryland.gov/Documents/DRG/Data_Resource_Guide_FY2024.pdf), [Hereinafter "Data Resource Guide"].

<sup>21</sup> MD Dashboard, *supra* note 19.

<sup>22</sup> Data Resource Guide, *supra* note 20.

<sup>23</sup> *Id.* at 115.

<sup>24</sup> See generally, Kristin Henning, *The Rage of Innocence: How America Criminalizes Black Youth*, Vintage Books, (2021), <https://www.law.georgetown.edu/experiential-learning/clinics/our-clinics/juvenile-justice-clinic/racial-justice/the-rage-of-innocence>; See also, Phillip Goff, et al, *The Essence of Innocence: Consequences of Dehumanizing Black Children*, Journal of Personality and Social Psychology, Vol. 106, No. 4, 526 –545 (2014), <https://www.apa.org/pubs/journals/releases/psp-a0035663.pdf>.

<sup>25</sup> For example, George Stinney, a 14-year-old Black boy, was the youngest person executed in the U.S. in 1944; a South Carolina judge vacated Stinney's conviction 70 years later. See, Equal Justice Initiative, *On this day Jun 16, 1944 Fourteen-Year-Old George Stinney Executed in South Carolina*, <https://calendar.eji.org/racial-injustice/jun/16>. Also, in 1989, media and elected officials dehumanized five Black and Latino teenagers in NYC – the Central Park Five – by calling them a “wolfpack.” They are now called the Exonerated Five. See, History.com Editors, *The Central Park Five*, Aug. 23, 2024, <https://www.history.com/topics/1980s/central-park-five>.

<sup>26</sup> Black children are criminalized in Maryland's schools for example. During the 2022-23 school year, Black students comprised 33% of Maryland's overall student population but represented 58% of students suspended and expelled from school and nearly 57% of students arrested in school. Research has consistently shown that Black students do not misbehave more than their peers. See, Russell J. Skiba, PhD and Natasha T. Williams, *Are Black Kids Worse? Myths and Facts About Racial Differences in Behavior A Summary of the Literature*, 6 (March 2014), [https://indrc.indiana.edu/tools-resources/pdf-disciplineseries/african\\_american\\_differential\\_behavior\\_031214.pdf](https://indrc.indiana.edu/tools-resources/pdf-disciplineseries/african_american_differential_behavior_031214.pdf).

<sup>27</sup> Data Resource Guide, *supra* note 20 at 114. See also, MD CODE ANN, CRIM PRO, § 4-202(h)(2023)(stating that pending a transfer hearing, an adult criminal court could order a child automatically charged as an adult to be held in

consistently shown that children held in adult facilities are at increased risk of physical or sexual assault or solitary confinement.<sup>28</sup> Consequently, children may become hardened by these negative experiences, which may contribute to future criminal activities. Alarming, DPSCS has recently reported that individual-on-individual assaults have doubled at the Youth Detention Center that it operates in Baltimore, which houses children who are automatically charged as adults.<sup>29</sup> The rate of assaults has surpassed those at adult detention facilities operated by DPSCS.

While additional information is needed to understand the reasons for the increased assaults at the Youth Detention Center, it underscores the urgent need to remove youth from adult jails and place them in youth detention centers operated by DJS, whose staff are trained to manage, supervise, and treat youth. HB 1433 could help address the problem of increased assaults by placing more children in the juvenile court system and youth facilities where services are available to them.

In addition, HB 1433's limits on the automatic charging of children in adult criminal is consistent with adolescent brain development science, which recognizes that children are different from adults in that they are more impulsive and unable to contemplate the impacts of their actions and behaviors. Sections of the brains of children and youth that control impulses, planning, and risk avoidance continue to develop through their mid-20s, and once they are fully developed, children are likely to grow out of delinquent and criminal behavior.<sup>30</sup> Adolescent brain development has been relied upon in U.S. Supreme Court decisions declaring that sentencing children to the death penalty and life without the possibility of parole were unconstitutional because children are different from adults.<sup>31</sup>

Children are children and need to be seen and treated as such. Accordingly, ending the automatic charging of youth as adults in Maryland is long overdue. Because we want as many children as possible to have access to age-appropriate services and accountability systems when they find themselves in trouble with the law, we urge the Judiciary Committee to issue a favorable report on HB 1433.

---

a secure youth detention center, unless the young person is released on bail, youth detention centers do not have the capacity to house the child, or the court finds detention in youth detention centers would pose a harm to the child or others).

<sup>28</sup> See, Human Rights for Kids, *Disposable Children The Prevalence of Child Abuse and Trauma Among Children Prosecuted and Incarcerated as Adults in Maryland*, 17 (2024), <https://humanrightsforkids.org/publication/disposable-children-the-prevalence-of-child-abuse-and-trauma-among-children-prosecuted-as-adults-in-maryland-2/>; See also, Marcy Mistrett and Mariana Espinoza, *Youth in Adult Courts, Jails, and Prisons*, 2-3, The Sentencing Project, (Dec. 2021), <https://www.sentencingproject.org/reports/youth-in-adult-courts-jails-and-prisons/>; Just Kids Partnership, *Just Kids: Baltimore's Youth in the Adult Criminal Justice System*, 11-13 (Oct. 2010), <https://justkidsmaryland.org/wp-content/uploads/2014/06/Just-Kids-Report.pdf>.

<sup>29</sup> Maryland Department of Public Safety and Correctional Services, *Division of Pre-Trial Detention and Services Operating Budget Fiscal Year 2026*, 6-7, <https://mgaleg.maryland.gov/pubs/budgetfiscal/2026fy-budget-docs-operating-Q00T04-DPSCS-Division-of-Pretrial-Detention-and-Services.pdf>.

<sup>30</sup> Brief for the American Psychological Association, *et al*, as Amici Curiae in Support of Petitioners, 6-25, *Miller v. Alabama*, 567 U.S. 460 (2012), <https://ejl.org/wp-content/uploads/2019/11/miller-amicus-american-psychological-association.pdf>.

<sup>31</sup> See generally, *Roper v. Simmons*, 543 U.S. 551, 569-70 (2005), *Graham v. Florida*, 560 U.S. 48, 68-69 (2010), and *Miller v. Alabama*, 567 U.S. 460, 471-72 (2012).

# **Gibson Banks Center for Race and the Law testimony**

Uploaded by: Monique Dixon

Position: FAV



**Testimony Concerning House Bill 1433  
Juvenile Court - Jurisdiction  
Position: Favorable**

To: Delegate Luke Clippinger, Chair  
Delegate J. Sandy Bartlett, Vice Chair  
Members of the Judiciary Committee

From: Monique L. Dixon, Executive Director and Michael Pinard, Faculty Director, Gibson-Banks Center for Race and the Law

Date: February 24, 2025

On behalf of the Gibson-Banks Center for Race and the Law (“Gibson-Banks Center” or “Center”) at the University of Maryland Francis King Carey School of Law,<sup>1</sup> we appreciate the opportunity to submit testimony concerning House Bill 1433 (HB 1433), which would limit the number of offenses for which a child could be automatically charged in adult criminal court. HB 1433 is a step in the right direction toward ending Maryland’s inefficient, racially disproportionate and harmful practice of *automatically* charging children as adults. The bill would allow the cases of more young people to begin in the juvenile court system where a judge may conduct a hearing to determine, *on a case-by-case basis*, if a young person’s case should be moved to the adult criminal legal system. Accordingly, we urge you to issue a favorable report for HB 1433.

The Gibson-Banks Center works collaboratively to transform institutions and systems of racial inequality, marginalization, and oppression. Through education and engagement, advocacy, and research, the Center examines and addresses racial inequality, including the intersection of race with sex or disability, and advances racial justice in a variety of issue areas, including the youth and criminal legal systems. The Center has served as a member of the Maryland Equitable Justice Collaborative (MEJC). Led by Maryland Attorney General Anthony Brown and Maryland Public Defender Natasha Dartigue, the MEJC aims to research, develop, and recommend reforms that reduce racial disparities in Maryland’s incarcerated population. In

---

<sup>1</sup> This written testimony is submitted on behalf of the Gibson-Banks Center and not on behalf of the University of Maryland Francis King Carey School of Law or the University of Maryland, Baltimore.



December 2024, the MEJC recommended limiting the automatic charging of children in adult criminal court.<sup>2</sup> HB 1433 would codify this recommendation.

**HB 1433 would move more children who find themselves in trouble with the law to the juvenile court system, which is designed to address their needs as well as the alleged offense, and is therefore more efficient and effective than automatic charging in the adult court system.**

For centuries, Maryland policy makers have been of two minds about how to treat children and youth who are accused of committing a crime. On the one hand, since 1830, Maryland has maintained separate institutions and a juvenile court system for these children, acknowledging that they are different from adults and are more amenable to rehabilitative services.<sup>3</sup> On the other hand, since the 1970s, Maryland law has allowed children to be charged and treated as adults in two ways.<sup>4</sup> First, charges against a child could be filed in juvenile court, where a judge could waive jurisdiction and send the child to the adult criminal court after determining that the child “is an unfit subject for juvenile rehabilitative services;” this is known as a waiver.<sup>5</sup> Second, Maryland law provides for the automatic charging of children and youth in adult criminal court for certain offenses<sup>6</sup> with the opportunity to ask the adult criminal court judge to transfer the case to juvenile court if the judge determines it would be “in the interest of the child or society,” to do so; this is known as a transfer.<sup>7</sup>

In the mid-1990s, Maryland policymakers expanded the number of offenses for which a child could be automatically charged as an adult<sup>8</sup> at a time when nationwide, violent crimes committed by young people had reached its peak; yet fearmongering and forewarnings by the media and criminologists of “super-predator” youth, particularly Black youth,<sup>9</sup> who would continue to commit violent crimes persisted.<sup>10</sup> While “the fear of an impending generation of superpredators proved to be unfounded ... and the scholar credited with originating that term has

---

<sup>2</sup> MEJC, *History Made: Maryland Equitable Justice Collaborative (MEJC) Passes Recommendations to Address Mass Incarceration of Black Marylanders in State Prisons and Jails*, Dec. 12, 2024, <https://www.marylandattorneygeneral.gov/press/2024/121224.pdf>.

<sup>3</sup> See, Maryland Chapter 64, Acts of 1830 (establishing “A House of Refuge for Juvenile Delinquents”), <https://msa.maryland.gov/megafile/msa/speccol/sc2900/sc2908/000001/000212/pdf/am212--61.pdf>. See also, Maryland Department of Juvenile Services, *History of Juvenile Justice in Maryland*, <https://djs.maryland.gov/Pages/about-us/History.aspx> (last visited Feb. 20, 2025).

<sup>4</sup> See, Patrick Griffin, *et al*, *Trying Juveniles as Adults: An Analysis of State Transfer Laws and Reporting*, 8, U.S. Department of Justice, Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention, (Sept. 2011)(displaying map of states, including Maryland, where before and during the 1970s state laws either allowed juvenile courts to waive jurisdiction over children, sending “hard cases” to adult criminal court or required the automatic charging of children in adult criminal court), <https://www.ojp.gov/pdffiles1/ojjdp/232434.pdf>.

<sup>5</sup> See generally, MD. CODE ANN. CTS. AND JUD. PROC. § 3-8A-06 (2020).

<sup>6</sup> MD. CODE ANN. CTS. AND JUD. PROC. § 3-8A-03 (2023).

<sup>7</sup> MD CODE ANN CRIM PROC § 4-202(b)(3)(2023)

<sup>8</sup> 1994 Maryland Laws Ch. 641 (removing over a dozen offenses from juvenile court jurisdiction).

<sup>9</sup> See generally, John J. DiIulio, Jr., *My Black Crime Problem, and Ours Why are so many blacks in prison? Is the criminal justice system racist? The answer is disquieting*, City Journal (1996), <https://fbaum.unc.edu/teaching/articles/DiIulioCityJournal1996.pdf>.

<sup>10</sup> Marcy Mistrett and Mariana Espinoza, *Youth in Adult Courts, Jails, and Prisons*, 1, The Sentencing Project (Dec. 2021), <https://www.sentencingproject.org/reports/youth-in-adult-courts-jails-and-prisons/>.

acknowledged that his characterizations and predictions were wrong,”<sup>11</sup> Maryland’s entrenched tough-on-youth crime approach has resulted in a reflexive and harmful system of automatically charging children in adult criminal court.

Maryland holds the shameful distinction of automatically sending youth to adult criminal courts at higher rates than any other state, except Alabama.<sup>12</sup> In Maryland, children and youth as young as 14 may be automatically charged in adult criminal court if they are accused of committing one of 33 offenses.<sup>13</sup> Notably, this entire system is inefficient and ineffective, as only a small percentage of children and youth receive a conviction in adult criminal court (16%).<sup>14</sup> The cases of most children are either transferred to the juvenile court (45%) or dismissed (35%).<sup>15</sup>

Yet, hundreds of children and youth linger in youth detention centers or adult jails awaiting their transfer hearings. For example, the Maryland Department of Juvenile Services (DJS) reports that up to 68% of its pre-disposition detention population is youth charged as adults and their average length of stay is 147 days.<sup>16</sup> By comparison, children and youth whose cases originate in the juvenile court system are detained pre-disposition for an average of 27 days.<sup>17</sup> By limiting the number of offenses that results in the automatic charging of youth as adults, HB 1433 would reduce DJS’s average daily population by 120 children and youth and allow the agency to close one of its youth detention facilities and use a portion of the savings for post-disposition rehabilitation services for youth.<sup>18</sup>

Importantly, HB 1433’s limitation on the number of offenses for which a child may be automatically charged in adult criminal court would not prohibit a juvenile court judge from considering a request for a waiver hearing to determine if a child’s case should be sent to adult criminal court. Rather, HB 1433 would only prohibit *initially* charging children and youth in adult criminal court for some offenses.

**HB 1433 is a necessary step to addressing the disproportionate charging, prosecution, and criminalization of Maryland’s Black children and youth, the physical and psychological harms that follow entry into the adult criminal legal system, and adolescent brain development science, which has proved that children are different from adults in ways that are relevant to culpability and rehabilitation.**

---

<sup>11</sup> Brief of Jeffrey Fagan, *et al.*, Amici Curiae in Support of Petitioners, 8 (Jan. 17, 2012), *Miller v. Alabama*, 567 U.S. 551 (2012), <https://eji.org/wp-content/uploads/2019/11/miller-amicus-jeffrey-fagan.pdf>.

<sup>12</sup> The Sentencing Project, *National Trends in Charging Children as Adults*, 6 (July 20, 2021), <http://dls.maryland.gov/pubs/prod/NoPblTabMtg/CmsnJuvRefCncl/Sentencing-Project-National-Trends-in-charging-children.pdf>.

<sup>13</sup> MD. CODE ANN. CTS. AND JUD. PROC. § 3-8A-03 (2023).

<sup>14</sup> Vera Institute of Justice, Preliminary Findings: Youth Charged as Adults in Maryland, 13 (Dec. 2020), <https://dls.maryland.gov/pubs/prod/NoPblTabMtg/CmsnJuvRefCncl/Preliminary-Findings-Youth-Charged-as-Adults.pdf>.

<sup>15</sup> *Id.* at 12.

<sup>16</sup> Department of Legal Services, Maryland General Assembly 2025 Session, *Fiscal and Policy Note House Bill 1433*, 4, [https://mgaleg.maryland.gov/2025RS/fnotes/bil\\_0003/hb1433.pdf](https://mgaleg.maryland.gov/2025RS/fnotes/bil_0003/hb1433.pdf).

<sup>17</sup> *Id.*

<sup>18</sup> *Id.*

Black children and youth bear the burden of Maryland’s system of automatically charging children in the adult criminal court. In fiscal year 2024, Black children comprised 81% of youth charged as adults statewide,<sup>19</sup> well above their percentage in the state’s youth population (31%),<sup>20</sup> while white children comprised 17% of youth charged as adults,<sup>21</sup> well below their percentage in the state’s youth population (39%).<sup>22</sup> Black children who are automatically charged in adult criminal court are also overrepresented among children detained pre-disposition as they await their transfer hearings (82%), while their white peers are underrepresented (8%).<sup>23</sup>

National research shows that Black youth are overrepresented in the youth and adult criminal legal systems, in part, because they are often seen as being older and less innocent than their white peers.<sup>24</sup> Consequently, Black youth are often unfairly feared and criminalized by the general public and decisionmakers. This adultification and criminalization of Black youth is rooted in history<sup>25</sup> and continues to lead to unjust outcomes for Black youth.<sup>26</sup> By limiting the number of offenses for which a child could be automatically charged in adult criminal court, HB 1433 may have a positive impact on Black youth who are disproportionately charged as adults, by giving them “more access to coordinated resources, individualized treatment, and a continuum of care not available in the adult system.”<sup>27</sup>

Also, automatic charging exacts upon children and youth a heavy physical and psychological toll. Children and youth who are automatically charged as adults may be held in youth detention centers operated by DJS or adult jails operated by Maryland counties or the

---

<sup>19</sup> Maryland Governor’s Office of Crime Prevention and Delinquency, Juvenile Charged as Adults Dashboard (June 30, 2024), <https://gocpp.maryland.gov/data-dashboards/juveniles-charged-as-adults-dashboard/>. [Hereinafter “MD Dashboard”].

<sup>20</sup> Maryland Department of Juvenile Services, *Data Resource Guide Fiscal Year 2024*, Appendix D (Dec. 2024), [https://djs.maryland.gov/Documents/DRG/Data\\_Resource\\_Guide\\_FY2024.pdf](https://djs.maryland.gov/Documents/DRG/Data_Resource_Guide_FY2024.pdf), [Hereinafter “Data Resource Guide”].

<sup>21</sup> MD Dashboard, *supra* note 19.

<sup>22</sup> Data Resource Guide, *supra* note 20.

<sup>23</sup> *Id.* at 115.

<sup>24</sup> See generally, Kristin Henning, *The Rage of Innocence: How America Criminalizes Black Youth*, Vintage Books, (2021), <https://www.law.georgetown.edu/experiential-learning/clinics/our-clinics/juvenile-justice-clinic/racial-justice/the-rage-of-innocence>; See also, Phillip Goff, et al, *The Essence of Innocence: Consequences of Dehumanizing Black Children*, Journal of Personality and Social Psychology, Vol. 106, No. 4, 526 –545 (2014), <https://www.apa.org/pubs/journals/releases/psp-a0035663.pdf>.

<sup>25</sup> For example, George Stinney, a 14-year-old Black boy, was the youngest person executed in the U.S. in 1944; a South Carolina judge vacated Stinney’s conviction 70 years later. See, Equal Justice Initiative, *On this day Jun 16, 1944 Fourteen-Year-Old George Stinney Executed in South Carolina*, <https://calendar.eji.org/racial-injustice/jun/16>. Also, in 1989, media and elected officials dehumanized five Black and Latino teenagers in NYC – the Central Park Five – by calling them a “wolfpack.” They are now called the Exonerated Five. See, History.com Editors, *The Central Park Five*, Aug. 23, 2024, <https://www.history.com/topics/1980s/central-park-five>.

<sup>26</sup> Black children are criminalized in Maryland’s schools for example. During the 2022-23 school year, Black students comprised 33% of Maryland’s overall student population but represented 58% of students suspended and expelled from school and nearly 57% of students arrested in school. Research has consistently shown that Black students do not misbehave more than their peers. See, Russell J. Skiba, PhD and Natasha T. Williams, Are Black Kids Worse? Myths and Facts About Racial Differences in Behavior A Summary of the Literature, 6 (March 2014), [https://indrc.indiana.edu/tools-resources/pdf-disciplineseries/african\\_american\\_differential\\_behavior\\_031214.pdf](https://indrc.indiana.edu/tools-resources/pdf-disciplineseries/african_american_differential_behavior_031214.pdf).

<sup>27</sup> Maryland Department of Legislative Services, Maryland General Assembly, *Racial Equity Impact Note 2025 Session HB 1433*, 9 (Feb. 24, 2024), <https://mgaleg.maryland.gov/Pubs/BudgetFiscal/2025RS-HB1433-REIN.pdf>.

Maryland Department of Public Safety and Correctional Services (DPSCS).<sup>28</sup> Research has consistently shown that children held in adult facilities are at increased risk of physical or sexual assault or solitary confinement.<sup>29</sup> Consequently, children may become hardened by these negative experiences, which may contribute to future criminal activities. Alarming, DPSCS has recently reported that individual-on-individual assaults have doubled at the Youth Detention Center that it operates in Baltimore, which houses children who are automatically charged as adults.<sup>30</sup> The rate of assaults has surpassed those at adult detention facilities operated by DPSCS.

While additional information is needed to understand the reasons for the increased assaults at the Youth Detention Center, it underscores the urgent need to remove youth from adult jails and place them in youth detention centers operated by DJS, whose staff are trained to manage, supervise, and treat youth. HB 1433 could help address the problem of increased assaults by placing more children in the juvenile court system and youth facilities where services are available to them.

In addition, HB 1433's limits on the automatic charging of children in adult criminal is consistent with adolescent brain development science, which recognizes that children are different from adults in that they are more impulsive and unable to contemplate the impacts of their actions and behaviors. Sections of the brains of children and youth that control impulses, planning, and risk avoidance continue to develop through their mid-20s, and once they are fully developed, children are likely to grow out of delinquent and criminal behavior.<sup>31</sup> Adolescent brain development has been relied upon in U.S. Supreme Court decisions declaring that sentencing children to the death penalty and life without the possibility of parole were unconstitutional because children are different from adults.<sup>32</sup>

Children are children and need to be seen and treated as such. Accordingly, ending the automatic charging of youth as adults in Maryland is long overdue. Because we want as many children as possible to have access to age-appropriate services and accountability systems when

---

<sup>28</sup> Data Resource Guide, *supra* note 20 at 114. *See also*, MD CODE ANN, CRIM PRO, § 4-202(h)(2023)(stating that pending a transfer hearing, an adult criminal court could order a child automatically charged as an adult to be held in a secure youth detention center, unless the young person is released on bail, youth detention centers do not have the capacity to house the child, or the court finds detention in youth detention centers would pose a harm to the child or others).

<sup>29</sup> *See*, Human Rights for Kids, *Disposable Children The Prevalence of Child Abuse and Trauma Among Children Prosecuted and Incarcerated as Adults in Maryland*, 17 (2024), <https://humanrightsforkids.org/publication/disposable-children-the-prevalence-of-child-abuse-and-trauma-among-children-prosecuted-as-adults-in-maryland-2/>; *See also*, Marcy Mistrett and Mariana Espinoza, *Youth in Adult Courts, Jails, and Prisons*, 2-3, The Sentencing Project, (Dec. 2021), <https://www.sentencingproject.org/reports/youth-in-adult-courts-jails-and-prisons/>; Just Kids Partnership, *Just Kids: Baltimore's Youth in the Adult Criminal Justice System*, 11-13 (Oct. 2010), <https://justkidsmaryland.org/wp-content/uploads/2014/06/Just-Kids-Report.pdf>.

<sup>30</sup> Maryland Department of Public Safety and Correctional Services, *Division of Pre-Trial Detention and Services Operating Budget Fiscal Year 2026*, 6-7, <https://mgaleg.maryland.gov/pubs/budgetfiscal/2026fy-budget-docs-operating-Q00T04-DPSCS-Division-of-Pretrial-Detention-and-Services.pdf>.

<sup>31</sup> Brief for the American Psychological Association, *et al*, as Amici Curiae in Support of Petitioners, 6-25, *Miller v. Alabama*, 567 U.S. 460 (2012), <https://ejl.org/wp-content/uploads/2019/11/miller-amicus-american-psychological-association.pdf>.

<sup>32</sup> *See generally*, *Roper v. Simmons*, 543 U.S. 551, 569-70 (2005), *Graham v. Florida*, 560 U.S. 48, 68-69 (2010), and *Miller v. Alabama*, 567 U.S. 460, 471-72 (2012).

they find themselves in trouble with the law, we urge the Judiciary Committee to issue a favorable report on HB 1433.

# **JuvenileCourtJurisdiction\_HB1433\_CVP\_FiniganCarr20**

Uploaded by: Nadine Finigan-Carr

Position: FAV



Nadine Finigan-Carr, PhD  
Executive Director  
601 West Lombard Street, Suite 429  
Baltimore, MD 21201

**TESTIMONY ON HB 1433 (Cross-filed with SB 422)**  
**Juvenile Court - Jurisdiction**  
**February 21, 2025**

**The University of Maryland, Baltimore Center for Violence Prevention (CVP) strongly supports HB 1433**, which would limit the number of charges that automatically place youth in the adult prison system. Despite having a separate juvenile justice system, youth are routinely charged and prosecuted in the adult criminal justice system. While crime has steadily decreased, these laws continue to subject youth to charges which are detrimental to their long-term well-being.

The Center for Violence Prevention is a community informed initiative of the University of Maryland, Baltimore in collaboration with the R Adams Cowley Shock Trauma Center at the University of Maryland Medical Center – the first of its kind. Our aim is to build resilient communities for all through the prevention and intervention of all forms of violence and trauma. We do this in an interdisciplinary, collaborative fashion where we conduct community-based participatory research, provide creative and impactful education, and inform and advocate for policies that strengthen our communities to prevent violence and trauma. Our support of this bill is in line with the latter.

Research shows key developmental differences between youth and adults that impact youth's decision making, impulse control, and susceptibility to influence from problematic peers and adults who are looking to exploit them. While these differences do not excuse youth from the responsibility of their actions, the US Supreme Court has repeatedly recognized that youth are less blameworthy and more capable of change and rehabilitation. Punishing youth the same way we do adults does not advance public safety. In fact, decades of research has demonstrated that most crimes committed by youth are adolescent-limited and related to risk-taking behaviors consistent with their developmental stage. As youth mature, they are substantially less likely to re-offend. Locking them up for years extends their incarceration far beyond the time needed for them to be rehabilitated.

Many youth in the juvenile justice system have experienced or witnessed violence and trauma. These and other adverse childhood experiences are disproportionately experienced by Black and Latino children compared to white children. Specifically, Black children experience ACEs at a rate of 61% compared to 40% for white children. Youth placed in the adult criminal justice system face an increased risk of trauma from sexual abuse, physical assault, and suicide. Currently, 80% of the youth charged as adults in Maryland are Black children disproportionately subjecting them to additional trauma. Incarcerating children as adults also denies them access to many essential programs and services, including basic and special education, as well as treatment and counseling services which impedes their chances for rehabilitation and healthy development. Limiting the number of charges which get used placed in the adult criminal justice system will allow them to be more likely to receive the services needed to better meet their needs.

For these reasons, the UMB CVP supports HB 1433 and respectfully encourages a favorable report.

# **Support HB 1433 - Juvenile Jurisdiction.docx.pdf**

Uploaded by: Philip Caroom

Position: FAV



**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](http://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 juveniles<sup>1</sup> 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.*

---

<sup>1</sup> 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.

# **Written Testimony in Support of House Bill 1433.pd**

Uploaded by: S. Todd Yeary

Position: FAV

## **Written Testimony in Support of House Bill 1433 Juvenile Court - Jurisdiction**

Presented to the House Judiciary Committee  
By: S. Todd Yeary, Esq.

### **INTRODUCTION**

Chairman Clippinger, Vice-Chair Bartlett, and members of the Committee, thank you for the opportunity to provide testimony in support of House Bill 1433.

#### **I. The Need for Reform**

Maryland currently sends criminal charges against children aged 14-17 to adult court automatically more than any other state except Alabama. This practice disproportionately impacts youth of color, especially Black youth, who make up 31% of Maryland's population but 81% of all children charged as adults<sup>2</sup>. Such stark racial disparities demand immediate action.

#### **II. Benefits of HB1433**

House Bill 1433 would make several crucial changes to improve outcomes for youth and enhance public safety:

1. *Expanded Juvenile Court Jurisdiction*: The bill repeals provisions that automatically exclude certain cases from juvenile court jurisdiction. This ensures all youth cases begin in juvenile court, where judges can make individualized determinations.
2. *Elimination of Inefficient Processes*: Currently, 871 teens automatically charged as adults face lengthy transfer hearings, with average wait times 103 days longer than juvenile system cases. HB1433 would streamline this process.
3. *Reduced Recidivism*: Research consistently shows youth tried in the adult system have higher reincarceration rates. Keeping cases in juvenile court, with its focus on rehabilitation, will improve long-term outcomes.
4. *Cost Savings and Resource Reallocation*: Ending automatic charging of children as adults would free up an estimated \$12.3 million for the Department of Juvenile Services in FY 2026. This could be invested in community resources and evidence-based prevention programs.

#### **III. Racial Equity Implications**

HB1433 would have significant positive impacts on racial equity in Maryland's juvenile justice system:

1. *Disproportionate Impact*: Youth of color, especially Black youth, are overrepresented in both juvenile and adult courts for crimes of violence charges. In fiscal 2023, 81% of youth charged as adults for crimes of violence were youth of color.

2. *Reduced Disparities*: The bill would substantially reduce the number of cases heard in the circuit court involving juveniles charged as adults. This would significantly reduce the likelihood of harsher punitive outcomes for youth of color.
3. *Access to Services*: Juveniles under the jurisdiction of the juvenile court will likely have more access to coordinated resources, individualized treatment, and a continuum of care not available in the adult system.
4. *Addressing Systemic Inequities*: While the bill's provisions would not directly affect charge inequities between racial groups, it will significantly impact youth of color whose cases are currently heard in the circuit court but would instead be adjudicated by the juvenile court under the new provisions.

#### **IV. Alignment with Best Practices**

HB1433 would bring Maryland in line with other states that have enacted similar reforms to ensure children are treated as children in the justice system. Some of these states include:

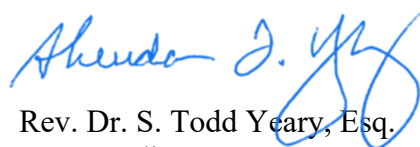
- *Kentucky*: Requires prosecutors to offer diversion to first-time misdemeanor offenders.
- *Utah*: Established diversion standards and limited school-based court referrals in 2017.
- *Colorado, Hawaii, Indiana, Kansas, Kentucky, Utah, and West Virginia*: Have broadened state laws as part of larger youth justice reform legislation.

#### **V. Conclusion**

House Bill 1433 represents a critical step toward a more just, effective, and equitable juvenile justice system in Maryland. By expanding juvenile court jurisdiction and eliminating inefficient automatic charging practices, this legislation will improve outcomes for youth, enhance public safety, and better utilize state resources. Most importantly, it will address significant racial disparities in our current system, providing more equitable treatment and opportunities for rehabilitation to all youth, regardless of race or ethnicity.

I urge the Committee to issue a favorable report on House Bill 1433. Thank you for your consideration.

Respectfully,



Rev. Dr. S. Todd Yeary, Esq.  
1325 Madison Ave.  
Baltimore, Maryland 21217

# **WRITTEN TESTIMONY HOUSE BILL 1433 CHARGING CHILDR**

Uploaded by: Sharon Blake

Position: FAV

**TESTIMONY - House Bill 1433**

Juvenile Court – Jurisdiction

House Judiciary Committee

February 26, 2025

**SUPPORT/FAVOR**

Submitted by: Sharon Y. Blake

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

I, Sharon Y. Blake testifying in support/favor of House Bill 1433, Juvenile Court – Jurisdiction. Although no child in my family has experienced Maryland’s practice of “charging juveniles as adults,” I am submitting this testimony nevertheless, because, as a Baltimore County resident in District 10, and a lifelong educator I believe I have an appropriate interest in this matter.

Professionally I served as the President of the Baltimore Teachers Union. Moreover, I served 43years as an educator in the Baltimore City Public School System, the large majority of that time as a teacher of History at the high school level. Working with youth between the ages of fourteen to twenty (14 – 20) in the Baltimore City Public School System has allowed me a multitude of experiences.

While the majority of the young people I taught were productive and positive, I have witnessed, taught in schools where crime was a problem and been the subject of juvenile crime. I had my car stolen off the school’s parking lot, my credit cards stolen from my handbag, which I had locked in my classroom closet, and the rear window of my car shattered. Sadly, I worked in a school where a student was beaten with a weapon, “pistol whipped” in the cafeteria and the Baltimore City SWAT Team was called thus the school was on “Lock Down” for two hours until the weapon was recovered. I taught in another school where the Baltimore City Police had to be posted outside of each classroom due the threat of violence within the school. Conversely, the most problematic or horrific challenge was that of having one of my students stab and kill another student in the hallway. All these arduous experiences led me to recognize the profound pain, heart ache, lack of nurturing and anguish my students were dealing with on a daily basis. These criminal acts sent a clear message to me that society, schools, and the juvenile justice system must do a better job of supporting young people who live in profound pain, poverty, hopelessness, ignorance and despair. Because children do not choose their parents or living conditions, as a society, we must acknowledge the need to provide additional mechanisms to assist our youth. One of the most effective mechanisms would be changing the scandalous fact that Maryland is second only to the state of Alabama in automatically sending children aged fourteen to seventeen (14-17) to adult court. Sentencing children as adults is essentially unsound and inhumane given its devastating effects on many families, principally within the Black communities. The time is now to end the practice of automatically charging children as adults.

Many states have recognized the unsound and inhumane harm caused by this practice and have successfully rescinded it. In six states, California, Hawaii, Kansas, Kentucky, Oregon, and Texas—all youth cases begin in juvenile courts. Thus, I implore this committee to pass House Bill 1433 Juvenile Court – Jurisdiction hereby allowing Maryland to follow suit. As important, this bill also has very severe racial justice implications.

Maryland's population of Black children is thirty-one percent (31%) but eighty-one percent (81%) of all children charged as adults. Additionally, in 2022, just twelve per cent (12%) of teenagers tried as adults were convicted. Automatically charging children as adults is inhumane, it is also excessive, unproductive, and ineffective with serious consequences. While acknowledging the inevitability of accountability for juveniles, we, as a society, must also recognize the fact that far too many of our juveniles are deeply wounded living in pain, poverty, hopelessness, ignorance and despair. To that point, some level of compassion should be considered in permitting judges the discretion to determine the appropriate setting for juvenile offenders, whether juvenile or adult court, on a case-by-case basis.

Therefore, I urge this honorable committee to support House Bill 1433 Juvenile Court – Jurisdiction with a favorable vote to end the destructive, damaging, harsh practice of charging adolescents as adults in our great state of Maryland.

Thank you for your consideration.

# **Written Testimony for Bill HB1433 02.2025.pdf**

Uploaded by: Taj Smith

Position: FAV





February 20, 2025

The Honorable Members of the Maryland General Assembly  
Annapolis, MD

Subject: Testimony in Support of HB1433

Dear Members of the Assembly,

I submit written testimony to you today on behalf of the Washington County NAACP Branch 7030B in support of HB1433, which proposes to alter the juvenile court's jurisdiction by repealing the provision that prevents the court from having jurisdiction over children alleged to have committed certain acts. This legislation represents a critical step towards reforming a legal system that has, for too long, treated children as adults, often with devastating consequences.

The policy of automatically charging children as adults is fundamentally flawed and disproportionately impacts African-American communities. Research indicates that this approach fails to enhance community safety and leads to poorer long-term outcomes for the children involved. Alarming, Maryland ranks second in the nation, following Alabama, in sending juveniles to adult court per capita. According to a 2024 report from Human Rights for Kids, Maryland ranks fourth in the number of individuals convicted as adults for offenses committed during their childhood,

Evidence shows that subjecting children to the adult criminal justice system places them at significantly more physical, emotional, and psychological risk. This practice is linked to higher rates of recidivism, as youth charged in adult courts are often denied access to essential rehabilitative services, making them more likely to re-offend. The current system exacerbates issues of violence and isolation among youth in the criminal justice system.

Data illustrates the racial bias inherent in our system, as over 81% of the youth charged in Maryland's adult courts are Black. A study conducted by the Vera Institute of Justice revealed disparities in how cases are processed, with white youth having their cases transferred down 94% of the time, compared to only 26% for youth of color.

While it is vital to uphold accountability for youth, we must also consider the lack of resources available to many communities and the profound impact of trauma on children. Jurisdiction must be determined on a case-by-case basis, allowing for a more compassionate and equitable approach.

Therefore, I urge you to support HB1433 to end the harmful practice of charging children as adults in Maryland. We should have a system that prioritizes rehabilitation, especially for our children.

Sincerely,

A handwritten signature in black ink, appearing to read "Taj Smith", written over a horizontal line.

Taj Smith, President  
Washington County NAACP Branch 7030B  
PO BOX 2451  
Hagerstown, MD 21742  
240-347-2639

## **HB 1433 - LBCMD Priority Bill.1.pdf**

Uploaded by: Ufuoma Agarín

Position: FAV



# LEGISLATIVE BLACK CAUCUS OF MARYLAND, INC.

The Maryland House of Delegates, 6 Bladen Street, Room 300, Annapolis, Maryland 21401  
410-841-3185 • 800-492-7122 Ext. 3185 • [Black.Caucus@house.state.md.us](mailto:Black.Caucus@house.state.md.us)

February 26, 2025

## EXECUTIVE OFFICERS

### Chair

Delegate Jheanelle Wilkins, District 20

### 1st Vice Chair

Delegate Melissa Wells, District 40

### 2nd Vice Chair

Delegate Karen R. Toles, District 25

### Treasurer

Delegate Marlon Amprey, District 40

### Secretary

Delegate Jamila J. Woods, District 26

### Financial Secretary

Senator Arthur Ellis, District 28

### Chaplain

Delegate Jeffrie E. Long, Jr., District 27B

### Parliamentarian

Delegate Stephanie Smith, District 45

### Historian

Delegate Cheryl E. Pasteur, District 11A

### Executive Director

Ufuoma O. Agariri, J.D.

## MEMBERS

Senator Malcolm Augustine, District 47  
Senator Benjamin Brooks, District 10  
Senator Nick Charles, District 25  
Senator Antonio L. Hayes, District 40  
Senator Shaneka Henson, District 30  
Senator Carl Jackson, District 8  
Senator Michael A. Jackson, District 27  
Senator Cory V. McCray, District 45  
Senator C. Anthony Muse, District 26  
Senator William C. Smith, Jr., District 20  
Senator Charles E. Sydnor III, Esq., District 44  
Senator Alonzo T. Washington, District 22  
Senator Mary L. Washington, District 43  
Senator Ron Watson, District 23  
Delegate Gabriel Acevero, District 39  
Delegate Jacqueline T. Addison, District 45  
Delegate Tiffany Alston, District 24  
Delegate Vanessa E. Atterberry, District 13  
Delegate J. Sandy Bartlett, District 32  
Delegate Adrian Boato, District 23  
Delegate Regina T. Boyce, District 43A  
Delegate Frank M. Conway, Jr., District 40  
Delegate Charlotte Crutchfield, District 19  
Delegate Debra Davis, District 28  
Delegate Diana M. Fennell, District 47A  
Delegate Kevin M. Harris, District 27A  
Delegate Andrea Fletcher Harrison, District 24  
Delegate Terri L. Hill, District 12  
Delegate Marvin E. Holmes, Jr., District 23  
Delegate Julian Ivey, District 47A  
Delegate Andre V. Johnson, Jr., District 34A  
Delegate Adrienne A. Jones, District 10  
Delegate Jazz Lewis, District 24  
Delegate Robbyn Lewis, District 46  
Delegate Ashanti Martinez, District 22  
Delegate Aletheia McCaskill, District 44B  
Delegate Bernice Mireku-North, District 14  
Delegate LaToya Nkongolo, District 31  
Delegate Edith J. Patterson, District 28  
Delegate Joseline Peña-Melnik, District 21  
Delegate N. Scott Phillips, District 10  
Delegate Pamela Queen, District 14  
Delegate Kent Roberson, District 25  
Delegate Denise G. Roberts, District 25  
Delegate Mike Rogers, District 32  
Delegate Malcolm P. Ruff, District 41  
Delegate Gary Simmons, District 12B  
Delegate Deni Tavaras, District 47B  
Delegate Kym Taylor, District 23  
Delegate Veronica Turner, District 26  
Delegate Jennifer White Holland, District 10  
Delegate Nicole A. Williams, District 22  
Delegate C.T. Wilson, District 28  
Delegate Greg Wims, District 39  
Delegate Caylin Young, District 45

Chair Luke Clippinger

Judiciary Committee

100 Taylor House Office Building  
Annapolis, Maryland 21401

Dear Chair Clippinger, Vice-Chair Bartlett, and Members of the Committee,

**The Legislative Black Caucus of Maryland offers strong favorable support for House Bill 1433 (HB1433) – Juvenile Court – Jurisdiction.** This bill introduces essential reforms to Maryland's juvenile justice system, ensuring that more youth cases remain under the jurisdiction of the juvenile court rather than being automatically transferred to adult court. **House Bill 1433 is a 2025 legislative priority for the Black Caucus.**

Black youth in Maryland are disproportionately charged and sentenced as adults, exacerbating systemic inequalities within the criminal justice system. According to data from the National Association of Criminal Defense Lawyers, [Black youth made up 67.7% of youth to adult transfer files in 2016, even though they are only 14% of the youth population.](#) These disparities contribute to higher rates of incarceration and recidivism, disrupting families and communities across the state.

House Bill 1433 ensures that juveniles have access to rehabilitative services and educational opportunities within the juvenile court system, rather than being subjected to the punitive measures of the adult criminal system. Research has consistently shown that youth processed in the juvenile system have significantly lower recidivism rates than those tried as adults. By prioritizing rehabilitation over incarceration, this bill aligns with evidence-based practices that promote long-term public safety and successful reintegration.

Additionally, keeping more cases within the juvenile system reduces the likelihood of young individuals being exposed to the dangers of adult prisons, where they are at a heightened risk of violence, abuse, and mental health deterioration. The Office of Juvenile Justice and Delinquency Prevention found that [youth held in adult facilities are 34% more likely to be rearrested compared to those in the juvenile system.](#) This bill provides a fairer approach by ensuring that minors receive age-appropriate interventions rather than being subjected to lifelong criminal records.

To promote transparency and accountability, House Bill 1433 ensures that juvenile cases are handled with a focus on restorative justice principles. This approach not only benefits the affected youth but also strengthens communities

by reducing recidivism and allowing young individuals to become productive members of society.

By addressing the disproportionate impact of the adult criminal justice system on Black youth, House Bill 1433 advances principles of justice and equity while allowing Maryland to redirect resources toward rehabilitation and community support. The bill's provisions reflect the Caucus' commitment to addressing systemic disparities and advocating for reforms that uphold human rights within the criminal justice system.

House Bill 1433 represents a thoughtful and equitable approach to juvenile justice reform. It balances public safety with fiscal responsibility and humane treatment, ensuring that policies reflect our values of equity and fairness. For these reasons, the Legislative Black Caucus of Maryland strongly supports House Bill 1433 and urges a favorable vote.

Legislative Black Caucus of Maryland

# **HB1433\_FAV\_SWASC.pdf**

Uploaded by: UM SWASC

Position: FAV

---

## TESTIMONY IN SUPPORT OF HOUSE BILL 1433

### Juvenile Court – Jurisdiction

#### *Judiciary Committee*

February 26, 2025

**Social Work Advocates for Social Change strongly supports HB 1433**, which would expand the jurisdiction of the juvenile court in Maryland so that more children start their cases before the juvenile court. Current Maryland law requires children as young as 14 to be charged as adults for certain alleged acts, even if their cases are ultimately resolved by the juvenile court. HB 1433 would expand the juvenile court's jurisdiction and reduce exposure to the adult system for Maryland children.

**Expanding the juvenile court's jurisdiction is more efficient than continuing to charge children as adults.** Under Maryland's current system, children charged as adults have their cases transferred to the juvenile court or dismissed at a rate of over 33%.<sup>1</sup> As the adult court processes the case, children spend on average three and a half months detained in juvenile facilities awaiting a transfer hearing. The transfer hearing determines whether the case will remain in adult court or transfer to the juvenile court. Passing HB 1433 would decrease the number of children detained and the length of time they spend in detention waiting for the adult court to process their cases for transfer to the juvenile court. HB 1433 ensures that cases that ultimately end up in the juvenile court will begin there, thus streamlining an existing process.

**Exposing children to the adult system undermines public safety.** Processing and punishing children like adults harms young people and undermines public safety and community well-being. Neuroscience and developmental research shows that children require different interventions and supports in the carceral system than the adult system provides.<sup>2</sup> For instance, children charged as adults lose months when they could be pursuing their education. When children lose out on quality education due to incarceration, their chances of continuing their education after release decrease while their likelihood of recidivism increases.<sup>3</sup> Charging children as adults only to have their case transferred to the juvenile court or dismissed altogether increases recidivism rates among children who were low-risk to begin with, dealing a significant blow to public safety and the future prospects

---

<sup>1</sup> Maryland Juvenile Justice Reform Council Final Report. Juvenile Justice Reform Council Final Report January 2021. (2021). <https://dls.maryland.gov/pubs/prod/NoPblTabMtg/CmsnJuvRefCncl/JJRC-Final-Report.pdf>

<sup>2</sup> Illinois Juvenile Justice Commission. (n.d.). Trial and sentencing of youth as adults in the Illinois justice system: transfer data report. <https://ijjc.illinois.gov/wp-content/uploads/2021/12/2018-Juvenile-Transfer-Report-v1-NP.pdf>

<sup>3</sup> "Justice and Education Departments Announce New Research Showing Prison Education Reduces Recidivism, Saves Money, Improves Employment." Office of Public Affairs, 22 August 2013. <https://www.justice.gov/opa/pr/justice-and-education-departments-announce-new-research-showing-prison-education-reduces-recidivism-saves-money-improves-employment>. Press release.

for these children.<sup>4</sup>

**Maryland's current practice is harsh and out of step with most of the country, while disproportionately impacting Black children.** In 1945, Maryland became the second state to begin charging children as adults for murder.<sup>5</sup> Eighty years later, more than 85% of children automatically charged as adults in Maryland are Black, and our State sends more children to adult court than 48 other states.<sup>6</sup> In 2020, Black residents only accounted for 31.6% of the population according to the United States Census Bureau.<sup>7</sup> Maryland is leading the way, but in the wrong direction. In a 2024 report covering the high prevalence of trauma among children prosecuted and incarcerated as adults in Maryland, Human Rights for Kids recommended that Maryland amend all waiver and transfer statutes to start all cases involving children in the juvenile court.<sup>8</sup> HB 1433 does not go so far as to meet the terms of that recommendation, but it will be a crucial first step toward improving our justice system.

**Over-incarceration negatively impacts Maryland's communities and economy..**

Incarcerating more people costs taxpayers money. Individuals who could otherwise become contributing members of society in Maryland, socially, economically, and culturally, are deprived of educational and employment opportunities. HB 1433 will advance Maryland toward more just and fair treatment for children involved in the juvenile justice system for the betterment of their lives and Maryland communities.

**For these reasons, Social Work Advocates for Social Change urges a favorable report on HB 1433.**

*Social Work Advocates for Social Change is a coalition of MSW students at the University of Maryland School of Social Work that seeks to promote equity and justice through public policy, and to engage the communities impacted by public policy in the policymaking process.*

---

<sup>4</sup> Feeney, M., & Lesley, A. (2024, May 10). Raise the age: Ensuring all kids have access to the Juvenile Justice System - Human Rights for kids: Working to end children's rights abuses. Human Rights for Kids | Working to End Children's Rights Abuses. <https://humanrightsforkids.org/publication/raise-the-age-ensuring-all-kids-have-access-to-the-juvenile-justice-system/>

<sup>5</sup> Feld B. 1987. The Juvenile Court Meets the Principle of the Offense: Legislative Changes to Juvenile Waiver Statutes, Journal of Criminal Law and Criminology 78(3): 471-533, at 512-513

<sup>6</sup> Editorial Advisory Board. (2023, March 28). Maryland lawmakers should vote yes on "The yes act." Maryland Daily Record. <https://thedayrecord.com/2023/03/24/maryland-lawmakers-should-vote-yes-on-the-yes-act/>

<sup>7</sup> U.S. Census Bureau quickfacts: Maryland. (n.d.-c). <https://www.census.gov/quickfacts/fact/table/MD/RHI225223>

<sup>8</sup> Disposable children: The prevalence of child abuse and trauma among children prosecuted as adults in Maryland - human rights for kids: Working to end children's rights abuses. Human Rights for Kids | Working to End Children's Rights Abuses. (2024, November 20). <https://humanrightsforkids.org/publication/disposable-children-the-prevalence-of-child-abuse-and-trauma-among-children-prosecuted-as-adults-in-maryland-2/>

## **HB1433.pdf**

Uploaded by: Yasmeeen Elkoshairi

Position: FAV





## Council on American-Islamic Relations

CAIR Office in Maryland

6120 Baltimore National Pike, Suite 2D

Baltimore, MD 21228

E-mail: [mdoutreach@cair.com](mailto:mdoutreach@cair.com) URL [www.cair.com](http://www.cair.com)

Tele 410-971-6062 Fax 202-488-0833

February 26, 2025

Honorable Chair Luke Clippinger  
House Judiciary Committee  
100 Taylor House Office Building  
Annapolis, MD 21401

### Re: Testimony Favorable for HB1433 Juvenile Court – Jurisdiction

Dear Chair Clippinger and Members of the Judiciary Committee:

On behalf of the Maryland office of the Council on American-Islamic Relations (CAIR), thank you for this opportunity to testify in strong support of House Bill 1433, which expands the jurisdiction of the juvenile court by ensuring that children alleged to have committed certain offenses remain within the juvenile justice system rather than being automatically tried as adults. This bill is a crucial step toward a more just, rehabilitative, and effective juvenile justice system in Maryland. CAIR is America's largest Muslim civil rights and advocacy organization.

Maryland's current policies disproportionately funnel young people—especially Black and Brown youth—into the adult criminal legal system, where they face severe and often irreparable harm. Scientific research and legal precedent confirm that children differ significantly from adults in their cognitive development, impulse control, and capacity for rehabilitation. Despite this, Maryland remains one of the states that still transfers juveniles to adult courts at alarming rates, disproportionately impacting communities of color.

Why HB 1433 is Essential:

1. **Prioritizing Rehabilitation Over Punishment:** The juvenile justice system is specifically designed to focus on rehabilitation rather than retribution. When young people are charged and tried as adults, they lose access to critical services that could help them reintegrate into society as productive individuals. HB 1433 ensures that young people receive age-appropriate support and interventions.
2. **Reducing Recidivism:** Studies show that youth prosecuted in the adult system are significantly more likely to reoffend than those who remain in the juvenile system. By keeping juveniles in the court system designed for their rehabilitation, Maryland can lower recidivism rates and improve public safety in the long term.
3. **Protecting Vulnerable Youth from Harm:** Youth incarcerated in adult facilities face extreme risks, including higher rates of physical and sexual violence, mental health deterioration, and increased likelihood of self-harm. HB 1433 helps protect children from these dangers by keeping them in juvenile facilities better equipped to address their developmental needs.
4. **Addressing Racial Disparities in Juvenile Justice:** Maryland's youth transfer laws disproportionately impact Black and Brown children, reinforcing systemic racial inequities in the criminal justice system. HB 1433 helps mitigate this harm by ensuring that all youth, regardless of race or background, have access to due process and rehabilitative opportunities in juvenile court.

HB 1433 aligns with evidence-based practices, constitutional principles, and the growing consensus among experts that young people deserve a second chance through rehabilitative justice, not harsh adult sentencing. It is imperative that Maryland takes this step toward ensuring fairness, equity, and effective justice for all children.

Washington D.C.

Alabama Arizona California Colorado Connecticut Florida Georgia Illinois Kansas Kentucky Maryland  
Massachusetts Michigan Minnesota Missouri New Jersey New York North Carolina Ohio Oklahoma Pennsylvania  
Texas Washington

We urge the Maryland General Assembly to pass HB1433 and reaffirm the state's commitment to juvenile justice reform. Thank you for your time and consideration.

Respectfully,

Zainab Chaudry, Pharm.D.  
Director, CAIR Maryland  
Council on American-Islamic Relations (CAIR)  
zchaudry@cair.com

**Washington D.C.**

Alabama Arizona California Colorado Connecticut Florida Georgia Illinois Kansas Kentucky Maryland  
Massachusetts Michigan Minnesota Missouri New Jersey New York North Carolina Ohio Oklahoma Pennsylvania  
Texas Washington

# **HB1433 MYJC Sign on Testimony.pdf**

Uploaded by: Alice Wilkerson

Position: FWA



**HB 1433: Juvenile Court – Jurisdiction**  
**Position: Favorable with Amendments**

February 26, 2025

Dear Chair Clippinger, Vice Chair Bartlett, and members of the Judiciary Committee,

The Maryland Youth Justice Coalition (MYJC) is a diverse array of organizations dedicated to preventing children and adolescents from becoming involved in the legal system, upholding the highest standards of care when children do enter the legal system, and ensuring a platform for system-involved youth and their families to be heard. MYJC strives for a Maryland where no children are at risk of system involvement and, if they are involved with the legal system, they and their families receive every possible opportunity to define and live safe, healthy and fulfilling lives through restorative practices supported by our state and local communities.

MYJC urges the Judicial Proceedings Committee to issue a favorable with amendments report on House Bill 1433. While this legislation seeks to address components of our state's unacceptable system of automatically charging kids as adults, it does not go far enough and should be amended to end this practice entirely. Ending automatic charging for all children leads to better community safety, and better long-term outcomes for the children who are brought into the legal system.

Maryland sends more young people per capita to adult court based on offense type than any other state except for Alabama.<sup>1</sup> Maryland also ranks 4th highest in the country for the number of people convicted as adults when they were children according to a [2024 report](#) from Human Rights for Kids (HRFK). A major reason is that Maryland law requires some 14 and 15 year olds, and most 16 and 17 year olds to be automatically prosecuted in adult court for [33 offenses](#) – putting us out of step with other states and international human rights law.

HB1433 eliminates automatic charging for children aged 14, and 15, and reduces the list of charges for 16 and 17 year olds. This is a good start, but it does not go far enough. **MYJC requests amendments that would end automatic charging for all offenses and for all children 17 and younger.** This amendment simply changes where juvenile cases start, and would still allow cases to be waived up to adult court after judicial review.

In Maryland, children as young as 14 can be tried in adult court depending on how they are charged at the time of arrest. Research shows treating kids as if they were adults, in the adult criminal legal system, puts them at far greater physical, emotional, and psychological risk, and leads to higher

---

<sup>1</sup>Maryland JJRC and Marcy Mistrett, National Trends in Charging Children as Adults, The Sentencing Project (July 20, 2021)

rates of recidivism. **Youth charged in adult court are less likely to receive rehabilitative services, which makes them more likely to reoffend than similarly situated youth charged in juvenile court. Adult charging results in increased physical violence, sexual violence, and isolation.** According to the 2024 HRFK report<sup>2</sup> about individuals incarcerated as children in Maryland:

- Nearly 80% were placed in solitary confinement as children
- Over 80% reported experiencing abuse from staff or other incarcerated people
- Only 28.23% of people incarcerated as children have received treatment to address any of the various traumas they experienced prior to their incarceration

### The Current System is Biased Against Black Youth

Black youth, overwhelmingly Black and brown, are overrepresented at every stage of the Maryland court system.<sup>3</sup> Rampant racial inequities are evident in the way Black kids in particular are disciplined in school, policed and arrested,<sup>4</sup> detained, sentenced, and incarcerated.<sup>5</sup> These inequities persist even after controlling for variables like offense severity and prior criminal record. **Over 81% of youth charged in adult court in Maryland are Black.**<sup>6</sup> Black youth are more likely to be prosecuted as adults<sup>7</sup>, and receive longer sentences than their white counterparts for similar offenses, in part because Black kids are more likely to be seen and treated as adults than white kids.<sup>8</sup>

### “Tough on Crime” Laws Criminalize Kids and Make Us Less Safe

Research shows that “tough on crime” policy shifts during the 1980s and 1990s have negatively impacted children, families, and Black communities. These laws were fueled by high-profile criminal cases involving youth, sensationalized coverage of system-involved youth by the media, and crusading politicians who warned that juvenile “super-predators” posed a significant threat to public safety. The general sentiment — not based on research or data — across the political spectrum was that treatment approaches and rehabilitation attempts did not work. However, time has shown that harshly punishing kids by trying them in the adult system has failed as an effective deterrent. Studies have found higher recidivism rates among kids tried and sentenced in adult court than among kids charged with similar offenses in juvenile court.

### Automatically Charging Kids as Adults is Costly for the State

---

<sup>2</sup>Human Rights for Kids, [Disposable Children The Prevalence of Child Abuse and Trauma Among Children Prosecuted and Incarcerated As Adults in Maryland](#), 17 (2024)

<sup>3</sup> Hagan J, Shedd C, Payne MR. Race, ethnicity, and youth perceptions of criminal injustice. *American Sociological Review*. 2005;70(3):381-407. See also, DJS Data Resource Guide FY2021, 241. [https://djs.maryland.gov/Documents/DRG/Data\\_Resource\\_Guide\\_FY2021.pdf](https://djs.maryland.gov/Documents/DRG/Data_Resource_Guide_FY2021.pdf).

<sup>4</sup> Monroe CR. Why Are “Bad Boys” always Black?: Causes of Disproportionality in School Discipline and Recommendations for Change. *The Clearing House: A Journal of Educational Strategies, Issues and Ideas*. 2005;79(1):45-50. doi:10.3200/TCHS.79.1.45-50

<sup>5</sup> Douglas Young, et al, [Disproportionate Minority Contact in the Maryland Juvenile Justice System](#), Institute for Governmental Service and Research, University of Maryland, College Park

<sup>6</sup> Vera Institute, Preliminary Findings: Youth Charged as Adults in Maryland, Dec. 10, 2020. <http://dls.maryland.gov/pubs/prod/NoPblTabMtg/CmsnJuvRefCncl/Preliminary-Findings-Youth-Charged-as-Adults.pdf>.

<sup>7</sup> <https://www.baltimoresun.com/2025/01/29/marylands-youth-are-unfairly-criminalized-guest-commentary/>

<sup>8</sup> Soler M. Health issues for adolescents in the justice system. *Journal of Adolescent Health*. 2002;31(6):321–333.

Keeping children and communities safe should be our highest priority. That's why we must improve laws for teenagers facing criminal charges. Maryland's juvenile justice system is designed to hold teens accountable by providing them with tools and resources to change their behavior, and avoid future involvement in the criminal legal system. Yet every year, hundreds of kids are placed in the adult criminal justice system instead. And every year, judges decide to have 87% of these cases sent to juvenile court, dismissed, or granted probation – an expensive process that costs over \$20 million a year. This system is wasting resources that could go towards violence prevention and rehabilitative services that actually reduce crime. By requiring cases to start in juvenile court where a judge can review a case and decide whether it is in the best interest of both the youth and our communities to move the case to adult court, Maryland legislators would help produce better outcomes for youth, improve community safety, and save taxpayer money.

**MYJC respectfully requests that this committee return a favorable with amendments report on HB1433** and finally have Maryland join the 6 other states who have passed laws to treat kids like kids and completely end automatic charging.

ACLU of Maryland  
Advance Maryland  
Baltimore Algebra Project  
BRIDGE Maryland, Inc.  
Baltimore Jewish Council  
Center for Criminal Justice Reform, University of Baltimore School of Law  
The Choice Program at UMBC  
Disability Rights Maryland  
Gibson-Banks Center for Race and the Law, University of Maryland Carey Law School  
JCRC of Greater Washington  
Jews United for Justice  
Maryland Association of Youth Service Bureaus  
Maryland Catholic Conference  
Maryland Defenders Union  
Maryland National Action Network  
Montgomery County Commission on Juvenile Justice  
Muslim Community Cultural Center of Baltimore  
NAACP Howard County Branch #7020  
National Center on Institutions and Alternatives  
National Juvenile Justice Network  
Out 4 Justice  
Racial Justice NOW  
Sayra and Neil Meyerhoff Center for Families, Children and the Courts, University of Baltimore School of Law  
The Sentencing Project

# **HB1433\_AndrewMiller\_FWA.pdf**

Uploaded by: Andrew Miller

Position: FWA

February 26, 2025

Andrew J. Miller  
Baltimore, MD 21209

**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.**

# **HB1433 Support with ammendments.pdf**

Uploaded by: Anita Lampel

Position: FWA

**TESTIMONY IN SUPPORT WITH AMENDMENTS**  
**BILL#HB1433**  
**JUVENILE COURT-JURISDICTION**

February 21, 2025

Dear Honorable Chair Clippinger, Committee Vice-Chair Bartlett, and Members of the House Judiciary Committee,

My name is Anita Lampel and I live in Bethesda, MD, in D 16. I am submitting testimony in favor of this bill with amendments. I have a Ph.D. in psychology, ran a major Child and Adolescent Mental Health Program, provided assessments and testified in both juvenile and superior courts, and served on advisory panels on youth and adult justice in California. I then moved to Maryland where I discovered that children as young as fourteen can be tried and convicted in adult court. And that Maryland ranks at the bottom, next to Alabama, in the percent of Black youth who are incarcerated. Children's brains do not stop developing until the early '20s. Teens are more prone to impulsivity, more vulnerable to stressors that can literally change the brain's make-up. They are also resilient and can be assisted towards a path without crime. A child who is kept within a juvenile justice system and provided with appropriate services is much less likely to reoffend than a child with the same crime sent into the adult system. Isn't that what we want—less recidivism and better citizens? Juvenile Court Judges are in a much better position to know what services are available for the child in front of them than a judge in adult court. In fact, children who begin in adult court see their cases dismissed or are sent back to juvenile court 83% of the time! What a churn—a waste of money and attorney and court time. Start these children where they belong and let the capable judges make the decision.

I would like to see the bill amended to include all children, no matter what the nature of the crime. I acknowledge that specific crimes are frightening—car jacking, having a gun—but we need to consider the child behind that, assess that young person, and see how to turn them away from crime. If the Juvenile Court judge cannot see a route to that within the juvenile system, the judge can refer the child to adult court. Nothing in this law prevents that.

Ultimately, this legislation will help all Marylanders because it will reduce recidivism, enable youth to readjust their lives, and ease the concerns of the victims of crime.

Thank you,  
Anita Lampel

# **CFCC Testimony is Support HB1433.pdf**

Uploaded by: Aubrey Edwards-Luce

Position: FWA

**The University of Baltimore School of Law's Sayra and Neil Meyerhoff Center for  
Families, Children and the Courts (CFCC)**

**In Support with Amendments of HB 1433**

**Juvenile Court - Jurisdiction**

TO: Chair Clippinger, Vice-Chair Bartlett and Esteemed Members of the House Judiciary  
Committee:

FROM: CFCC Executive Director Aubrey Edwards-Luce, MSW, Esq.

**February 26, 2025**

The Sayra and Neil Meyerhoff Center for Families, Children and the Courts (CFCC) at the University of Baltimore School of Law envisions communities where children and families thrive without unnecessary involvement in the legal system. CFCC engages communities to work towards transforming systems that create barriers to family well-being.

**CFCC supports HB 1433 with amendments**, as the bill seeks to reform Maryland's unjust system of automatically charging youth as adults by eliminating the automatic charging of youth aged 14 and 15 and reducing the chargeable offenses for 16 and 17-year-olds. **CFCC proposes amendments to end the automatic charging of all youth for all offenses.** This would enable a judge to waive a youth's case into the adult system on a case-by-case basis and also ensure that the initial judicial review would be completed in the juvenile system. **If amended as proposed, HB 1433 will protect a youth's constitutional right to family integrity, align our legal system's practice with the science of adolescent development, protect youth from harmful conditions, and facilitate youth's access to developmentally appropriate services.**

**I. HB 1433 will protect a youth's right to family integrity.**

The Constitution provides that families have a fundamental right to family integrity, which includes preserving the family entity, without unwarranted state interference.<sup>1</sup> The parent-child bond is extremely imperative for the healthy upbringing of a child and severing that bond can result in a traumatic experience for both the child and the parent.<sup>2</sup> Specifically, research reveals that children with an incarcerated parent are more likely to experience mental health issues,

---

<sup>1</sup> Shanta Trivedi, *My Family Belongs to Me: A Child's Constitutional Right to Family Integrity*, 56 Harvard Civil Rights - Civil Liberties Law Review (2021).

<sup>2</sup> Indiana University, *Analysis Finds More Research Needed On Impact Of Maternal Incarceration On Children*, (May 15, 2023), <https://policyinstitute.iu.edu/news-media/stories/maternal-incarceration-brief.html#:~:text=A%20child's%20school%20experience%20also,quit%20school%20than%20other%20children.>

which include depression and anxiety.<sup>3</sup> This phenomenon will negatively exacerbate when an incarcerated parent is a youth who is automatically charged as an adult, as they are separated from their families for a much longer time awaiting their hearing than they would have had they initially been placed in the juvenile system.<sup>4</sup>

Further, a youthful parent held in an adult system may need to comply with court orders, which include completing education or finding employment, all while coping with the emotional effects of losing the parent-child bond during that time of confinement.<sup>5</sup> The impacts of automatically charging a youth as an adult not only pose a risk to the incarcerated parent and their interest in maintaining family integrity but also detrimentally contribute to their child's trauma, creating a ripple effect which negatively impacts the mental and emotional development of future generations.<sup>6</sup> HB 1433, with the proposed amendment, will mitigate the negative impact that separation of parent and child will have on family integrity and prioritizes the parent-child bond through rehabilitation of the youth parent, all of which the adult system is incapable of providing.<sup>7</sup>

If amended HB 1433 will significantly reduce the unnecessary harm of charging youth as an adult, ensuring an age-appropriate judicial review and access to essential developmental services while safeguarding their exposure to harmful conditions and upholding their right to family integrity.

## **II. If amended, HB 1433 will align our legal system's practice with the science of adolescent development.**

Sending youth to the adult criminal system is a serious action. It communicates, contrary to modern-day research, that a young person is undeserving or beyond the hope of the rehabilitation found in the juvenile legal system. It tells teenagers that they are hardened criminals. It says to young people that they need the harsher punishment that is found in the adult criminal system. In most case, automatically charging youth as if they are adults is in direct contradiction to their well-being, our communities' safety, and children's right to family integrity.

In general, adolescent brains are different from adult brains in their ability to control their impulses and to consider the future consequences of their actions. The type of charge that a young person receives cannot tell us whether that young person has the type of maturity that

---

<sup>3</sup> *Id.*

<sup>4</sup> Acoca, Leslie, *Are Those Cookies For Me Or My Baby? Understanding Detained And Incarcerated Teen Mothers And Their Children*, <https://isc.idaho.gov/cp/docs/Understanding%20Detained%20and%20Incarcerated%20Teen%20Mothers%20and%20Their%20Children.pdf>, (Last visited Jan. 31, 2025)

<sup>5</sup> *Id.*

<sup>6</sup> *Id.*

<sup>7</sup> Mooney, Emily, *Maryland: A Case Study Against Automatically Charging Youth As Adults*, (Oct. 2019), <https://www.rstreet.org/wp-content/uploads/2019/10/Final-Short-No.-76.pdf>.

could conceptually be appropriate for the adult criminal system. The charge should not be determinative of whether our legal system should treat children as if they are adults.

The rates of adverse childhood experiences and abuse experienced by children who were tried as adults weighs in favor always allowing a judge to make this critical decision. Research from Human Rights of Kids reports that over 70% of survey respondents who were children that were waived into the adult criminal system had experienced physical abuse before their incarceration.<sup>8</sup> A youth's charge cannot tell you if she is actually a child sex-trafficking victim who killed her trafficker. Nor can the charge tell you if the alleged youthful offender is an older brother who acted to protect their little sister from gang violence. Such a very serious decision should be determined by a judge who can take into account the totality of the child's circumstances and the details of the alleged offense. If all cases involving young people started out in the juvenile court system, then these types of details could be taken into consideration before children are placed in the adult system and put at risk of experiencing the types of harm described below.

### **III. HB 1433 will protect youth from unnecessary harm to their psychological and physical wellbeing.**

Charging youth as if they were adults places them at risk of harm because the adult system was not designed to accommodate youths' needs for safety and developmentally appropriate services.<sup>9</sup> Research reveals that youth placed in adult facilities are reported to be more fearful and are likely to form relationships with anti-social individuals while incarcerated, posing harm to their psycho-social development.<sup>10</sup> Further, a child's proximity to violence in the adult justice system exacerbates the likelihood of their harm and disintegration of their well-being.<sup>11</sup> Often, youth who are charged as if they were adults are placed in solitary confinement in adult facilities as they await their hearing.<sup>12</sup> These children are in solitary confinement for approximately 23-24 hours a day, which is similar to torture.<sup>13</sup>

---

<sup>8</sup> Human Rights for Kids. Disposable Children: The Prevalence of Child Abuse and Trauma Among Children Prosecuted As Adults in Maryland, (Nov. 20, 2024), <https://humanrightsforkids.org/publication/disposable-children-the-prevalence-of-child-abuse-and-trauma-among-children-prosecuted-as-adults-in-maryland-2/> (Last visited Jan. 31, 2025).

<sup>9</sup> Moodee, JT, et al., *Maryland Public Defender's Office Calls For An End To The Automatic Charging Of Minors As Adults*, (Jan. 16, 2025), <https://www.cbsnews.com/baltimore/news/maryland-juvenile-justice-general-assembly-legislation-legal-system/>.

<sup>10</sup> Silver, Ian A., et al., *Incarceration of Youths in an Adult Correctional Facility and Risk of Premature Death*, <https://pmc.ncbi.nlm.nih.gov/articles/PMC10323704/>, (Last visited Jan. 31, 2025).

<sup>11</sup> Human Impact Partners, *Juvenile InJustice: Charging Youth as Adults is Ineffective, Biased, and Harmful*, (Feb. 2017), <https://humanimpact.org/hipprojects/juvenile-injustice-charging-youth-as-adults-is-ineffective-biased-and-harmful/#:~:text=When%20we%20lock%20up%20young,that%20can%20worsen%20family%20poverty.>

<sup>12</sup> Johnson, Kevin, *Consequences of Trying Children as Adults Often Ignored*, (Jan. 9, 2024), <https://nationalpress.org/topic/juveniles-criminal-justice-prosecution-courts-journalism/>.

<sup>13</sup> *Id.*

Additionally, automatically charging a youth as an adult can confine them for an unreasonable and unwarranted amount of time.<sup>14</sup> This torture is highly detrimental and unnecessary and will have a terrible impact on the child's development. Youth will be accountable for their behavior even if they initially wait for their hearing in the juvenile court system. Juvenile court hearings can initiate the process of transferring the youth to the adult system on a "as needed" basis.<sup>15</sup> HB 1433 with the proposed amendment will ensure an unnecessary exposure of children to the harsh conditions of the adult justice system, which was built as a purely punitive measure for criminals, not for youth awaiting a hearing.

#### **IV. HB 1433 will facilitate youth's access to developmentally appropriate services.**

The automatic charging of a youth as an adult can result in the denying youth access to crucial services, as the adult system does not provide these services. These services include the opportunity to seek treatment, education, and counseling, all of which are essential for healthy growth and development.<sup>16</sup> Further, research supports that education can reduce the likelihood of a youth re-offending, emphasizing the importance of ensuring that all youth have proper access to minimize the possibility of recidivism.<sup>17</sup> HB 1433, with the proposed amendments, will ensure that children will have immediate access to developmentally appropriate services they do not receive when placed in the adult facilities.

**For these reasons, the CFCC strongly supports HB 1433 with amendments and urges a favorable report with amendments.**

---

<sup>14</sup> Mooney, Emily, *Maryland: A Case Study Against Automatically Charging Youth As Adults*, (Oct. 2019), <https://www.rstreet.org/wp-content/uploads/2019/10/Final-Short-No.-76.pdf>.

<sup>15</sup> Byers, Christine, *Failure To Change Or A Failed System? The Complexity Of Charging Children As Adults*, (Aug. 31, 2020), <https://jlc.org/news/failure-change-or-failed-system-complexity-charging-children-adults>.

<sup>16</sup> Silver, Ian A., et al., *Incarceration of Youths in an Adult Correctional Facility and Risk of Premature Death*, <https://pmc.ncbi.nlm.nih.gov/articles/PMC10323704/>, (Last visited Jan. 31, 2025).

<sup>17</sup> Juvenile Law Center, *Youth Tried as Adults*, <https://jlc.org/issues/youth-tried-adults#:~:text=Prosecuting%20Youth%20as%20Adults%20Puts,with%20the%20%20opportunity%20to%20apply>, (Last visited Jan. 31, 2025)



# **HB1433\_BarbaraSchaffer\_FWA.pdf**

Uploaded by: Barbara Schaffer

Position: FWA

Date of Hearing: 2/26/25

Barbara Schaffer  
Rockville, MD 20850

**TESTIMONY ON HBI433 - POSITION: FAVORABLE WITH AMENDMENTS**  
**JUVENILE COURT-JURISDICTION**

**TO:** Chair Clippinger, Vice Chair Bartlett, and members of the Judicial Proceedings Committee

**FROM:** Barbara Schaffer

**My name is Barbara Schaffer. I am a resident of District 17. I am submitting this testimony in support with amendments of HBI433, Juvenile Court-Jurisdiction.**

I am a parent of two children, a former teacher, a member of Chabad Potomac, and a concerned citizen of Maryland. I am in support of HBI433 with amendments because I believe the practice of automatically charging children as young as 14 is harmful to their physical and mental well-being. Sending children to adult detention facilities with fewer resources and less access to education than in the juvenile system leads to significantly higher recidivism, as well as increased isolation and physical and sexual violence.

Another concern I have is racial equality, 81% of children charged in adult court in Maryland are Black. We need to end the criminalization and incarceration of Black youth, who are disproportionately targeted by our legal system. Maryland sends more young people to adult court than any other state per capita except for Alabama. It is time for us to join the 26 other states who have passed laws to treat children like children and limit their ending up in adult courts.

HBI433, is a good start, but it does not go far enough. I am requesting amendments that would end automatic charging for all offenses and for all children 17 and younger. The amendments change where juvenile cases start, and would still allow cases to be waived up to adult court after judicial review.

This is what I would want for my own children and my values are such that I want justice and fair treatment for all of Maryland's children. I respectfully urge the committee to consider how they would want their children or family members' children to be treated and pass HBI433 with amendments. Thank you.

Yours truly,  
Barbara Schaffer

# **CarolStern\_HB1433\_FWA.pdf**

Uploaded by: CAROL STERN

Position: FWA

Carol Stern  
4550 North Park Avenue, Apt T106  
Chevy Chase, Maryland 20815

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

**TO:** Chair Atterbeary & Co-Chair Wilkens & Members of the Ways and Means Committee

**FROM:** Carol Stern

**My name is Carol Stern, and I am testifying in favor of HBI433 with amendments as a resident of Montgomery County's District 16 and a member of Adat Shalom Reconstructionist Congregation in Bethesda.**

The Jewish text that shapes my religious and moral conviction that juveniles must never be automatically charged as adults is the directive issued in Deuteronomy 16:20, **"Tzedek, tzedek tirdof - Justice, justice shall you pursue."** The Jewish sages explain that the word tzedek is repeated not only for emphasis but to teach us that in our pursuit of justice, our means must be as just as our ends. When we are working to reform our criminal justice system, we must demand that it operates in accordance with these deeply held Jewish beliefs.

**Youth charged in adult court are less likely to receive rehabilitative services, which makes them more likely to reoffend than similarly situated youth charged in juvenile court. According to the U.S. Department of Justice –**"To best achieve reductions in recidivism, the overall number of juvenile offenders transferred to the criminal justice system should be minimized."

**Adult charging results in increased physical violence, sexual violence, and isolation.** Research shows that youth charged as adults are at increased risk of physical and sexual assault and isolation from their families, which may contribute to future criminality.

Adolescent brains are not adult brains. **Charging youth as adults ignores definitive research that adolescent brains are rapidly developing and have yet to reach full maturity.** Services and treatment in juvenile facilities are evidence-based and preventative. According to the U.S. Dept. of Justice, "intensive juvenile placements are relatively more beneficial than either adult prison or mild juvenile sanctions."

As a mother of two children and a grandmother of three, I cannot imagine allowing my children or grandchildren to automatically be charged as adults.. This is not the kind of justice that our State of Maryland should allow for anyone. SB442 does eliminate automatic charging for children aged 14, and 15, and reduces the list of charges for 16 and 17 year olds and this is a good start, but it does not go far enough. This bill should be amended to end automatic charging for all offenses and for all children 17 and younger. This amendment simply changes where juvenile cases start, and would still allow cases to be waived up to adult court after judicial review.

**I respectfully urge a favorable report on HBI433 with amendments.**

# **Support for HB-1433.pdf**

Uploaded by: Charles Davis

Position: FWA

**House Bill 1433**  
**Chairman, Mr. Luke Clippinger**  
**House Judiciary**

**Dated: February 24, 2025**

**Dear Chairman, Clippinger and Members of the Committee.**

**I support HB-1433. The policy of trying, convicting, and sentencing young youth as adults.**

**First, there is no excuse for the behavior of youth and the things that they do. It is not acceptable today, and when I was a child, it was not then acceptable.**

**In 1967, living in the DMV, Channel 5 had a phrase that came on at 10:00 pm which said:” “DO YOU KNOW WHERE YOUR CHILDREN ARE?”**

**Therefore, I acknowledge the necessity of accountability back then and I believe our young youth need to be accountable for their behavior as well. We must also realize that many lack positive influences and resources. Compassion should guide us in allowing judges the discretion to determine the appropriate venue for young offenders, whether juvenile or adult, on a case-by-case basis.**

**Based upon the above, Mr. Chairman, I urge you and the Committee to support HB-1433 to end the harmful practice of charging young youth as adults in Maryland.**

**Thank you for your consideration.**

**His Servant in the Midst of the Struggle,**

**Reverend Charles Y. Davis, Jr.**

**Pastor, Full Gospel Baptist Church,**

**Cooksville, MD**

# **HB1433\_ClaireLanders\_Favorable (1).pdf**

Uploaded by: Claire Landers

Position: FWA

2/24/25  
Claire Landers  
Baltimore County, 21209

**TESTIMONY ON HBI433- POSITION: FAVORABLE WITH AMENDMENTS**

**Juvenile Court - Jurisdiction**

**TO: Chair L. Clippinger, Vice-Chair S. Bartlett and Members of the Judiciary Committee**

My name is Claire Landers, a resident in Baltimore County. I am a parent, a former social worker and educator, and have served as a reading volunteer in Baltimore City Schools. I submit this testimony to urge you to support of HBI433 and end “automatically charging” young people as adults in Maryland’s criminal justice system.

Collectively, we have all agreed that it makes sense that a young person should not be allowed to vote or independently enlist in the U.S. military until age 18. Before they turn 21, we are not willing to allow young people to legally purchase alcohol or cigarettes or rent a car. As adults, we can agree that children and teenagers lack the capacity to *consistently* act with good judgment and make reliably responsible decisions; they still need certain legal boundaries. Every parent, teacher, coach or adult who has cared about a young person has at some point been disappointed, frustrated and even shocked, by “good kids” and “smart teens” who have done something stupid, irresponsible and even harmful. And experts in brain development actually tell us we *shouldn’t be surprised*: neuroscience has established that the human brain simply does not reach full-maturity until an individual reaches the age of 25 (or even 26 for most males), especially in the amygdala, that area of the brain that regulates judgement and decision-making.

Why then, do we continue to allow kids as young as 12 and teens under 18 to be charged *automatically as adults* in our criminal code under 33 different charges?! It is unconscionable that Maryland persists in a practice that places us in line with states like Alabama and Florida.

In 2025, Maryland lawmakers should realign our state with reasonable, humane, 21st century charging policies that fully evaluate *all relevant circumstances* around any and every teenager under 18 before determining whether he or she will face the full force of the law by being charged with a crime as an “adult.”

Maryland’s racial disparities in auto-charging are a shameful reality: 80% of youth charged as adults here are Black; and while among those youth automatically charged as if they were adults, it is white youth who are vastly more likely to be reassigned into juvenile court. We can no longer let such a fundamentally flawed charging system with those results go unaddressed.

I urge you to support HBI433 and end auto-charging in Maryland..



# **HB1433\_DavidFriedman\_FWA.pdf**

Uploaded by: David Friedman

Position: FWA

2/26/2025  
David M. Friedman  
Silver Spring, MD 20905

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

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

**FROM:** David M. Friedman

**My name is David Friedman. I am a resident of District 14 in Colesville/Cloverly. I am submitting this testimony in support with amendments of HBI433, Juvenile Court - Jurisdiction.**

I am an active member of Oseh Shalom, a Jewish Reconstructionist congregation located in Laurel, MD. Jewish tradition emphasizes that the Divine encompasses both justice and mercy and that all of us deserve a life with dignity, respect and safety. Jewish history and values also have long recognized the differing capacities of children and adults. While Maryland has made progress on youth justice issues in previous years, the practice of automatically charging kids as adults urgently needs to change as well, since it ignores definitive research that adolescent brains are rapidly developing and have yet to reach full maturity.

Studies indicate that automatically charging kids as young as 14 as adults also leads to higher recidivism, as well as subjecting them to increased isolation and physical and sexual violence. It is also inefficient and damaging as 87% of kids in Maryland charged as adults end up waived back down to the juvenile system and time spent in the adult system delays getting critical rehabilitative services. Limiting automatic charging of juveniles as adults would also significantly reduce the criminalization and incarceration of Black youth as 81% of kids charged in adult court in Maryland are Black. I feel strongly that it is well past time for Maryland to join the other 26 states that have passed laws to limit pathways for juveniles into adult courts and end Maryland's status as the state that sends more young people to adult court based on offense type than any other state per capita except Alabama.

HBI433 makes significant progress by eliminating automatic charging for children aged 14 and 15, and reduces the list of charges for 16 and 17 year olds. In light of the evidence cited above, I believe this is a good start. However, it does not go far enough and thus I encourage amending HBI433 to end automatic charging for all offenses and for all children 17 and younger. This simply changes where juvenile cases start, allowing them to be waived up to adult court after judicial review. **Thus, I respectfully urge this committee to return a favorable with amendments report on HBI433.**

# **HB1433\_Jacobsohn\_Fav\_w\_Amendments.pdf**

Uploaded by: Deedee Jacobsohn

Position: FWA

February 26, 2025

Deedee Jacobsohn  
Rockville, MD 20852

**TESTIMONY ON HB#1433 - POSITION: FAVORABLE WITH**  
**AMENDMENTS**  
**Juvenile Court - Jurisdiction**

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

**FROM:** Deedee Jacobsohn

My name is Deedee Jacobsohn and I am a resident of D16. **I am submitting this testimony in support with amendments of HB#1433: Juvenile Court-Jurisdiction to end the practice of autocharging youth as adults.**

I am a member of B'nai Israel Congregation, which had a "mitzvah corps" this year for teens to engage in advocacy work. The issue they chose was youth justice, since it directly affects their peers. They learned how Jewish law differentiates between children, teens, and adults. Then they were shocked to discover how Maryland treats its teens and the long-lasting negative repercussions for charging teens as adults instead of starting them in the juvenile justice system.

I hope that the Maryland legislature will show all our teens that they care about education and rehabilitation for youth caught up in the justice system instead of a system of charging children that causes damage and increases recidivism. While SB422 is a good start, **I hope that you will amend the bill to start all children age 17 and younger in the youth justice system for any crime.** This change would in no way preclude youth from being waived up to adult court, it merely changes where they start and how they are treated until their case has been reviewed.

It is time to recognize that children who go through the juvenile justice system—particularly Black and Brown children—have a greater chance of not returning if they are treated as children and not charged as adults from the start. It is more equitable, it is just, and overall it is better for our community. I respectfully urge this committee to **return a favorable report with amendments on HB1433, Juvenile Court–Jurisdiction** and end the autocharging of any youth as adults.

## **HB 1433 - Autocharging - ACLU Testimony (Feb 2025)**

Uploaded by: Frank Patinella

Position: FWA



**House Judiciary Committee  
House Bill 1433 – Juvenile Court – Jurisdiction**

**Favorable with Amendments**

February 26, 2025

AMERICAN CIVIL  
LIBERTIES UNION  
OF MARYLAND

3600 CLIPPER MILL ROAD  
SUITE 200  
BALTIMORE, MD 21211  
T/410-889-8555  
F/410-366-7838

WWW.ACLU-MD.ORG

OFFICERS AND DIRECTORS  
COREY STOTTLEMYER  
PRESIDENT

DANA VICKERS SHELLEY  
EXECUTIVE DIRECTOR

ANDREW FREEMAN  
GENERAL COUNSEL

The ACLU of Maryland supports House Bill 1433 – Juvenile Court – Jurisdiction, with amendments. Currently, children as young as 14 are automatically charged in adult court for 33 offenses in Maryland. HB 1433 seeks to remove some of these charges to make improvements to this unfair and inequitable practice. However, we are asking the committee to amend the bill to ensure that children charged with any of these offenses start in juvenile court. Children have a right to be treated as children.

**Debunked “Super Predator” Narrative Lingers in Maryland, Still Ranked Near Bottom**

Over 100 years ago, the first juvenile justice systems were created as advocates and government officials recognized the need to separate children from the influence of adult prisons, and to focus on treatment and rehabilitation. In the 1980s, Maryland, like the other states throughout America, drifted away from this philosophy and began adopting harsher punishments for children including transferring more children to the adult system. The trend of instituting draconian punitive measures upon children continued through the 1990s, justified by the now debunked theory that characterized children in that decade as a new breed of “super predators”.<sup>1</sup>

Since the turn of the century, youth arrests and incarceration have been steadily declining and most states have been rolling back inequitable policies towards children and replacing them with more age-appropriate and evidence-based programming focused on rehabilitation and treatment. While youth crime in Maryland mirrored the national trend, there was resistance to reforming the juvenile system until recently. In 2022, the Maryland legislature passed the Juvenile Justice Reform Act but it did not address the automatic charging of children in adult courts.

A 2021 study reported that only Alabama sends more children per capita to adult court annually than Maryland. Further, Maryland ranks fourth in the nation for the number of adults in prison who were convicted as children.<sup>2</sup>

---

<sup>1</sup> The Superpredator Myth, 25 Years Later. April 2014. Equal Justice Initiative.  
<https://eji.org/news/superpredator-myth-20-years-later/>

<sup>2</sup> National Trends in Charging Children as Adults. July 20, 2021. Maryland Juvenile Justice Reform Council. The Sentencing Project.

## Disproportionate Impact of Automatic Charging

The legal carceral system in America has a long history of discriminatory practices towards adults and children of color. After controlling for the type and severity of offenses, Black and Latinx children often receive harsher sentences than white children, as prosecutors and judges are oftentimes driven by bias.<sup>3 4</sup> These biases also exist in all aspects of the legal system from the police officers who make the arrests, to the work of juries, correctional officers, and parole boards.

Of the 932 children in Maryland who were charged as adults between July 2023 and June 2024, 755 were Black, which represents 81% of the cases.<sup>5</sup> Boys accounted for 91% of the charges. In Baltimore City, the number of youth arrests have declined in recent years but a larger portion of them are being charged as adults.<sup>6</sup> Over the past three years, approximately 30% of children arrested were charged as adults – more than double the rate as those charged in 2018 and 2019.

While much more work needs to be done to root out bias and discriminatory practices within the legal carceral system, HB 1433 can help to mitigate the unfair treatment of Black children and children of color.

## Eliminating Autocharging Will Improve Safety and Save the State Money

The pursuit of harsh punitive measures to address youth crime – instead of building a system focused on rehabilitation – has been ineffective and has created harm.<sup>7</sup> The science of childhood and adolescent development shows that they are more likely than adults to engage in risky behavior, and that they do not fully understand the long-term consequences of their actions.<sup>8</sup>

---

<https://dls.maryland.gov/pubs/prod/NoPblTabMtg/CmsnJuvRefCncl/Sentencing-Project-National-Trends-in-Charging-Children.pdf>

<sup>3</sup> One in Five. Racial Disparity in Imprisonment – Causes and Remedies. December 7, 2023. The Sentencing Project. <https://www.sentencingproject.org/publications/one-in-five-racial-disparity-in-imprisonment-causes-and-remedies/>

<sup>4</sup> Vera Institute, Preliminary Findings: Youth Charged as Adults in Maryland, Dec. 10, 2020. <https://dls.maryland.gov/pubs/prod/NoPblTabMtg/CmsnJuvRefCncl/Preliminary-Findings-Youth-Charged-as-Adults.pdf>.

<sup>5</sup> Juveniles Charged as Adults. June 30, 2024. Governor's Office of Crime Prevention and Policy. State of Maryland.

<https://app.powerbigov.us/view?r=eyJrljoINzQzYTBlhYmMtNzVmOC00OGE2LWFKNzktZDIiYzg5NzEyODU2liwidCI6IjYwYWZlOWUyLTQ5Y2QtNDIiMS04ODUxLTU0ZGYwMjc2YTJlOCJ9>

<sup>6</sup> In Baltimore, teens more likely to be charged as adults than in the past. July 22, 2024. WYPR. <https://www.wypr.org/wypr-news/2024-07-22/in-baltimore-teens-more-likely-to-be-charged-as-adults-than-in-the-past#>

<sup>7</sup> Juvenile InJustice: Charging Youth as Adults is Ineffective, Biased, and Harmful. February 2017. Human Impact Partners. <https://humanimpact.org/hiprojects/juvenile-injustice-charging-youth-as-adults-is-ineffective-biased-and-harmful/#:~:text=Community%20disinvestment%20affects%20youth%20development,considered%20deviant%20and%20antisocial.>

<sup>8</sup> Teen Brain: Behavior, Problem Solving, and Decision Making. September 2017. American Academy of Child and Adolescent Psychiatry.

Several large scale studies have concluded that children sentenced in adult court led to higher recidivism rates than children charged in juvenile court for similar offenses.<sup>9</sup> There are more effective and proven strategies and interventions to address youth crime and rehabilitate children than the carceral system such as programs that connect youth with formerly incarcerated mentors, community-based restorative justice programs, wraparound services, and cognitive behavioral therapy.<sup>10</sup>

In addition to reduced recidivism and overall better outcomes for children, the state can save money by ending the automatic charging of children as adults. Between 2017 and 2013, 87% of children in Maryland who were initially charged in adult court, were eventually transferred to the juvenile court. Starting children in juvenile court could save the state an estimated \$20 million – money that can be invested in evidence-based programming.

Lastly, ending the automatic charging of children in adult court does not prohibit prosecutors or judges to refer cases to the adult court if they believe that the circumstances warrant such a move.

**For the foregoing reasons, the ACLU of Maryland is asking the committee for a favorable report on HB 1433, with amendments to ensure that all children regardless of the charge, start their cases in juvenile court.**

---

[https://www.aacap.org/AACAP/Families\\_and\\_Youth/Facts\\_for\\_Families/FFF-Guide/The-Teen-Brain-Behavior-Problem-Solving-and-Decision-Making-095.aspx](https://www.aacap.org/AACAP/Families_and_Youth/Facts_for_Families/FFF-Guide/The-Teen-Brain-Behavior-Problem-Solving-and-Decision-Making-095.aspx)

<sup>9</sup> Juvenile InJustice: Charging Youth as Adults is Ineffective, Biased, and Harmful. February 2017. Human Impact Partners. <https://humanimpact.org/hipprojects/juvenile-injustice-charging-youth-as-adults-is-ineffective-biased-and-harmful/#:~:text=Community%20disinvestment%20affects%20youth%20development,considered%20%20deviant%20and%20antisocial.>

<sup>10</sup> Effective Alternatives to Youth Incarceration. June 2023. The Sentencing Project. <https://www.sentencingproject.org/reports/effective-alternatives-to-youth-incarceration/>



# **House Bill 1433 Testimony.pdf**

Uploaded by: Franklin Eastham

Position: FWA

House Bill 1433  
Chairman: Luke Clippenger  
House Judiciary  
February 26, 2025 1 p.m.  
Former Teacher, Principal, and Chief School Leadership Officer

Chairperson and Members of the Committee,

I am writing to express my strong support for House Bill 1433, which seeks to reform how we treat juveniles in the justice system. My perspective is informed by 33 years in education, most of which I spent working with students between the ages of 14 and 18. Through these years, I have witnessed firsthand the cognitive, emotional, and social development of teenagers. It is clear that they are not fully formed adults, nor should they be treated as such in our legal system.

Teenagers lack the cognitive maturity to function as adults, which is why society does not afford them the same rights and responsibilities as adults. We do not allow them to vote, sign legal contracts, or even rent a car because we recognize that their decision-making abilities are still developing. Yet, when they commit crimes, some advocate for treating them as if they possess the full mental and emotional faculties of an adult. This is fundamentally flawed and contradicts what we know about adolescent brain development.

Additionally, zero-tolerance policies have proven ineffective. Rather than addressing the root causes of juvenile crime, these policies rely on punitive measures that often exacerbate the issues. We need to honor the legal systems already in place and allow judges the discretion to examine all the evidence before determining an appropriate path forward when a young person commits a serious offense. A one-size-fits-all approach does not serve justice or public safety.

Furthermore, placing juveniles in adult facilities causes irreparable harm and often leads to increased violent and undesirable behavior in their adult years. Many young people who commit violent crimes have been victims themselves—suffering from physical and even sexual abuse. Subjecting them to adult incarceration settings increases their risk of further victimization and trauma, which only perpetuates the cycle of violence rather than rehabilitating them into contributing members of society.

The research is clear: charging youth as adults is ineffective, biased, and harmful. A study by the Human Impact Partners underscores how these practices disproportionately impact marginalized communities and fail to achieve meaningful justice. Instead, we must pursue evidence-based alternatives that focus on rehabilitation and consider the developmental differences between youth and adults.

House Bill 1433 is a necessary step toward a more just and effective legal system. I urge you to support this bill and prioritize solutions that align with what we know about adolescent development and justice reform.

Thank you for your time and consideration.

Sincerely,

Frank V. Eastham Jr.  
9513 Pamplona Rd.  
Columbia, Maryland 21045

# **MD Catholic Conference\_HB 1433\_FWA.pdf**

Uploaded by: Garrett O'Day

Position: FWA



**February 26, 2025**

**HB 1433  
Juvenile Court - Jurisdiction**

**House Judiciary Committee  
House Ways & Means Committee**

**Position: FAVORABLE w/ Amendments**

The Maryland Catholic Conference offers this testimony in support of House Bill 1433 with amendments. The Catholic Conference is the public policy representative of the three (arch)dioceses serving Maryland, which together encompass over one million Marylanders. Statewide, their parishes, schools, hospitals and numerous charities combine to form our state's second largest social service provider network, behind only our state government.

House Bill 1433 would end the *automatic* charging of youth as adults in certain instances, allowing for most youth to begin their case in the juvenile court system, rather than mandating that the adjudication of their case begin in the adult court system. This bill would refocus our juvenile system from a “move-down” system to a “move-up” system, wherein judges would retain discretion to waive cases up to the adult court system. This bill does not prevent those youth from being ultimately charged as an adult. It is about where their case *starts*.

It is well-settled, in many secular, judicial and faith-based circles, that holding youth to the same standards of accountability as a fully formed adult is plainly unjust. In *Miller v. Alabama*, 132 S. Ct. 2455 (2012), the United States Supreme Court specifically noted that youthful offenders possessed “diminished capacity” and the inability to fully appreciate the risks and consequences of their actions, in considering whether youth should be treated the same as adults jurisprudentially. Additionally, the United States Conference of Catholic Bishops has further stated that “society must never respond to children who have committed crimes as though they are somehow equal to adults fully formed in conscience and fully aware of their actions.” (*Responsibility, Rehabilitation, and Restoration: A Catholic Perspective on Crime and Criminal Justice*, USCCB, 2000)

These inherent truths regarding youth should be carefully considered when assessing Maryland's current automatic-charging law, which presumes that youth should be considered to have the same capacity as an adult in every one of thirty-three different charging scenarios. This presumption can often leave a lasting effect severely limiting a child's ceiling for success for the rest of their lives. Conversely, the transition to a “waiver up” system sought in House Bill 1433

would safeguard several youth from a lifetime of wasted opportunity, while still allowing judicial discretion to waive them up where a judge decides that doing so is warranted. ***Accordingly, this bill is a noteworthy step***, for approximately 87% of kids charged as adults between 2017 and 2023 never ultimately ended up with adult criminal convictions in their cases. Those 87% should not start in adult court, causing highly detrimental effects for the rest of their lives and at the same time jeopardizing future public safety, simply for the sake of the other 13%.

Additionally, Maryland sends more young people to adult court based on offense type, per capita, than any other state except for Alabama. Maryland also ranks 4<sup>th</sup> highest in the country for the number of people convicted as adults when they were children. These policies do not work to prevent future recidivism, nor do they seem to make our communities safer. Those that would argue that youth crime is on the rise should indubitably agree.

For these reasons, we urge a favorable report on House Bill 1433, with amendments to simply make Maryland a state where every case for justice-involved youth starts in the youth justice system.

# **TGCS House Bill 1433 Support with amendment.pdf**

Uploaded by: GERI PEAK

Position: FWA

February 24, 2025

House Bill 1433  
Chairman; Luke Clippinger  
House Judiciary  
February 26, 2025 1 p.m.

Two Gems Consulting Services,



Dear Chairman Luke Clippinger and Members of the Committee,

I am Dr. Geri Lynn Peak, an independent public health and research consultant; former administrator of Baltimore Youth Initiative H.S. (2012-2016) with peer education and youth development expertise and a member of the democratically and anonymously elected local governing body of the Bahá'í Faith community in Baltimore City (writing independently).

I urge lawmakers to reject the exploitative policy of trying, convicting, and sentencing children as adults. This practice is fundamentally flawed and has had devastating effects on many families, particularly within African American communities. It is time for Maryland to correct this injustice. Further, I stand in solidarity with **amending the request to end automatic charging for all offenses and for all children 17 and younger**. This would still allow individual cases to be waived up to adult court after judicial review.

Youth are harmed by incarceration. Our system reinforces rather than rehabilitates antisocial behavior and the young are particularly vulnerable. God's divine policy is to show mercy to all. The punitive measures disrupt the channels of transformative learning that can provide, where rehabilitation and restorative practice along with, where necessary, removal from society in appropriate environments can redeem young people's social fortunes in society. This law has become a blunt instrument that disregards the unique circumstances of youth. Many states have recognized the harms of this practice and successfully rescinded it out of compassion for the individuals and families affected. It is time for Maryland to follow suit. Compassion should guide us in allowing judges the discretion to determine the appropriate venue for young offenders, whether juvenile or adult court, on a case-by-case basis.

I urge you to support HB-1433 to end the harmful practice of charging children as adults in Maryland.

Thank you for your consideration and Harambee! (we all pull together)

Geri Lynn Peak, DrPH, MPH  
Spiritual Demographer, Owner and Chief Insight Facilitator, Two Gems Consulting Services

# **HB1433\_HeidiRhodes\_FWA.pdf**

Uploaded by: Heidi Rhodes

Position: FWA



Date of Date of Hearing : February 26, 2025

Heidi Rhodes

Silver Spring, Maryland 20904

**TESTIMONY ON HBI433 - POSITION: FAVORABLE WITH AMENDMENTS**

**Juvenile Court - Jurisdiction**

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

**FROM:** Heidi Rhodes

My name is Heidi Rhodes and I am a resident of District 14. I am a long-time resident of Maryland, and a parent and grandparent. I am also a retired Federal worker, a volunteer organizer, and a co-chair of my synagogue's (Oseh Shalom in Laurel, Maryland) Social Action Committee. I am submitting this testimony in support of HBI433 with amendments, Juvenile Court-Jurisdiction.

The concept of *tzelem elohim* — the idea that all people are created in the Divine image and therefore are equally precious and worthy — is central to Judaism. It is so central that our sacred texts declare that destroying even one life is akin to destroying a whole world. Unfortunately, we know that in Maryland, lives are destroyed every day, especially Black and brown lives, by our system of auto charging. Maryland sends more young people to adult court based on offense type, per capita, than any other state except for Alabama. Automatically charging kids —who may or may not be guilty — as adults. puts them in danger, often in adult detention facilities, makes communities less safe and traumatizes the children and families involved.

We often hear that we need to hold children accountable for their actions and that is true. However, the punishment and trauma-creating practice of sending children to adult prison before they've even had a hearing is not accountability. Since they are treated as adults, these children and their parents lose their rights. As the child is treated as an adult, the parents are not notified of what is happening to their children. I can't imagine a more horrifying situation than not knowing where my child is, for sometimes weeks at a time, as they await a hearing in adult prison, often in solitary confinement. That trauma for both me and my child would never go away and would affect how we behave for the rest of our lives. Studies show that treating children as adults increases recidivism often because of this trauma, thus making our society less safe in the long run.

While I'm encouraged that this bill will end auto charging children as adults for younger children and remove auto charging for some of the 33 acts for all children, it does not go far enough. The process of auto charging should end in Maryland. There is no reason, beyond fear mongering, that a child shouldn't always be treated first as a child who has not been found guilty of anything, and get a hearing before a judge in juvenile court. Those judges can always send children to the adult system if deemed necessary. The Department of Juvenile Services (DJS), which was critically underfunded under the Hogan administration, is the right place for children to receive the services they need to deal with the underlying causes of their actions, and work to prevent those actions from happening again. In fact, since 80% of juvenile cases heard in adult court are sent back to juvenile court (which is a large waste of money), DJS is already handling much of the workload. **I respectfully urge this committee to return a favorable with amendments report on HBI 433.**

# **HB1433\_Jeffrey Rubin\_FWA.pdf**

Uploaded by: Jeffrey Rubin

Position: FWA

February 26, 2025

Jeffrey S. Rubin  
Potomac, MD 20854

**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.

# **HB1433 \_Jo Shifrin\_FWA.pdf**

Uploaded by: Jo Shifrin

Position: FWA

Date of Hearing: March 26, 2025

Jo Shifrin  
Bethesda, MD 20817

**TESTIMONY ON HB 1433- POSITION: FAVORABLE With AMENDMENTS**  
**JUVENILE COURT – JURISDICTION**

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

**FROM:** Jo Shifrin

**OPENING: My name is Jo Shifrin. I am a resident of District 16. I am submitting this testimony in strong support of HB 1433, Juvenile Court – Jurisdiction, with amendments..**

I moved to Bethesda 10 years ago to be near my grandchildren. My support for this legislation comes from my grounding in Jewish values. Among these values are *Tikkun Olam*, an obligation to make the world a more fair and equitable place for people to live.

Under current Maryland law, people under 18 years old charged with any of 33 separate offenses are arrested and automatically charged as if they were adults, in criminal court.

HB 1433 would limit the practice of automatic charging 73% of the cases currently charged in adult criminal court would start in juvenile court. This bill would limit the list of charges in which 16- and 17-year olds are automatically charged as if they were adults and start all cases involving 14- and 15-year olds in juvenile court.

*HB 1433 does not prohibit a discretionary waiver under which a child can be waived back to adult court, if a juvenile judge approves a motion by the prosecutor.*

HB 1433 is good for public safety because it will keep more kids out of adult criminal court. Teens charged in adult court are more likely to reoffend when they get out of prison than kids retained in juvenile court, according to a 2007 CDC report. This may be because they are more likely to be physically and sexually assaulted in an adult prison and there are little to no educational or rehabilitative opportunities in adult prison. This differs from the juvenile system in which teens receive schooling and therapy. *The purpose of adult prison is to punish; the purpose of the juvenile system is to teach accountability and to develop character to assist the teen in becoming a responsible and productive member of society.*

**I respectfully urge the Committee to return a report that is favorable with amendments on HB 1433.**

# **The Sentencing Project . Maryland HB1433. 2025. Fa**

Uploaded by: Josh Rovner

Position: FWA





# **Testimony of Josh Rovner**

*Director of Youth Justice*

*The Sentencing Project*

HB 1433 – Favorable with  
Amendments

Before the Maryland House Judiciary  
Committee

February 26, 2025

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

Established in 1986, The Sentencing Project advocates for effective and humane responses to crime that minimize imprisonment and criminalization of youth and adults by promoting racial, ethnic, economic, and gender justice. The Sentencing Project is also a member organization of the Maryland Youth Justice Coalition (MYJC).

We urge the committee to issue a **favorable with amendments** report on House Bill 1433. As currently written, this legislation seeks to limit the number of youth that can, under Maryland law, be automatically charged as if they were adults for certain offenses. However, we ask the committee to amend the bill to end the practice of automatically charging people under 18 as if they were adults entirely and begin all cases involving youth (17 and younger) in juvenile court.

As written, this bill reflects a political compromise but not a policy solution. We welcome steps that would limit Maryland's aggressive use of automatically sending adolescents to adult courts based solely on the initial charge. However, there is no evidence to support the essential idea of this compromise: carving out certain offenses from starting in juvenile court is not better for youth and not better for public safety.

We support amending this bill to end the automatic charging of all of Maryland's youth as if they were adults for three reasons:

1. Charging youth as if they were adults harms public safety.
2. Starting all cases in juvenile court is more sensible and efficient.
3. Maryland's automatic transfer law is unusually harsh and unjust.

### **Charging Youth as If They Were Adults Harms Public Safety**

Sending youth to the adult criminal justice system, for any offense, harms public safety. Youth in the adult system are more likely to commit future offenses and particularly more likely to commit the most violent offenses when compared with peers in the juvenile system. Howell, et al., note that "research consistently shows lower recidivism rates in the juvenile justice system than in the criminal justice system."<sup>1</sup>

The CDC's Task Force on Community Preventive Services reviewed decades of literature and concluded that sending a youth to the adult system generally increases rates of violence among youth.<sup>2</sup> In addition, Maryland's process of automatically transferring children and adolescents accused of a lengthy but still specific list of offenses in the name of deterrence or public safety also contradicts findings from the National Research Council, which supports "a policy of retaining youth

---

<sup>1</sup> Howell, J. C., Feld, B. C., Mears, D. P., Petechuk, D., Farrington, D. P. and Loeber, R. (2013) Young Offenders and an Effective Response in the Juvenile and Adult Justice Systems: What Happens, What Should Happen, and What We Need to Know. Washington, D.C.: U.S. National Institute of Justice (NCJ 242935), p. 4, 10-11.

<sup>2</sup> The Community Preventive Services Task Force (2003, April). Violence Prevention: Policies Facilitating the Transfer of Juveniles to Adult Justice Systems.  
<https://www.thecommunityguide.org/findings/violence-prevention-policies-facilitating-transfer-juveniles-adult-justice-systems>

in the juvenile justice system” both to keep punishments proportional with the age of offenders and to prevent additional offending.<sup>3</sup>

While opponents often suggest that charging youth as if they were adults means that the state is taking crime seriously, the truth is, that charging teenagers in adult courts creates more crime.

Despite its flaws, the juvenile justice system is designed to be youth-serving. Adult courts are generally tasked with determining guilt or innocence and then assigning a punishment to fit the crime. Juvenile courts have the added responsibility of understanding the young person accused. All courts are concerned with recidivism; juvenile courts are built to prevent it. Post-conviction programs and professional staff in the adult system are not designed or trained to work with young people. This is especially important because youth convicted as if they were adults are likely to receive probation, and ought to be served by juvenile probation officers.

Moreover, charging teenagers as if they were adults has collateral consequences. Youth tried in the adult criminal justice system generally leave with an adult criminal record and, possibly, news coverage that the Internet does not forget. Such a formal -- and informal -- record is a significant obstacle to a youth’s successful reentry into the community, limiting access to the employment and student loans that provide the path to self-sufficiency outside of the world of crime. The Council of State Governments has found 415 collateral consequences for a felony conviction in Maryland, the vast majority (367) of them limiting employment in some form.<sup>4</sup> A 16-year old should not be saddled with such lifelong consequences based on a poor, though impulsive, decision.

One ought not confuse charges with convictions. Nationally, only 22 percent of adult charges lead to adult convictions; half of adult convictions do not result in incarceration.<sup>5</sup> Data presented last week by the Governor’s Office of Crime Prevention and Policy showed that in half of cases in which youth are charged as if they were adults, the case is dismissed. In Maryland, only 3 percent of so-called adult charges against a young person lead to an adult conviction.<sup>6</sup>

### **Maryland’s Automatic Transfer Law is Unusually Harsh**

In the 1960s, Maryland was one of just three states (Mississippi and Pennsylvania were the other two) to automatically charge youth (14 and older) as if they were adults on murder charges.<sup>7</sup> By 1986, Maryland was one of just 14 states that automatically charged youth as if they were adults based on the offense, typically murder. Maryland, on the other hand, added armed robbery as a so-called adult charge in 1973; as of 1986, only six other states did the same.<sup>8</sup>

---

<sup>3</sup> National Research Council (2013). *Reforming Juvenile Justice: A Developmental Approach*. Washington, DC: The National Academies Press. <https://doi.org/10.17226/14685>, p. 134.

<sup>4</sup> The National Inventory of Collateral Consequences of Conviction was created by the Council of State Governments and is available at <https://niccc.nationalreentryresourcecenter.org/consequences>.

<sup>5</sup> Strong, S. (2025). *Juveniles Charged in Adult Criminal Courts, 2014*. Bureau of Justice Statistics, NCJ 309096

<sup>6</sup> Video available on YouTube at <https://www.youtube.com/watch?v=AHe8d0lnZMU&list=LL>, slide presented at 25:07.

<sup>7</sup> Feld, B. (1987). The Juvenile Court Meets the Principle of the Offense: Legislative Changes to Juvenile Waiver Statutes, *Journal of Criminal Law and Criminology* 78(3): 471-533 at 512-513.

<sup>8</sup> Feld (1987) at 512-513.

Throughout the 1980s and 1990s, this legislature repeatedly added offenses to that list. As of today, Maryland automatically transfers youth charged with 33 separate offenses into adult criminal courts. Per capita, the available data show only Alabama automatically sends more of its young people into adult courts based on the charge, and Alabama's most recent numbers are so old (2016) that Maryland may actually rank last, not second-to-last, in this shameful statistic. (It is to Maryland's credit that its dashboard on adult charges<sup>9</sup> is more current than every other state.)

It is important for this committee to understand after decades of tough-on-crime rhetoric and policies, Maryland law remains an outlier.

Six states (California, Hawaii, Kansas, Missouri, Oregon, and Texas) start all cases involving youth in juvenile court, and all six have judicial waivers that allow individual cases to move to adult criminal court.

Maryland law currently allows for discretionary waivers, under which any 15-, 16- and 17-year old can be transferred to criminal court. In fact, 20 percent of youth charged as adults between Jan. 1, 2013 and June 30, 2024 were charged discretionarily. **Eliminating automatic charging would still leave the discretionary pathway open.** Juvenile courts can and do use such discretionary waivers; and they would still be allowed under this amendment.

#### Racial disparities

The available data compiled by the Governor's Office of Crime Prevention and Policy<sup>10</sup> show that youth of color are vastly more likely to be charged as if they were adults. In fact, over 80% of youth charged in adult court in Maryland are Black (there is no data on ethnicity, so we don't know what proportion of white youth charged as if they are adults are Latino). Moreover, among those youth automatically charged as if they were adults, white youth are vastly more likely to be reverse waived into the juvenile courts. In the MDEC Counties, white youth whose cases were not dismissed were transferred to juvenile court 94 percent of the time. In those same counties, only 26 percent of non-dismissed cases involving youth of color were transferred to juvenile court.

#### **Youth Charged as If They Were Adults Are Not Typically Sentenced as Adults.**

Maryland law, sensibly, allows for reverse waivers as one safety valve for the state's aggressive and unusual list of charges that must be filed in adult courts. Criminal court judges are then tasked with determining whether their courtrooms or those of family court judges, are the appropriate venue to proceed.

Youths transferred into adult court are often not sentenced there. In fact, roughly 85 percent of youth automatically sent to the adult justice system either have their case dismissed or sent back to the juvenile system. As noted above, more than half of these cases are dismissed outright. Clearly, too many young people begin their cases in adult courts under current law. The status quo sends hundreds of teenagers into adult courts to wait for a process that will dismiss the charge entirely or

---

<sup>9</sup> [Juveniles Charged as Adults](#), created by the Governor's Office of Crime Prevention and Policy.

<sup>10</sup> [Juveniles Charged as Adults](#), created by the Governor's Office of Crime Prevention and Policy.

waive the youth back into the juvenile court more than 85 percent of the time. This is an astonishingly inefficient system likely to coerce guilty pleas from teenagers.

**Conclusion:**

The Sentencing Project urges the committee issue a favorable with amendment report on SB 422 and amend the current legislation to start all cases involving youth in juvenile court. We urge the Committee to advance the amended legislation as soon as possible. This evidence-based reform is long overdue.

Thank you for your time and attention. If you have any questions or need any additional information I am happy to assist and can be reached at the email address below.

Josh Rovner  
Director of Youth Justice  
The Sentencing Project  
jrovner@sentencingproject.org

**hb1433.pdf**

Uploaded by: Julie Reeder

Position: FWA



**Youth As Resources, Inc. (YAR)**  
**10 South Street, Suite 400**  
**Baltimore, MD 21202**  
**(443) 889-4868**  
**[www.youthasresources.org](http://www.youthasresources.org)**

**Judiciary Committee**

**Ways and Means Committee**

**HOUSE BILL 1433:**

**Altering the jurisdiction of the juvenile court by repealing provisions specifying that the juvenile court does not have jurisdiction over a child alleged to have committed certain acts.**

**DATE: February 24, 2025**

**POSITION: SUPPORT WITH ADMENDMENTS**

Youth As Resources (YAR) is a youth-led organization committed to grant-making, leadership development, community organizing, and institutional change. We empower ourselves and our peers to address the root causes of pressing issues through training, organizing, collaboration, and funding.

Our 22-member Board of Directors—comprised entirely of Baltimore City youth aged 14-24—governs the organization, overseeing two grant cycles per year, fund development, program priorities, and outcome evaluation. Each year, we establish an issue agenda based on our lived experiences and those of our peers. For FY 2025 (July 2024 – June 2025), our focus areas include school police accountability, school climate, youth homelessness, and mental health/disability awareness.

Youth As Resources supports House Bill 1433 with amendments to ensure that all children and youth, regardless of the charge, begin their cases in juvenile court.

In Maryland, youth as young as 14 are automatically charged in adult court for 33 offenses. House Bill 1433 seeks to remove some of these charges from automatic adult jurisdiction—but that is not enough. We firmly believe that all children should start in juvenile court. The juvenile justice system exists for a reason: we are not adults and should not be treated as such.

Furthermore, Black and Brown youth are disproportionately represented in the legal system compared to white youth. Our adolescent behavior is often criminalized due to bias, leading to higher arrest rates, more frequent charges, harsher sentencing, and more cases being moved to adult court. Between July 2023 and June 2024, 932 children in Maryland were charged as adults. Of those, 755—81%—were Black.

Being charged as an adult has lifelong consequences. A criminal record can make it harder to get a job, pursue education, or build a stable future. One mistake should not define a child's entire life.

Beyond legal consequences, adult prisons are dangerous for youth. Young people housed in adult facilities are at higher risk of physical and sexual violence. Many are placed in solitary confinement for their "protection," which has devastating emotional and psychological effects. Studies have shown that prolonged isolation can lead to depression, anxiety, and even suicidal thoughts—outcomes no child should have to endure.

Charging children as adults does not make communities safer; it perpetuates generational hurt and harm. Instead of providing the support and rehabilitation young people need, it traps them in cycles of incarceration, trauma, and lost opportunity.

It's also fundamentally unfair. We don't allow kids to vote, drink, or sign contracts because we recognize they are still developing—so why should we be treated as adults in the criminal legal system?

We urge you to support House Bill 1433 with amendments to ensure that all youth cases begin in juvenile court, where they belong. Thank you.



# **HB1433 Juvenile Justice.pdf**

Uploaded by: Karen Caplan

Position: FWA

Feb. 24, 2025

Testimony on HB1433—Position: Favorable with Amendments  
Juvenile Court-Jurisdiction

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

FROM: Karen Caplan, Silver Spring, MD 20902

My name is Karen Caplan and I am a resident of Maryland District 18. I greatly appreciate that the committee is considering this bill, and I am writing in support if amended.

Maryland's practice of auto-charge puts us well out of the mainstream in the United States—and not in the way we generally want to think of ourselves. Only one state sends more children to adult court than we do— that state is Alabama. Twenty-six other states have passed laws that are designed to treat children like children. It is long past time for Maryland to do the same.

Ultimately, of course, this is not about comparing ourselves with others. Ending auto-charge is consistent with pretty much all of the available research and data. We know that children's and adolescent's brains are different, that they are still in the process of development. This is why we have the differentiation between adult and juvenile systems to begin with. Crucially, that adults and children are not the same is no less true when children are accused of serious crimes than it is when they are charged with more minor ones. And we also know that when we charge children as adults— so that they have to spend time in the adult system, without the services they would otherwise receive— we either expose them to physical and sexual violence or condemn them to isolation. And the end result is not decreased crime, it is actually increased recidivism.

I'm a mom of two young adults. Like pretty much anyone who has parented adolescents, I can tell you they are not adults. They make poor choices sometimes, and when they do it, what they need is guidance and help. This is true even when the poor choice is a crime. I also know that my kids, who are white and affluent, had they made such a choice (or even had they merely been *accused* of making it), would have been far less likely to have been sent into the adult system, because, in MD, a shocking 81 percent of children sent to adult court are black. This, I think, should bother all of us.

For these reasons, I am respectfully urging the committee to adopt amendments to this bill such that the legal process of *all* children begins in the juvenile court system.

## **Choice fav w amendments HB 1433.pdf**

Uploaded by: Kelly Quinn

Position: FWA



**House Bill 1433 Juvenile Court – Jurisdiction  
Judiciary Committee  
February 26, 2025**

**Position: Favorable with Amendments**

The Choice Program at UMBC is in support of House Bill 1433 *with amendments*. Automatic charging children as adults is a misguided practice that should be abolished entirely. House Bill 1433 eliminates automatic charging for some children [aged 14 and 15,] and reduces the list of charges for 16 and 17 year olds. We respectfully suggest amendments that would end automatic charging for all offenses and for all children 17 and younger. This amendment simply changes where youth's cases start, and would still allow cases to be waived up to adult court after judicial review.

As a mentoring program, we have served more than 27,000 Maryland youth who are systems-involved since 1988. Presently, Choice works with young people and their families in Baltimore City as well as Baltimore, Howard, Prince George's, and Montgomery Counties; we recently expanded to Harford and Anne Arundel Counties. Choice serves as an alternative to the school-to-prison pipeline. Our primary goal is to reduce the number of Black and Latine young people who are ensnared in the youth legal system. Our model seeks to dismantle racist structures and, instead, employs strengths-based approaches focused on positive youth development. We hold high expectations for youth and parents as well as high levels of support. Our youth remind us that they should not be defined by their worst mistake. These guiding principles are essential in addressing racial inequities at an individual and systemic level.

For more than a century in the United States, we have recognized that children are categorically different from adults. We are convinced by the overwhelming evidence that youth and communities are better served when children are removed from the adult legal system. Heartbreaking research indicates that when children are in the adult criminal legal system, they are at far greater physical, emotional, and psychological risks. They are more likely kept in solitary confinement as a protective custody measure. This period of isolation may result in suicidal ideations and other severe psychiatric

distress. Further, they do not have access to school and therapeutic treatment while in adult jail. More than 90% of kids charged in adult court in Maryland are people of color; 81% are Black. Black children are more likely to be prosecuted as adults and receive longer sentences than white children for similar offenses, in part because Black children are more likely to be seen and treated as adults.

In FY24 in Maryland, 932 young people were charged as adults; of this number, 700 were ultimately waived down to the youth legal system. The youth legal system moves more swiftly than the adult systems. After adjudication, DJS services providers, like Choice staff, are better poised to serve youth. Choice mentors work with young people quicker, offering age-appropriate, trauma-responsive services.

We maintain community repair and well being depends on a vision of community safety that treats kids as kids. We call upon our elected officials to recognize that the youth who are convicted adults are young people—humans—who deserve supportive services. This session offers the chance to recognize the importance support for young people rather than leaving them to languish in the adult systems.

**For these reasons, The Choice Program urges a favorable *with amendments* report for HB 1433.**

For more information contact:  
Kelly Quinn, Ph.D., Managing Director

# **HB1433 OPD FWA 2 24 2025.pdf**

Uploaded by: Kimberlee Watts

Position: FWA



**NATASHA DARTIGUE**  
PUBLIC DEFENDER

**KEITH LOTRIDGE**  
DEPUTY PUBLIC DEFENDER

**MELISSA ROTHSTEIN**  
CHIEF OF EXTERNAL AFFAIRS

**ELIZABETH HILLIARD**  
DIRECTOR OF GOVERNMENT RELATIONS

## **POSITION ON PROPOSED LEGISLATION**

**BILL: HB1433 Juvenile Court Jurisdiction**

**FROM: Maryland Office of the Public Defender**

**POSITION: Favorable With Amendments**

**DATE: February 24, 2025**

---

The Maryland Office of the Public Defender respectfully requests that the Committee issue a Favorable report on SB422 with the following amendments: strike from Courts and Judicial Proceedings Article § 3-8a-03(d), strike from Criminal Procedure Article §§ 4-202, 4-202.1, and 4-202.2.

### **Introduction**

SB422 changes the jurisdiction in which charges are filed against a child for certain offenses from Criminal Court (adult court) to Juvenile Court. In other words where a serious offense *starts*- in which jurisdiction the child is charged- not in which jurisdiction the case will be tried or where the child may be sentenced. Charging children in adult court is an inefficient and costly process which has a disproportionate impact on children of color from marginalized and impoverished communities, and which is detrimental to public safety in the long run. The Office of the Public Defender has consistently favored ending the automatic charging of all of Maryland's children as if they were adults. While this bill does not end the practice in its entirety, it represents a positive step for Maryland's children, promotes public safety, and represents areas of compromise that some opponents have previously found acceptable. For these reasons we urge a Favorable report on SB422 with the following amendments: strike from Courts and Judicial Proceedings Article § 3-8a-03(d), strike Criminal Procedure Article §§ 4-202, 4-202.1, and 4-202.2.

### **Current Law Regarding Charging Children as Adults**

The law defines adults as individuals over the age of 18 and children as individuals under the age of 18.<sup>1</sup> In general adults are charged in District or Circuit Court, whereas children are charged in Juvenile Court. However, there are thirty-three (33) enumerated charges outlined in the chart below, that are excluded from Juvenile Court Jurisdiction for 16 and 17 year olds, and two exclusionary charges for 14 and 15 year olds. Excluding from Juvenile Court Jurisdiction means those cases are automatically charged in District and Circuit Court as if the children were adults, rather than starting in Juvenile Court. These crimes range from a misdemeanor gun charge carrying a one year penalty to first degree murder.

<b>AUTOMATIC ADULT JURISDICTION</b> Source: § 3-8A-03 of the Maryland Courts & Judicial Proceedings Article		
<b>AGE 14 AND OLDER</b>	<b>AGE 16 AND OLDER</b>	
<ul style="list-style-type: none"> <li>• <b>Murder – 1<sup>ST</sup> Degree</b></li> <li>• <b>Rape – 1<sup>ST</sup> Degree</b></li> <li>• <b>Any attempts of above</b></li> <li>• <b>Any conspiracies of above</b></li> </ul>	<b>Serious/Violent Offenses:</b> <ul style="list-style-type: none"> <li>• <b>Kidnapping</b></li> <li>• <b>Assault – 1<sup>st</sup> Degree</b> (CL, §3-202)</li> <li>• <b>Carjacking &amp; Armed Carjacking</b> (CL, § 3-405)</li> <li>• <b>Murder – 2<sup>nd</sup> Degree</b> <ul style="list-style-type: none"> <li>• <b>Attempted Murder –2<sup>nd</sup> Degree</b> (CL, §2-206)</li> </ul> </li> <li>• <b>Voluntary Manslaughter</b></li> <li>• <b>Rape – 2<sup>nd</sup> Degree</b> <ul style="list-style-type: none"> <li>• <b>Attempted Rape – 2<sup>nd</sup> Degree</b> (CL, §3-310)</li> </ul> </li> <li>• <b>Robbery w/ Dangerous Weapon</b> <ul style="list-style-type: none"> <li>• <b>Attempted Robbery w/ Dangerous Weapon</b> (CL, §3-403)</li> </ul> </li> <li>• <b>Sex Offense-- 3<sup>rd</sup></b> (CL, 3-307(a)(1)) (IE force, a weapon, or threat of force used)</li> </ul>	<b>Firearms Offenses:</b> <ul style="list-style-type: none"> <li>• <b>Wear, Carry, Transport Handgun</b> (CL, §4-203)</li> <li>• <b>Possession of Unregistered Short-barreled Shotgun or Short-barreled Rifle</b> (PS, §5-203(a))</li> <li>• <b>Possession of Regulated Firearm</b> (PS, §5-133--convicted of prior disqualifying offense, etc.)</li> <li>• <b>Minor in Possession of Regulated Firearm</b> (PS, § 5-133(d)(1))</li> <li>• <b>Use Wear, Carry, Transport Firearm during Drug Trafficking Crime</b> (CL, §5-621)</li> <li>• <b>Use of Firearm in Commission of Crime of Violence or Felony</b> (CL, §4-204)</li> <li>• <b>Possess, Own, Carry, Transport Firearm by Drug Felon</b> (CL, §5-622)</li> <li>• <b>Possess, Sell, Transfer Stolen Regulated Firearm</b> (PS, §5-138)</li> <li>• <b>Sell, Rent, Transfer Regulated Firearm</b> (PS, §5-134(b))</li> <li>• <b>Sell, Rent, Transfer Regulated Firearm to Minor</b> (PS, §5-134(d))</li> <li>• <b>Use or Possess Machine Gun in commission/attempted commission of Crime of Violence</b> (CL, §4-404)</li> <li>• <b>Use or Possess Machine Gun for Offensive or Aggressive Purpose</b> (CL, §4-405)</li> </ul> <b>Miscellaneous:</b> <ul style="list-style-type: none"> <li>• <b>Any felony <u>IE</u> prior felony conviction as an adult</b></li> <li>• <b>Non-incarcerable Traffic &amp; Boating Offenses</b></li> <li>• <b>Domestic Violence Peace Order requests are heard in the adult court where the victim is:</b> the current or former spouse of the respondent; a cohabitant of the respondent; a person related to the respondent by blood, marriage or adoption; a parent, stepparent, child, or stepchild of the respondent or victim who resides or resided with the respondent or victim for at least 90 days within 1 year before the filing of the petition; a vulnerable adult; or an individual who has a child in common with the respondent. CP, §3-8A-03(d)(6). The juvenile court retains jurisdiction over violations of this section by a juvenile.</li> </ul>
<b><u>Automatic Adult Jurisdiction – When Transfer to Juvenile Court is Prohibited (CP, §4-202(c))</u></b> <ul style="list-style-type: none"> <li>• <b>In an unrelated case, Juvenile was <u>convicted</u> of any of the above offenses (excluding “non-incarcerable traffic &amp; boating” and excluding if adult jurisdiction is created only by a prior, non-excluded felony offense).</b></li> <li>• <b>Offense is 1<sup>st</sup> degree murder and the juvenile was 16 or 17 years of age when the alleged crime was committed</b></li> </ul>		

## Scope of the Bill

The Governor’s Office of Crime Control and Prevention publishes data regarding the number of children charged as adults via a data dashboard<sup>2</sup>. In FY24 932 children were charged as adults, 87% of them (810 cases) were exclusionary offenses. SB422 would impact approximately 75% of those

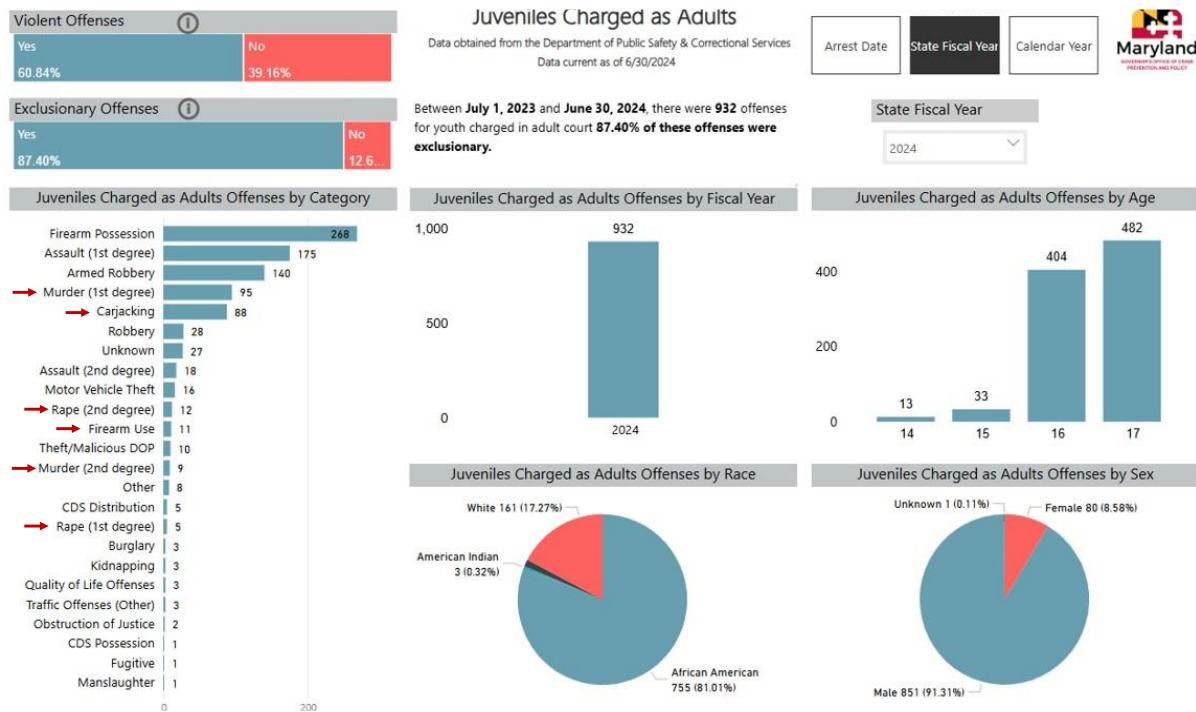
<sup>1</sup> Courts and Judicial Proceedings Article §3-8a-01

<sup>2</sup> The data dashboard can be found at

<https://app.powerbigov.us/view?r=eyJrIjojNzQzYTZhYmMtNzVmOC00OGE2LWFKNzktZDliYzg5NzEyODU2IiwidCI6IjYwYWZlOWUyLTQ5Y2Q0NDliMS04ODUxLTY0ZGYwMjc2YTJlOCJ9>



cases. A screenshot from the data dashboard detailing the numbers of cases as well as demographic information about those children is below. The charges which would continue to be excluded from Juvenile Court, and therefore start in adult court have been marked with red arrows.



## Transfer and Waiver of Jurisdiction

Most cases where children are charged as adults can be transferred from adult District or Circuit Court to Juvenile Court, the only exception to this is 16 and 17 year olds charged with First Degree Murder.<sup>3</sup> Similarly for cases against children who are least 15 years old, Juvenile Court Jurisdiction can be waived and the child can be tried as an adult.<sup>4</sup> Both Transfer and Waiver Hearings are held after charges are filed, but prior to trial. In the adult court system charges are often initiated in District Court, where the case remains for a maximum of 15 days, until either a probable cause hearing is held before a District Court Judge or the State's Attorney files an Indictment in Circuit Court. In most jurisdictions Transfer motions are not acted upon by courts until a case is Indicted in Circuit Court, and nothing is happening with the case prior to that time. For children held in juvenile facilities the median per diem cost of detention is approximately \$1000 per day.<sup>5</sup> Assuming,

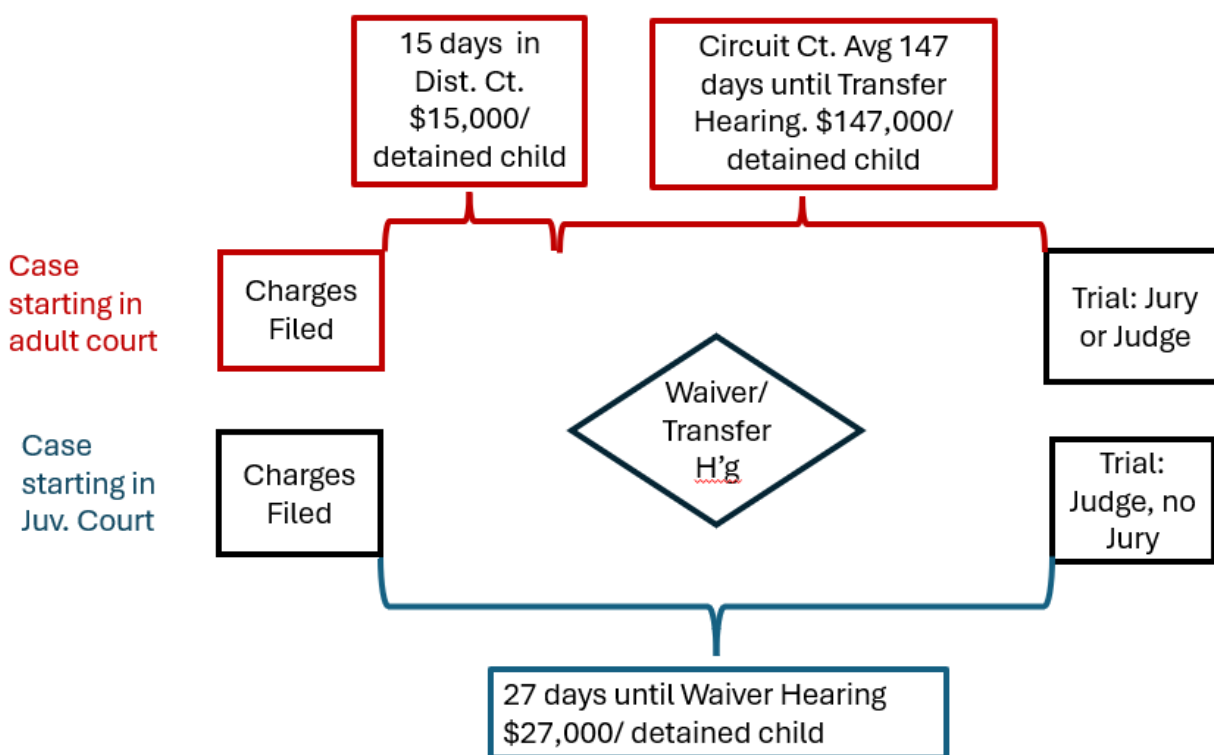
<sup>3</sup> Criminal Procedure Article s 4-202.

<sup>4</sup> Courts and Judicial Proceedings Article 3-8a-06

<sup>5</sup> DJS, Data Resource Guide, FY2023. P. 228. [https://djs.maryland.gov/Documents/DRG/Data\\_Resource\\_Guide\\_FY2023.pdf](https://djs.maryland.gov/Documents/DRG/Data_Resource_Guide_FY2023.pdf)

for the sake of argument, that all of the 810 children charged automatically as adults in FY24 were detained, eliminating the 15 days in District Court by starting charges in Juvenile Court would have saved the State approximately \$810,000 if the cases for all children started in Juvenile Court.

The adult court system moves significantly more slowly than the Juvenile Court system in general. For example, Circuit Court cases must be tried within 180 days, whereas Juvenile Court Cases must be tried within 60<sup>6</sup>. This slower process means that children sitting in detention (whether it be adult detention or juvenile detention) spend much more time waiting for a Transfer Hearing than children whose cases have started in Juvenile Court and are waiting for a Waiver Hearing. According to DJS the average time a child waits for a Transfer Hearing is 147 days, as compared to 27 days for a Waiver Hearing. DJS estimates cost savings of \$17 million dollars.



In anticipation of a Transfer Hearing DJS utilizes a Multidisciplinary Assessment Staffing Team (MAST) which includes a psychiatric evaluation, a psychological evaluation, and a psychosocial evaluation which is provided to the court. The court is required to consider five factors in any waiver or transfer decision: (1) the age of the child; (2) the child's physical and mental condition; (3) the child's amenability to treatment in any institution, facility, or programs available to

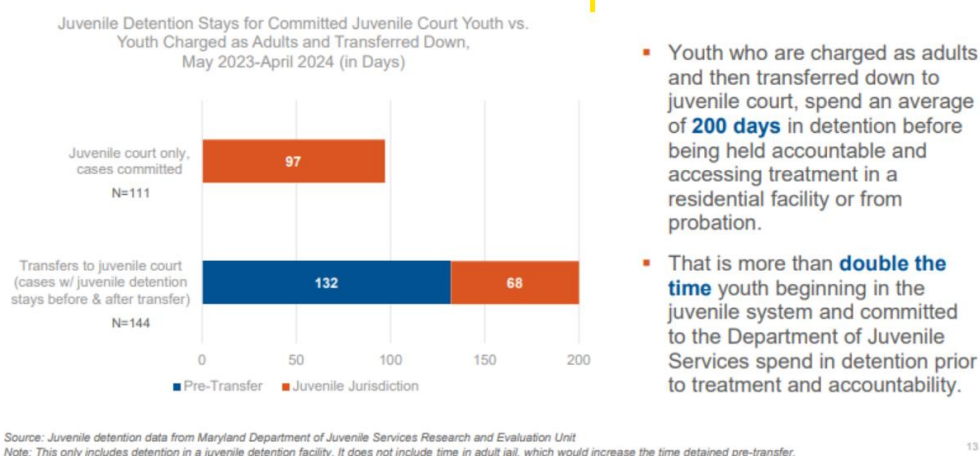
<sup>6</sup> Further, in Juvenile Court, the case must be tried within 30 days if a child is detained pending their trial date.

delinquents; (4) the nature of the offense(s); and (5) public safety.<sup>7</sup> One noteworthy distinction in these factors is that in a Waiver Hearing the court is required to presume that the child is guilty, whereas in a Transfer Hearing the Court is not required to do so.<sup>8</sup> Additionally in a Waiver Hearing it is the State's burden to prove that a child is unfit for juvenile rehabilitative measures<sup>9</sup>, whereas at a Transfer Hearing the burden is on the child to prove that transfer is in the best interest of the child or society.<sup>10</sup>

## Inefficient Process

Starting these 33 offenses in the slower moving adult court system extends the time it takes for Transfer Hearings to happen and therefore increases the length of time a child spends in detention. By comparison starting cases in Juvenile Court with the ability to waive cases to adult court is a much more efficient process that will better serve Marylanders. This bill, with OPD's proposed amendments, will streamline an inefficient system while still enabling prosecutors and courts to waive the most serious offenses to adult court. Our process as it currently stands also lengthens the amount of time it takes for children to be held accountable for their actions.

## Dead Time: Youth initially charged as adults take much longer to receive accountability and treatment in JJ system



We also know that very few of the cases that start in adult court end in adult court. When the JJRC examined this issue they received technical support from the Vera Institute, which included

<sup>7</sup> Courts and Judicial Proceedings Article 3-8a-06(e), and Criminal Procedure Article 4-202(d)

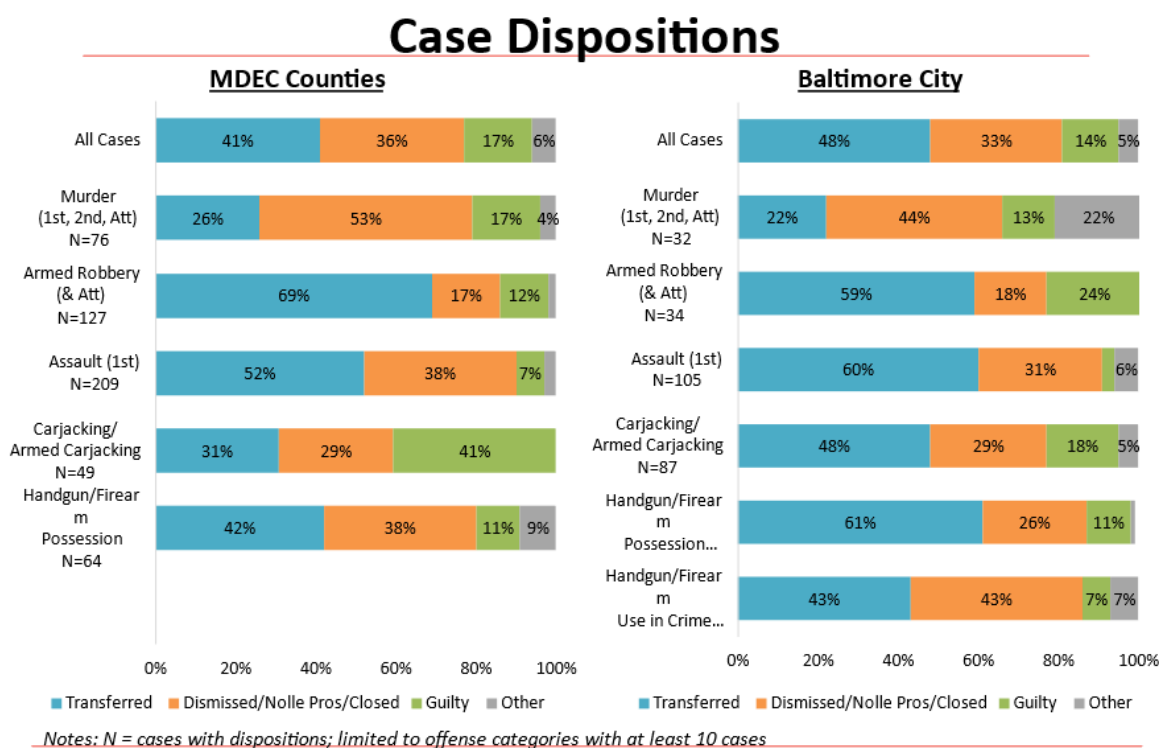
<sup>8</sup> *Whaley v. State*, 186 Md. App. 429, 974 A.2d 951 (2009)

<sup>9</sup> Courts and Judicial Proceedings Article 3-8a-06(d)

<sup>10</sup> Criminal Procedure Article s 4-202(b)

analyzing data from Maryland's Courts on the cases of children charged as adults<sup>11</sup>. It should be noted that Vera only analyzed data from 21 Counties and Baltimore City. Two of Maryland's largest jurisdictions, Prince George's County and Montgomery County, were not yet utilizing MDEC.<sup>12</sup> As can be seen by the graph below, the vast majority of cases did not end in an adult conviction.

Roughly 30% of the cases charging children as adults were dismissed outright. Over 40% of the cases were transferred to Juvenile Courts. In some of those cases, the SAO agreed to transfer, in others there was lengthy litigation before a Judge ultimately granted the transfer motion.



Vera

12

## Detrimental Impact of Auto-Charging on Public Safety

The problems created by automatically *charging* children as if they were adults are separate and apart from the problems created by actually trying them and *sentencing* them as if they were adults, and so this testimony will first address the latter issue. As previously discussed the time it

<sup>11</sup> [https://dls.maryland.gov/pubs/prod/NoPblTabMtg/CmsnJuvRefCncl/Juveniles\\_Charged\\_as\\_Adults\\_Data.pdf](https://dls.maryland.gov/pubs/prod/NoPblTabMtg/CmsnJuvRefCncl/Juveniles_Charged_as_Adults_Data.pdf)

<sup>12</sup> Juveniles Charged As Adults Data, presented July 2021.

takes for children to have a Transfer Hearings is significantly longer than the time it takes to have a Waiver Hearing. The delays inherent in the adult criminal court system are detrimental to children. “Delays in youth justice can have negative consequences for youth, their families, and their communities. Especially given the developmental immaturity of adolescents, swift intervention is likely to be more effective with youthful offenders, both in achieving the specific deterrent effects of punishment and in realizing the potential benefits of treatment and other services.”<sup>13</sup>

Further, when children are charged as adults they will automatically be held in adult detention, usually in solitary confinement, until they are seen by a Judge for a bail review hearing.<sup>14</sup> While Maryland law allows Judges to hold children charged as adults at DJS facilities, not all do. When children are held in adult jails the Prison Rape Elimination Act requires children to be sight and sound separated from adult inmates.<sup>15</sup> Local detention centers are not equipped to maintain separate units for children and adults. Instead, children are often held in solitary confinement while they wait for a transfer hearing.

Mental Health Professionals have long known that solitary confinement causes significant harm. The American Psychological Association has come out solidly against the use of prolonged solitary confinement for children.<sup>16</sup> As has the American Academy of Child and Adolescent Psychiatry noting “the potential psychiatric consequences of prolonged solitary confinement are well recognized and include depression, anxiety and psychosis. Due to their developmental vulnerability, juvenile offenders are at particular risk of such adverse reactions. Furthermore the majority of suicides in juvenile correctional facilities occur when the individual is isolated or in solitary confinement.”<sup>17</sup> Courts have also acknowledged the harms caused by solitary confinement, holding that for inmates already suffering with mental illness it can amount to cruel and unusual punishment.<sup>18</sup>

We know that trauma plays a role in both offending and re-offending. And so to inflict these harmful conditions on children before we have even decided whether to try them as children or adults, let alone determined whether they are guilty or innocent, increases the likelihood that they

---

<sup>13</sup> Jeffrey A. Butts, Gretchen Ruth Cusick, and Benjamin Adams, “Delays in Youth Justice.” 2009.

<https://www.ojp.gov/pdffiles1/nij/grants/228493.pdf>

<sup>14</sup> While it is possible for a Commissioner to release a child charged as an adult on bond this rarely, if ever, happens.

<sup>15</sup> 28 CFR § 115.14

<sup>16</sup> APA Position Statement on Solitary Confinement (Restricted Housing) of Juveniles

<https://www.psychiatry.org/getattachment/7bc96d18-1e73-4ac1-b6b5-f0f52ed4595a/Position-2018-Solitary-Confinement-Restricted-Housing-of-Juveniles.pdf>

<sup>17</sup> American Academy of Child and Adolescent Psychiatry, Juvenile Justice Reform Committee. Solitary Confinement of Juvenile Offenders (2012). [https://www.aacap.org/aacap/Policy\\_Statements/2012/Solitary\\_Confinement\\_of\\_Juvenile\\_Offenders.aspx](https://www.aacap.org/aacap/Policy_Statements/2012/Solitary_Confinement_of_Juvenile_Offenders.aspx)

<sup>18</sup> Palakovic v. Wetzel, 854 F.3d. 209 (2017).

will get into trouble with the law in the future. Given that the vast majority of these children will be released someday regardless of where the case is tried, or what the ultimate outcome of the case is, we are doing a grave disservice to our communities by inflicting further trauma on them.

### **Ability of Law Enforcement to Arrest Youth**

Opponents have argued that passage of this bill will hamper the abilities of law enforcement officers to arrest youth for the crimes which would now start in juvenile court. Courts and Judicial Proceedings § 3-8A-14.1 gives DJS the authority to request an arrest warrant, but only with the assistance of a law enforcement officer: “After an inquiry conducted in accordance with § 3-8A-10 of this subtitle, an intake officer may file with the court an application for an arrest warrant prepared by a law enforcement officer”. This is akin to provisions permitting District Court Commissioners to issue arrest warrants where an individual has filed an application for statement of charges with a Commissioner; except that DJS would need the assistance of law enforcement should an individual file a complaint in a situation where DJS wants an arrest warrant. It does not require law enforcement officers to go through the process of getting an arrest warrant before taking action, including detaining or arresting suspects in felonies, or misdemeanors committed within their presence. The authority of law enforcement to arrest people is governed by the US Constitution<sup>19</sup>, Maryland Declaration of Rights<sup>20</sup>, and Criminal Procedure Article 2-201 et sec. While police do need a warrant to effectuate an arrest within a private home, police are permitted to effectuate warrantless arrest for any felony or misdemeanor committed within the view of the police officer, or for which they have probable cause to believe is being committed.<sup>21</sup> This encompasses many of the charges contemplated by this bill, specifically all of the misdemeanor gun charges as those charges often arise from an officer searching an individual or automobile and finding a gun. Officers may also effectuate a warrantless arrest they have “probable cause to believe that a felony has been a committed or attempted and the person has committed or attempted to commit the felony whether or not in the presence or within the view of the police officer.”<sup>22</sup> In circumstances where police would need an arrest warrant, one may be requested from either the District or Circuit Court. Neither Courts and Judicial Proceedings §1-609 or Criminal Procedures § 2-107 preclude a judge from issuing a warrant for a minor, they simply require that the warrant contain “specific instructions to indicate the judge or court commissioner before whom the person is directed to appear once arrested.”<sup>23</sup>

Moreover, when police arrest a child charged with a felony or handgun charge children are eligible for detention<sup>24</sup>, and if DJS does not authorize detention they are required to forward a case to the State’s Attorney’s Office within two days.<sup>25</sup> All felony offenses are required to be forwarded to State’s Attorneys Offices<sup>26</sup>, and intake hearings must be held 15 days of DJS receiving the complaint.<sup>27</sup>

---

<sup>19</sup> United States Constitution, Amendment IV: “The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.”

<sup>20</sup> Maryland Declaration of Rights, Article 26: “That all warrants, without oath or affirmation, to search suspected places, or to seize any person or property, are grievous and oppressive; and all general warrants to search suspected places, or to apprehend suspected persons, without naming or describing the place, or the person in special, are illegal, and ought not to be granted.”

<sup>21</sup> Md Code Criminal Procedure § 2-202(a) & (b)

<sup>22</sup> Criminal Procedure Article § 2-202(c).

<sup>23</sup> Criminal Procedure Article § 2-107(a)(3).

<sup>24</sup> Courts and Judicial Proceedings Article § 3-8A-15(b).

<sup>25</sup> Courts and Judicial Proceedings Article § 3-8A-10(c)(1)(ii).

<sup>26</sup> Courts and Judicial Proceedings Article § 3-8A-10(c)(4).

<sup>27</sup> Courts and Judicial Proceedings Article § 3-8A-10(c)(1)(i)



## Racial Equity Impact

Between 1986 and 1994, Maryland and 48 other states expanded the automatic charging of children in adult court as a response to the race-based fear-mongering and false predictions of increased crime and the rise of “super-predator” youth. As a result, children in Maryland are now automatically be charged in adult court. Most of the children we charge in adult court are children of color from marginalized communities. When providing technical assistance for the JJRC, the Vera Institute examined data related to youth charged in adult court between 2017 and 2019. Vera found that in MDEC counties at that time (which did not include Prince George’s and Montgomery County) youth of color made up 72.8% of youth charged in adult court, but only 39% of youth transferred to juvenile court. By comparison white youth made up only 21% of kids charged in adult court in MDEC counties, but 49% of youth who are transferred down.<sup>28</sup> The charts provided by Vera are below for reference. Under the current law, Maryland is charging an inordinate amount of children of color in adult court. According to the Department of Public Safety and Correctional Services (DPSCS), between July 1, 2023 and July 30, 2024, 81.01% of youth who were charged as adults were Black. In FY20, Maryland sent more children to adult court than Arizona, Massachusetts, California, and Pennsylvania combined. Those states have nearly 10 times Maryland’s population. The damage caused by this practice is inflicted primarily on children of color from marginalized communities, who are ultimately not convicted in adult court, may be a contributing factor to why Maryland imprisons a higher percentage of Black people (70%) than any other state in the nation.

---

<sup>28</sup> Juveniles Charged As Adults Data, presented July 2021.

[https://dls.maryland.gov/pubs/prod/NoPblTabMtg/CmsnJuvRefCncl/Juveniles\\_Charged\\_as\\_Adults\\_Data.pdf](https://dls.maryland.gov/pubs/prod/NoPblTabMtg/CmsnJuvRefCncl/Juveniles_Charged_as_Adults_Data.pdf)

## Profile of Cases for Youth Charged as Adults

### MDEC COUNTIES (DC & CC)

Total Cases: 1,295

Average Age: 16.5 years old

89.3% Boys  
10.0% Girls  
0.7% Unknown

72.8% Black  
21.2% White  
6.0% Other/Unknown

% of cases that include an  
exclusionary offense: 85%

% of cases where an exclusionary  
offense is the top charge: 77%

### BALTIMORE CITY (CC)

Total Cases: 476

Average Age: 16.5 years old

95.2% Boys  
4.6% Girls  
2.1% Unknown

94.1% Black  
2.1% White  
3.8% Other/Unknown

% of cases that include an  
exclusionary offense: 93%

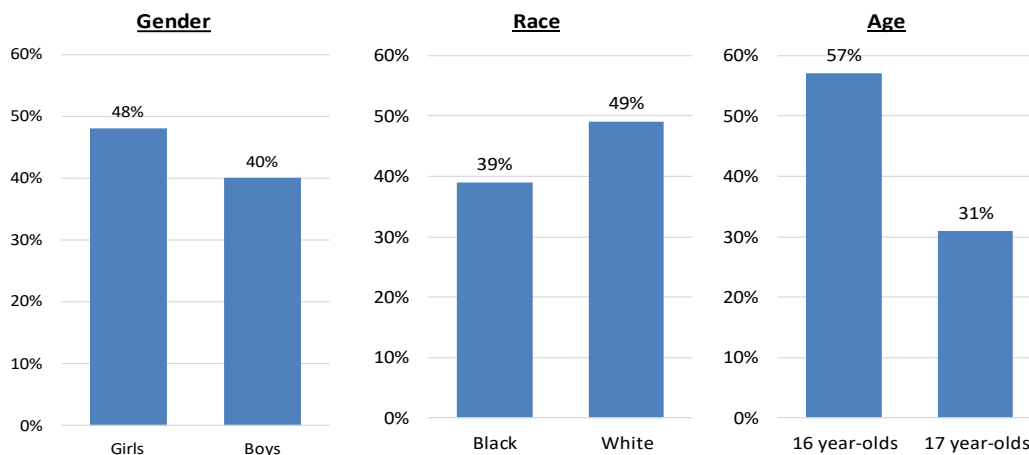
% of cases where an exclusionary  
offense is the top charge: 91%

Vera

6

## Cases Transferred Down to Juvenile Court, MDEC Counties

41% of all cases with a disposition were transferred to juvenile court



Note: While 48% of cases in Baltimore City were transferred to juvenile court, differences by race and gender could not be calculated due to such a homogenous sample with so few white youth/girls

Vera

11



## Failed Public Safety Policy

In the long run prosecuting children in the adult criminal system does more harm to Marylanders than prosecuting them in the Juvenile Court. As stated earlier, the problems created by automatically charging children as if they were adults are separate and apart from the problems created by actually trying them and *sentencing* them as if they were adults. Nevertheless, one might be concerned that by charging more children in Juvenile Court we could be undermining public safety if more children are therefore also ultimately tried and sentenced in Juvenile Court. The simple fact of the matter is that the opposite appears to be true. Decades of research published by governmental agencies responsible for public safety and health - Office of Juvenile Justice and Delinquency Prevention (OJJDP) and the Centers for Disease Control (CDC) - make clear that prosecuting children as adults increases recidivism among juvenile offenders, rather than reducing it. In 2007, the CDC published an article entitled "Effects on Violence of Laws and Policies Facilitating the Transfer of Youth from the Juvenile to the Adult Justice System" reviewing several studies. The authors of the CDC Report concluded "the transfer policies have generally resulted in increased arrest for subsequent crimes, including violent crime, among juveniles who were transferred [to the adult criminal system] compared with those retained in the juvenile justice system."<sup>29</sup>

Four years later the OJJDP published a bulletin where they found "[I]nsofar as these laws are intended to deter youth crime generally, or to deter or reduce further criminal behavior on the part of youth subjected to transfer, research over several decades has generally failed to establish their effectiveness."<sup>30</sup> ... Six large-scale studies have all found greater overall recidivism rates among juveniles who were prosecuted as adults than among matched youth who were retained in the juvenile system. Criminally prosecuted youth were also generally found to have recidivated sooner and more frequently. Poor outcomes like these could be attributable to a variety of causes, including the direct and indirect effects of criminal conviction on the life chances of transferred youth, the lack of access to rehabilitative resources in the adult corrections system, and the hazards of association with older criminal 'mentors.'"<sup>31</sup>

In 2012 OJJDP examined a longitudinal study conducted in Maricopa Co., Arizona. This study showed evidence of differential effects of prosecuting children as adults.<sup>32</sup> They explain that children

---

<sup>29</sup> Robert Hahn, et al. *Effects on Violence of Laws and Policies Facilitating the Transfer of Youth from the Juvenile to the Adult Justice System*, MORBIDITY AND MORTALITY WEEKLY REPORT, Vol 56, No:RR9, Nov. 2007.

<sup>30</sup> Patrick Griffin, et al, *Trying Juveniles as Adults: An Analysis of State Transfer Laws and Reporting*, Sept. 2011, 1, 8 JUVENILE JUSTICE BULLETIN, WASHINGTON, D.C., OFFICE OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION at p. 26. (Hereinafter *OJJDP 2011 Report*)

<sup>31</sup> Id. At 26

<sup>32</sup> Edward P. Mulvey and Carol A. Schubert, *Transfer of Juveniles to Adult Court: Effects of a Broad Policy in One Court.*, JUVENILE JUSTICE BULLETIN, WASHINGTON, D.C. OFFICE OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION, December 2012.. (Hereinafter *OJJDP 2012 Report*).

who had been prosecuted as adults “experience many challenges in the community while on probation or following release from an adult facility. Although the vast majority are involved in gainful activity quickly (within 2.5 months) and consistently (for nearly three-quarters of the months they spend in the community), the majority (77%) also resumed some level of antisocial activity and two-thirds were subsequently re-arrested or placed in an institutional setting. Only 18 of these youth (out of 193) managed to break out of this antisocial pattern completely.”<sup>33</sup>

Children are held accountable for their illegal actions in the Juvenile Court system but in a way that aims for rehabilitation rather than only retribution. In fact, DPSCS purports to have a recidivism rate of approximately 37% after three (3) years,<sup>34</sup> as compared to DJS’s rate of 15.2% after three (3) years<sup>35</sup>.

Regardless of what the data shows, the perception of the public is that things are worse than ever before. If that is in fact true, then we need to consider how decades of this failed policy may have contributed to the problem rather than solving it. Many kids charged and tried as adults have cases that are dismissed after they have been incarcerated, often for months. That is a concrete implication of our current process that starts off by putting children in solitary confinement, which we all know is harmful. But what happens after we’ve harmed those kids by virtue of charging them as adults and not starting in Juvenile Court? We are all living in communities with those children. We are all better off with policies that favor rehabilitation rather than retribution. Our current laws impact not only the most terrifying scenarios, but also comparatively immature conduct. To use a real-world example, if a child punches someone who falls and hits their head causing a momentary loss of consciousness, that child will be automatically charged as an adult. Whether that child happens to be a student taking Advanced Placement and Gifted and Talented classes with no prior incidents of problematic behavior, or a child who habitually skips school and has previously been on probation will not matter at the point of charging. Both of those children will start in adult court and are subjected to the harms outlined above merely by starting in adult court. Even without OPD’s proposed amendments, SB422 would allow a case like this to be charged in Juvenile Court. If a prosecutor felt that the circumstances of the case, the child’s history, and potential risk for

---

<sup>33</sup> Id. At 11.

<sup>34</sup> Maryland Department of Public Safety and Correctional Services, Recidivism Report. November 15, 2022. At p.9. Notably DPSCS defines recidivism as “return to either the DOC or the Division of Parole and Probation following sentencing for a new criminal offense, or return to the Department’s physical custody from parole or mandatory supervision due to violation of the conditions of release”. (p. 24).

<sup>35</sup> Maryland Department of Juvenile Services, Data Resource Guide Fiscal Year 2024 at p.167. DOC breaks out recidivism data by rearrest, re-conviction, and re-incarceration. In an effort to compare “apples to apples” the re-incarceration rate is shown above is that of re-incarceration.

public safety justified waiving Juvenile Jurisdiction they would be able to file a Waiver Petition and have a full hearing on the issue.

The Office of the Public Defender remains in favor of ending the automatic charging of all of Maryland's children as if they were adults and proposes the previously enumerated amendments to effectuate that. OPD acknowledges that while SB422 does not end the practice in its entirety, it does take step in the direction of making Maryland's communities safer. For these reasons we urge a Favorable report on SB422 with the following amendments: strike from Courts and Judicial Proceedings Article § 3-8a-03 subsection (d) in its entirety.

**Submitted by: Maryland Office of the Public Defender, Government Relations Division.**  
**Authored by: Kimber D. Watts, MOPD Forensic Mental Health Division Supervisor.**  
[Kimberlee.watts@maryland.gov](mailto:Kimberlee.watts@maryland.gov) 410-767-1839.

# **HB1433\_LindaBergofsky\_FWA.pdf**

Uploaded by: Linda Bergofsky

Position: FWA

Date of Hearing: February 26, 2025, 1:00 PM  
Linda Rae Bergofsky  
Poolesville, MD 20837

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

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

**FROM:** Linda Bergofsky

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

By way of background, I am a member of Oseh Shalom synagogue in Laurel, MD and serve as the chair of its Social Justice committee. I am also a substitute teacher in Montgomery County, where I have had, for the past 5 years, the privilege of working with students ranging in age from 6 to 18. My professional training and experiences as both a social worker and teacher have exposed me to many children and adolescents who come from different backgrounds, and have achieved varying levels of maturity and intellect. When I meet them, it maybe their best day ever or their worst day ever. At the end of the day, however, they are still just kids, no matter how much bravado or worldliness they exhibit or how big they are.

Everyone agrees that getting serious about public safety and the well-being of young people are both important. I believe that all young people have a unique capacity for growth and achievement that can best occur in supportive and well-resourced communities outside of the legal system. The harsh treatment of young people under the cover of law, unduly punishing them for their juvenile and adolescent mistakes, is an attack on youth itself. In Maryland as elsewhere, this injustice falls disproportionately upon youth of color and particularly punishes Black teenagers.

Maryland sends more children into the adult judicial system than every other state except Alabama. Even though more than 80% of cases involving a person under age 18 that are originally heard in the adult system are ultimately remanded back to juvenile court, there are those who believe that it's necessary to achieve law and order. Enhanced public safety is not a natural outcome of autocharging; that is a myth that has its origins in racism and Jim Crow policies. In no other system are 13 year olds treated like adults, except when it comes to Maryland's overly putative criminal justice system. This system is traumatizing for the kids, their families, and their communities. Autocharging does not make us safer. That the juvenile justice system has been

deliberately under-resourced for years is a red herring and can be corrected by re-balancing where and how we make our investments.

While I favor the intent of this bill, I believe it should be amended to remove autocharging for any offense involving a person 18 or younger. That amendment is informed by research and best practices, not anecdotes and politically-motivated media hype. It directs children and adolescents accused of crimes into a system that is best prepared to address the full scope of their needs while respecting their constitutional rights. We owe them nothing less.

**I respectfully urge this committee to return a favorable report with the amendment I have suggested on HBI433.**

# **Testimony.JuvenileSentencing.2.24.pdf**

Uploaded by: Lydia Watts

Position: FWA

**Testimony in Support with Amendments of  
HB 1433, Juvenile Court - Jurisdiction**

**Presented by Lydia C. Watts, Esq., Executive Director, the Rebuild, Overcome, and Rise  
(ROAR) Center at University of Maryland, Baltimore**

**February 24, 2025**

My name is Lydia Watts. I am the Executive Director of the Rebuild, Overcome, and Rise (ROAR) Center at the University of Maryland, Baltimore. I am submitting this written testimony in support with amendments of **HB 1433, Juvenile Court - Jurisdiction**. The views expressed herein are mine as an expert in the field and are not the views of the University of Maryland, Baltimore. ROAR provides wrap-around services to victims of crime in Baltimore City. Since June 2019 when ROAR started providing services, we have assisted over 840 people, all of whom are survivors of crime ranging from homicides, non-fatal shootings, rapes, assaults, intimate partner violence, and more. Some of the people we have helped have experienced the loss of a loved one to an accidental overdose.

There is no question that being a victim of a crime is incredibly destabilizing and traumatic. ***However, automatically charging young people as adults is not the answer to addressing that destabilization and trauma.*** There is significant and compelling research that has demonstrated time and time again, over decades, that when young people are causing harm they have almost always experienced their own victimization and trauma, which is woefully unaddressed in our school systems, health care systems, or communities. That unaddressed trauma is what requires our attention and resources, not a knee-jerk reaction that “greater accountability” is required to keep young people from passing on their harm onto others.

Despite the commonly recited troupes about crime victims wanting more strict sentences and jail time for those who caused harm, most victims of all types of crime are not looking for more arrests and prosecutions. They are looking for the support they so desperately need and even support for those who hurt them rather than creating more and greater penalties for those who have caused them harm.<sup>1</sup> This is part because the incarceration of someone does not address the struggles experienced by survivors, but also because of the impact that overcriminalization and mass incarceration of disenfranchised communities – especially Black men, women, and children – has only caused greater harm.

The rate of young people causing harm – especially among the Black community - is high in Baltimore City (and similarly situated cities across the country) because of the devastating

---

<sup>1</sup> Crime Survivors Speak, *The First-Ever National Survey of Victims’ Views on Safety and Justice*, Alliance for Safety and Justice. <https://allianceforsafetyandjustice.org/wp-content/uploads/documents/Crime%20Survivors%20Speak%20Report.pdf>



impact of intergenerational trauma, institutionalized/structural racism, decades upon decades of zero investment in the neighborhoods that have been decimated through the racist practices of redlining, and an embarrassing lack of investment in our city's youth and families. Victims of crime turn to programs like ROAR instead of seeking criminal prosecution of the person who caused them harm because they want support for themselves and their families. They want to live in safe and affordable housing in a neighborhood that is not fraught with violence. They want jobs that pay them a decent wage. They want transportation options that are reliable and efficient so that they can get their children to school and themselves to work. They want to send their kids to school knowing that they are safe and getting the best education possible. And they want to heal from the traumas they have endured and become more at peace with themselves and their lives.

Speaking from a personal perspective, the vast majority of the survivors with whom I have worked over the past 30+ years have not favored the criminal justice response to their victimization (non-scientifically, I would say over 90%). **SO, WHAT DO CRIME VICTIMS WANT?**<sup>2</sup>

- First and foremost, assistance with finding *safe and affordable housing*, especially if they have been victimized at or near their homes and/or are living in parts of the city in which there are high rates of overdoses;
- Easy to access, long-term, and *culturally appropriate counseling* (including group counseling);
- *Non-judgmental and timely assistance in navigating* the complex and bureaucratic systems, such as public benefits, medical/mental health/substance use disorder care, housing, juvenile justice, foster care, etc.
- *Legal Assistance* to minimize the impact of the victimization on housing, employment, education, safety, immigration status, financial security, and privacy/dignity.
- *Autonomy in decision-making* about their experience;
- *Increased support for a diversity of service options*, including more located within communities and at venues unaffiliated with formal justice system processes.<sup>3</sup>
- *Access to job support, transitional housing and other longer-term resources necessary for stabilization and mitigation of risk.*<sup>4</sup>

Without meaningful support to get these needs met and investments in communities to make these wishes a reality, these survivors often experience trauma for years, even the rest of their lives, while trying their best to survive and “deal with” that trauma.

---

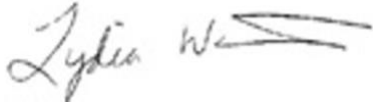
<sup>2</sup> Warnken, Heather and Lauritsen, Janet, Who Experiences Violent Victimization and Who Accesses Services?, Center for Victim Research, Findings from the National Crime Victimization Survey for Expanding Our Reach, April 2019. [https://ncvc.dspacedirect.org/bitstream/item/1270/CVR%20Article\\_Who%20Experiences%20Violent%20Victimization%20and%20Who%20Accesses%20Services.pdf?sequence=1](https://ncvc.dspacedirect.org/bitstream/item/1270/CVR%20Article_Who%20Experiences%20Violent%20Victimization%20and%20Who%20Accesses%20Services.pdf?sequence=1); and Crime Survivors Speak, The First-Ever National Survey of Victims' Views on Safety and Justice, Alliance for Safety and Justice. <https://allianceforsafetyandjustice.org/wp-content/uploads/documents/Crime%20Survivors%20Speak%20Report.pdf>. See page 27, Box 3: “Invest in evidence-based services that protect crime survivors and stop the cycle of victimization.”

<sup>3</sup> Warnken, Heather, Untold Stories of California Crime Victims, Research and Recommendations on Repeat Victimization and Rebuilding Lives, April 2014 (page 19).

<sup>4</sup> Same report in footnote 3 (page 25).

**Lydia Watts, Executive Director of the ROAR Center at University of Maryland,  
Baltimore urges the House Judiciary Committee to support with amendments HB 1433.**

Sincerely,

A handwritten signature in dark ink, appearing to read "Lydia Watts", with a stylized flourish at the end.

Lydia C. Watts, Esq., MPH  
Executive Director  
Rebuild, Overcome, and Rise (ROAR) Center  
University of Maryland, Baltimore

## Additional Information about Race and the Criminal Justice System That Would be Exacerbated by the Passage of SB 604

Dating back to 1993, Kimberle Crenshaw wrote: “Women of color [in work cited, the author is referring to survivors of intimate partner violence] are often reluctant to call the police, a hesitancy likely due to a general unwillingness among people of color to subject their private lives to the scrutiny and control of a police force that is frequently hostile. There is also a more generalized community ethic against public intervention, the product of a desire to create a private world free from the diverse assaults on the public lives of racially subordinated people.”<sup>5</sup> “[F]or some people subjected to abuse, the criminal justice system – indeed, any state system – is not a safe and comfortable place within which to seek justice. People of color, who are already overrepresented in the criminal justice system, may have concerns about approaching the state for assistance, fearing that the state will intervene punitively against their partners or against them.”<sup>6</sup> And their fears are often warranted. Sometimes calling the police results in homelessness for victims of intimate partner violence,<sup>7</sup> or in their own arrest. These same fears are present – perhaps even heightened – for survivors of gun and other forms of community violence.

Black men are over-represented among those accused of and convicted of violent crime though there is no evidence to suggest that men of color are more prone to violence than white men,<sup>8</sup> though the media certainly portrays otherwise.<sup>9</sup> The perception of men – particularly young men – of color as inherently more violent has inexorably and negatively shaped lives, communities, history, and political landscapes.<sup>10</sup> Not only are young men of color disproportionately

---

<sup>5</sup> Kimberle Crenshaw, *Mapping the Margins: Intersectionality, Identity Politics, and Violence Against Women of Color*, 43 STAN. L. REV. 1241, 1257 (1993).

<sup>6</sup> Leigh Goodmark, “Law and Justice are Not Always the Same”: Creating Community-Based Justice Forums for People Subjected to Intimate Partner Abuse”, Florida State University Law Review Vol. 42:707, 720 (year?).

<sup>7</sup> There have been many housing authorities across the country who were exposed in the early 2000s for evicting domestic violence victims for violating the policy that no illegal activity could take place on public housing property, and since she called the police for help, the housing authority was alerted that a crime had occurred – an assault against the victim who is now getting evicted as a result. This practice is still occurring today on privately owned properties. See Jenny Kutner, “Domestic Violence Victims can be Evicted for Calling the Police”, July 14, 2016, <https://mic.com/articles/148484/domestic-violence-victims-can-be-evicted-for-calling-police-here-s-why#.oJfYfDbSK>.

<sup>8</sup> Kim Farbota, *Black Crime Rates: What Happens When Numbers Aren’t Neutral*, January 19, 2016, [http://www.huffingtonpost.com/kim-farbota/black-crime-rates-your-st\\_b\\_8078586.html](http://www.huffingtonpost.com/kim-farbota/black-crime-rates-your-st_b_8078586.html).

<sup>9</sup> In *Tough Guise: Violence, Media and the Crisis in Masculinity*, Jackson Katz and Jeremy Earp argue that the media provide an important perspective on social attitudes – and that while the media are not the cause of violent behavior in men and boys, they do portray male violence as a normal expression of masculinity. Earp, Jeremy and Jackson Katz. *Tough Guise: Violence, Media & the Crisis in Masculinity* (study guide). Media Education Foundation, 1999. In 1999, Children Now, a California-based organization that examines the impact of media on children and youth, released a report entitled Boys to Men: Media Messages About Masculinity. The report observes that... non-white male characters are more likely to experience personal problems and are more likely to use physical aggression or violence to solve those problems. Boys to Men: Media Messages About Masculinity. Children Now, 1999. <http://mediasmarts.ca/gender-representation/men-and-masculinity/how-media-define-masculinity>, last visited 8.23.16.

<sup>10</sup> “This far-reaching form of stereotyping and oppression—what Toni Morrison and others call the “white gaze”—has shaped individual lives and collective histories within communities of color.” David J. Knight, *Beyond the Stereotypical Image of Young Men of Color*, The Atlantic, January 5, 2015. <http://www.theatlantic.com/education/archive/2015/01/beyond-the-stereotypical-image-of-young-men-of-color/384194/>

represented among those accused of using violence, but also of being victims of violence.<sup>11</sup> Yet, their needs as victims of crime, and the commensurate trauma that often comes with victimization, are largely ignored, thereby exacerbating the devastating impact of the continued assault of structural racism.

Since men of color are *perceived* as more prone to be violent, it is likely that they will adopt behaviors to support that perception or assumption. Michelle Alexander in *The New Jim Crow* poses the question, “Are we willing to demonize a population, declare a war against them, and then stand back and heap shame and contempt upon them for failing to behave like model citizens while under attack?”<sup>12</sup> She goes on to say “[t]here is nothing abnormal or surprising about a severely stigmatized group embracing their stigma... Indeed, the act of embracing one’s stigma ...is a political act – an act of resistance and defiance in a society that seeks to demean a group based on an inalterable trait... [E]mbracing the stigma of criminality is an act of rebellion – an attempt to carve out a positive identity in a society that offers them little more than scorn, contempt, and constant surveillance.”<sup>13</sup> The “dance” - or “minstrel show” as Alexander calls it<sup>14</sup> - of men of color acting “ghetto”, violent, posturing to gain some sense of respect and control, plays perfectly into stereotypes and implicit racism that men of color are in fact more violent.

It is important to note, that rates of incarceration have skyrocketed for women during this same time period, at even greater and more astonishing rates.<sup>15</sup> “There are 14 times more women in jail in this country today than there were in the 1970s... [And] women typically become incarcerated after experiencing gender-based trauma throughout their lives. About eight in ten [incarcerated women] have experienced domestic partner abuse. A large majority has survived sexual violence.”<sup>16</sup> Again, women of color are disproportionately represented among the incarcerated. Many of these women are in jail or prison because a violent partner forced them into illegal activity, most typically assisting in some portion of a drug exchange, but also in sex work.<sup>17</sup> Other times, women may engage in illegal activity to survive in an environment that does not support poor mothers well, if at all. Over the past 20 years, public benefits have been dramatically cut, affordable housing stock has plummeted, and childcare costs and other costs of living have soared. Livable wages are almost non-existent for those working in certain sectors of

---

<sup>11</sup> Danielle Sered, *Young Men of Color and the Other Side of Harm*, Vera Institute of Justice, December 2014. <http://archive.vera.org/sites/default/files/resources/downloads/young-men-color-disparities-responses-violence.pdf>

<sup>12</sup> Michelle Alexander, *The New Jim Crow: Mass Incarceration in the Age of Colorblindness* (2010), p. 170.

<sup>13</sup> Id at p. 171.

<sup>14</sup> Alexander writes about how the media portrays men of color as caricatures of “racial stereotypes and images associated with the era of mass incarceration – an era in which black people are criminalized and portrayed as out-of-control, shameless, violent, over-sexed and generally underserving.” Id at pg. 173.

<sup>15</sup> Coker & Macquoid, *Opposing Hyper-Incarceration*, *supra* note 15 at 588 (2015).

<sup>16</sup> Micelle Chen, *Why Are There So Many Women in Jail? The number of women in jails has skyrocketed over the past four decades*, <https://www.thenation.com/article/why-are-there-so-many-women-in-jail/>, August 22, 2016.

<sup>17</sup> “Survivors who were forced into criminal activity by abusive partners could also be eligible for alternative sentencing under the legislation [Domestic Violence Survivors Justice Act, passed in May 2016 in New York state]. Advocates stress that abusers often use violence to coerce survivors into committing crimes like robbery or drug trafficking.” Melissa Jeltsen, *Should Domestic Violence Victims go to Prison for Killing Their Abusers?*, May 26, 2016, [http://www.huffingtonpost.com/entry/domestic-violence-prison-legislation\\_us\\_573deaa3e4b0aee7b8e94236](http://www.huffingtonpost.com/entry/domestic-violence-prison-legislation_us_573deaa3e4b0aee7b8e94236).

our economy. Working in illegal economies may literally feel like the only choice to financially support oneself and a family.<sup>18</sup>

All of this is true also for those selling and buying street-drugs through the State of Maryland. To criminalize those caught in this matrix of racism and poverty will only compound the harm.

---

<sup>18</sup> “Particularly for women, their interactions with the justice system are often the result of survival efforts,” said Liz Swavola of the Vera Institute of Justice, one of the report’s principal authors. “They are predominantly women of color, and they are overwhelmingly poor.” Rebecca McCray, *There are More Women in U.S. Jails Than Ever Before*, August 17, 2016, <http://www.takepart.com/article/2016/08/16/women-jails?cmpid=tp-twtr>. “Women often become involved with the justice system as a result of efforts to cope with life challenges such as poverty, unemployment, and significant physical or behavioral health struggles.” Vera Institute of Justice, *Overlooked: Women and Jails in an Era of Reform*, August 2016.

# **HB1433\_MaraGreengrass\_FWA.pdf**

Uploaded by: Mara Greengrass

Position: FWA

February 26, 2025

Mara Greengrass  
Rockville, MD 20852

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

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

**FROM:** Mara Greengrass

**My name is Mara Greengrass and I'm a resident of District 18. I am submitting this testimony in support of HBI433, Juvenile Court - Jurisdiction *with amendments*.**

I'm a 25-year resident of Montgomery County, member of Congregation Beth El in Bethesda, and a nearly lifelong Marylander. I appeal to your sense of compassion and fairness to support this bill with an amendment to end automatic charging for all offenses for all children 17 and younger.

I was deeply unhappy to learn a few years ago that the only state that sends more kids to adult court per capita than Maryland is *Alabama*. That's a disgrace. Even more of a disgrace: More than three-quarters of the kids sent to adult court are Black.

According to Jewish tradition, we are all *b'tzelem elohim*, made in the image of God, but there is a special duty and obligation to care for children. I believe this obligation includes treating children like children by default rather than assuming that an accusation of involvement in certain crimes magically turns them into adults.

I'm the mother of two kids, one who just turned 20 and one who will turn 16 in two weeks, and let me tell you...if you've spent any time with kids and teens, you know their brains aren't fully formed. All the science will tell you that too, but it's just common-sense if you've ever had to argue with a teenager about why they have to brush their teeth *every* night.

In addition to the scientific and moral arguments against automatically charging kids as adults, sending kids to adult court only to have them sent back to juvenile court (which happens almost 90% of the time) is a waste of money, which is ridiculous in a tight budget year like 2025.

Please end the automatic charging of kids as adults for all offenses. Let the judge familiar with the case make the decision, rather than making it for them. **I respectfully urge this committee to return a report of favorable with amendments on HBI433.**

# **Disposable-Children-The-Prevalence-of-Child-Abuse-**

Uploaded by: Marlon Tilghman

Position: FWA



# DISPOSABLE CHILDREN

**The Prevalence of Child Abuse and  
Trauma Among Children Prosecuted  
and Incarcerated As Adults in  
Maryland**





## Acknowledgments

We would like to thank our major philanthropic partners whose support made this publication possible.



We also want to thank all of the advocates and policymakers who work alongside us – in a bipartisan fashion – to end human rights violations against children in Maryland’s juvenile and criminal justice systems. We especially want to thank our partners at the Maryland Youth Justice Coalition, the Maryland Office of Public Defender, and the incredible clinical faculty at the University of Baltimore and University of Maryland Schools of Law who are with us in the trenches.

Finally, we want to acknowledge the contributions of our partner, Richard Ross, and his team at Juvenile-In-Justice, who provided the powerful imagery profiled throughout this report; as well as the contributions of Margot Mental, Anika Mansukani, Fiona Burke, and Mika Veytsman, whose work was vital to the administration of the ACEs surveys and the analysis of the findings.

*“My real dad wasn’t in my life when I was born . . . he was sent to prison for the last time and got over 60 years”*

*“By the age of 7 years old me and my siblings were taken away from my mother . . . at the time I didn’t know my mother was a heroin user.”*

*“I walked in on my father hanging from a rope”*

*“Growing up my father was sent to prison”*

*“I grew up with my sibling’s father who was mentally and physically abusive to my mother and me”*

*“My parents were drug addicts who failed to provide for me and my younger brother”*

*“My house was known as a trap house – where you go to buy and sell drugs”*

*“At 13 my father used to have me inject heroin into his neck”*

*“I got into trouble after being sexually abused by someone who was supposed to be my guardian”*

This report is dedicated to the thousands of justice system-impacted children who have suffered human rights abuses by the state of Maryland, including:

children sexually and physically abused by staff in correctional facilities across the state;

children sentenced as adults in violation of international human rights law;

children whose early abuse, neglect, and trauma was a significant contributing factor to their incarceration; and

the one hundred and twenty-four people incarcerated since childhood who bravely shared their experiences with us, without whom, this report would not have been possible.

# MARYLAND'S TREATMENT OF THESE CHILDREN IS A HUMAN RIGHTS ABUSE

"Whom shall I send as a messenger to this people? Here I am, send me."

– Isaiah 6:8

# Executive Summary

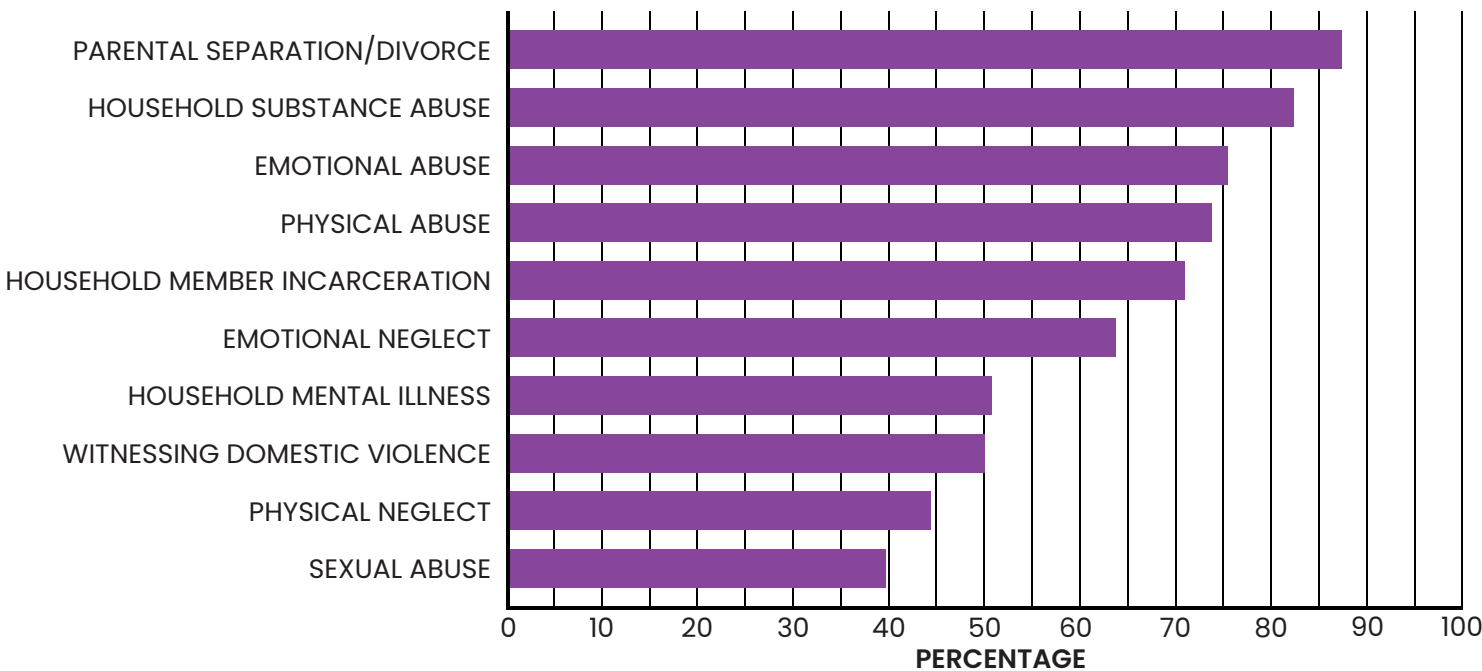
## **RATES OF TRAUMA AMONG CHILDREN PROSECUTED AND INCARCERATED AS ADULTS IN MARYLAND**

While the number of children detained in the juvenile justice system has sharply declined over the past two decades,<sup>1</sup> this promising trend leaves out a troubling fact: children are still prosecuted in the adult criminal justice system in every state in the country. Maryland ranks in the top five states for the percentage of its prison population that has been incarcerated since childhood. Prosecuting and incarcerating children as if they were adults is a human rights violation and was the impetus for our 2023 report “Crimes Against Humanity: The Mass Incarceration of Children in the United States.”

The data we gathered for the Crimes Against Humanity report formed the basis for the research conducted in Maryland for this report. We mailed Adverse Childhood Experiences (ACEs) surveys to 882 people who have been incarcerated in adult prisons in Maryland since childhood, and we received responses with completed surveys from 124 individuals. The trauma measured from ACEs surveys includes physical, sexual, and emotional abuse; physical and emotional neglect; separation from parents; mental illness or substance abuse in the home; parent or sibling incarceration; and domestic violence in the home. Trauma of this kind has been shown to disrupt normal brain development in children and is inextricably linked to negative life outcomes. The demographics of our respondents reflect the extreme racial disparities we observed in the overall population with more than 92% identifying as racial minorities.

**The survey responses we received indicated an average ACE score of 6.38 out of 10.** Nearly 70% of respondents reported experiencing six or more ACEs prior to their incarceration, with parental separation, household substance abuse, emotional and physical abuse, and household incarceration being the most common.

### **PREVALENCE OF ACEs IN MARYLANDERS INCARCERATED AS CHILDREN**



## **TRAUMATIC EXPERIENCES WHILE INCARCERATED**

Along with Adverse Childhood Experiences, we asked respondents about a number of experiences during their interactions with the justice system. Almost 98% of respondents had been placed in solitary confinement at some point during their incarceration, with nearly 80% experiencing solitary confinement as children. Over 80% of respondents reported experiencing abuse at the hands of staff or other incarcerated people. Only 28.23% of

people incarcerated as children have received treatment to address any of the various traumas they experienced prior to their incarceration.

## **RECOMMENDATIONS**

In light of the findings of this report, Maryland should embrace a trauma-informed response rooted in a human rights framework for children in both the juvenile and adult systems, including the following reforms:

1. Amend Maryland's waiver and transfer statutes to:
  - a. Start all cases involving children in juvenile court;
  - b. Require courts to consider a child's Adverse Childhood Experiences (ACEs) and trauma history at waiver hearings under §3–8A–06, and at transfer hearings under §4–202, if the reforms in (a) are not adopted in full;
  - c. Create a presumption against waiver to adult court for children with severe trauma histories; and
  - d. Prohibit waiver of child trafficking victims whose crimes are directly related to their status as a victim, including crimes they commit against their trafficker, as well as child sex crime victims who commit crimes against their abusers.
2. Require courts to consider a child's ACEs and trauma history at sentencing in adult court;
3. Eliminate the felony murder doctrine for child offenders;
4. Prohibit the use of solitary confinement on children in all facilities;
5. Prohibit the housing of children in adult jails and prisons; and
6. Allow formerly incarcerated children to be discharged from parole no more than five years after their release.

Finally, the report recommends the following changes to agency policies and procedures:

1. Require law enforcement, judges, prosecutors, defense attorneys, probation officers, service providers, and facility staff to receive training on Adverse Childhood Experiences, the effects of exposure to violence on a child's development and behavior, and best practices on engaging with youth who have extensive trauma histories;
2. Implement Adverse Childhood Experience screenings for all youth referred to the Department of Juvenile Services (DJS) and tailor treatment and service plans to each child's trauma history; and
3. Implement high-fidelity wraparound services at DJS in coordination with the Department of Human Services to ensure that the holistic needs of a child's family and caregivers are met in order to support the child's home environment.

## **CONCLUSION**

The tragic truth is that youth crime in Maryland is largely driven by unaddressed and ongoing childhood trauma which is exacerbated within communities contending with high rates of violence. The results of the ACEs survey we conducted yielded one of the highest rates of childhood trauma within an isolated population over the last twenty-five years. This is significant due to the impact that trauma has on child brain development and its strong correlation to juvenile delinquency and crime. Maryland is faced with a simple choice. On the one hand the state can look the other way, continuing to incarcerate children who act out behaviorally due to abuse, neglect, and community violence, or it can seek to address the root of the problem by showing these children something many of them have never had before – love.

“Love is at the root of everything, all learning, all relationships. Love or the lack of it”

*- Fred Rogers*



# Introduction

---

Since the first juvenile justice system was established in Illinois in 1899, the creation of separate justice apparatuses for minors and adults followed the simple tenet that children and adults were fundamentally different, and thus required a different approach – one more focused on treatment and rehabilitation as opposed to punishment. However, this philosophy came under attack in the 1990s, with the publishing of a prediction of the rise of a new generation of “Super Predator” child criminals. Labeled as “fatherless, jobless and Godless,” these children were predicted to be more violent and less remorseful than previous generations. This theory was propped up on racist tropes and other descriptions pointing to Black “inner city” youth. While the theory was swiftly proven false (juvenile crime dropped by more than half, and the political scientist that authored the theory later renounced it), the damage had already been done.

Lawmakers across the country began adopting draconian policies further criminalizing children and violating their human rights. “These reforms lowered the minimum age for transfer, increased the number of transfer-eligible offenses, or expanded prosecutorial discretion and reduced judicial discretion in transfer decision-making.”<sup>2</sup> As a result, over a six year period beginning in 1993, the number of children housed in adult jails more than doubled.<sup>3</sup> By 2009, approximately 200,000 children were being charged as adults annually,<sup>4</sup> with every state in the country permitting children to be tried, convicted, and sentenced as adults. In our 2023 Crimes Against Humanity report, we identified over 32,000 people currently incarcerated for crimes they committed as children.

In Maryland, the Super Predator Era led to a particularly draconian statute allowing children to be automatically tried as adults for 33 different crimes. The automatic charging of children as adults began in 1986 with legislation allowing children charged with handgun crimes to be excluded from the original jurisdiction of the juvenile court.<sup>5</sup> In 1994, the legislature added 17 more crimes to the list.<sup>6</sup> This lengthy list of crimes made Maryland a national outlier and likely explains the state’s ranking as fourth highest in the nation for people currently incarcerated for crimes they committed as children.

Today, six out of every one hundred people incarcerated in Maryland has been in prison since childhood. It is estimated that every year Maryland charges more children as adults per capita than any other state, with the notable exception of Alabama. Racial disparities are extreme with minority youth making up more than 90% of children incarcerated as adults.

Who are these children? What might have happened to them to lead them to engage in criminal behavior? And where were their families and communities when they needed them most?

These are difficult questions that for so long the state of Maryland has been unable, or perhaps unwilling to answer because of the responsibility it bears for the human rights crisis it now faces. The U.S. Supreme Court explained this responsibility in *Thompson v. Oklahoma*:

... [Y]outh crime ... is not exclusively the offender's fault; offenses by the young also represent a failure of family, school, and the social system, which share responsibility for the development of America's youth.<sup>7</sup>

Over the past 40 years U.S. courts have slowly chipped away at the notion that the treatment of children as adults is consistent with Constitutional standards. So much of American jurisprudence, however, has focused on child brain and behavioral development science demonstrating critical differences between adolescent and adult brains. While this emerging scientific consensus has rightly influenced case law and juvenile sentencing reforms by state legislatures around the country, limited efforts have been made to fully understand the life circumstances that are inextricably linked to children who commit serious crimes.

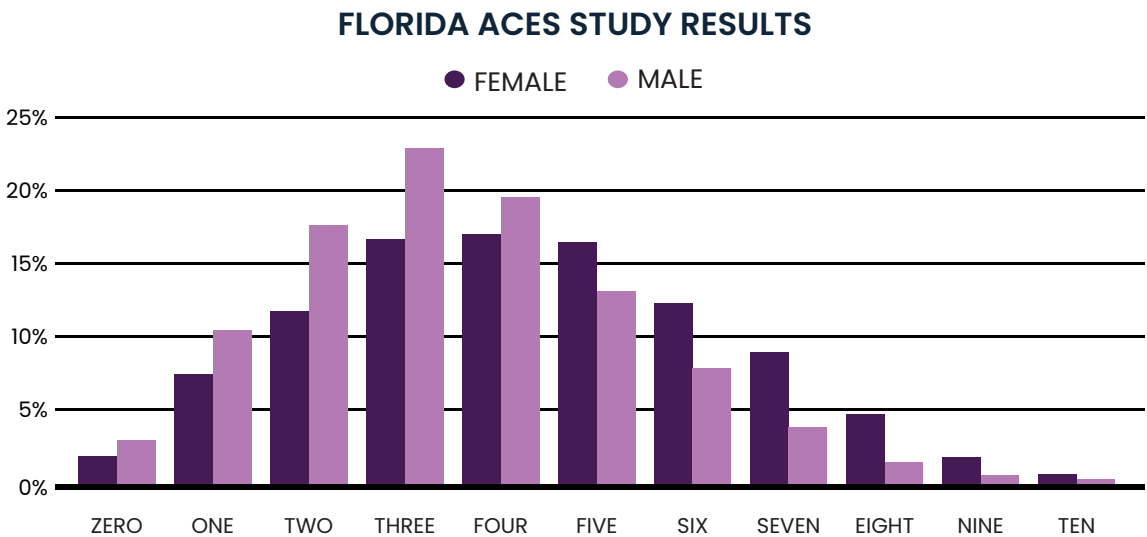
This report details the results of the first-ever state-wide Adverse Childhood Experiences (ACEs) survey administered to people currently incarcerated for crimes they committed as children (under eighteen). The trauma measured from ACEs surveys include physical, sexual, and emotional abuse; physical and emotional neglect; separation from parents; mental illness or substance abuse in the home; parent or sibling incarceration; and domestic violence in the home. Our findings, as shocking and as tragic as they are, help to bridge our knowledge gap in understanding what happens to children in Maryland that leads them into the justice system.

Our outreach and survey findings reveal three general classifications for children tried as adults: (1) Child victims of abuse who commit offenses against their abusers, like Andrew Zaragoza, whose case is discussed below; (2) Child victims of forced criminality – a form of human trafficking – where children are forced to commit crimes at the behest of older adults (often gang leaders); and (3) Child victims of abuse, neglect, and trauma who subsequently develop behavioral issues because of that trauma, leading to their incarceration.

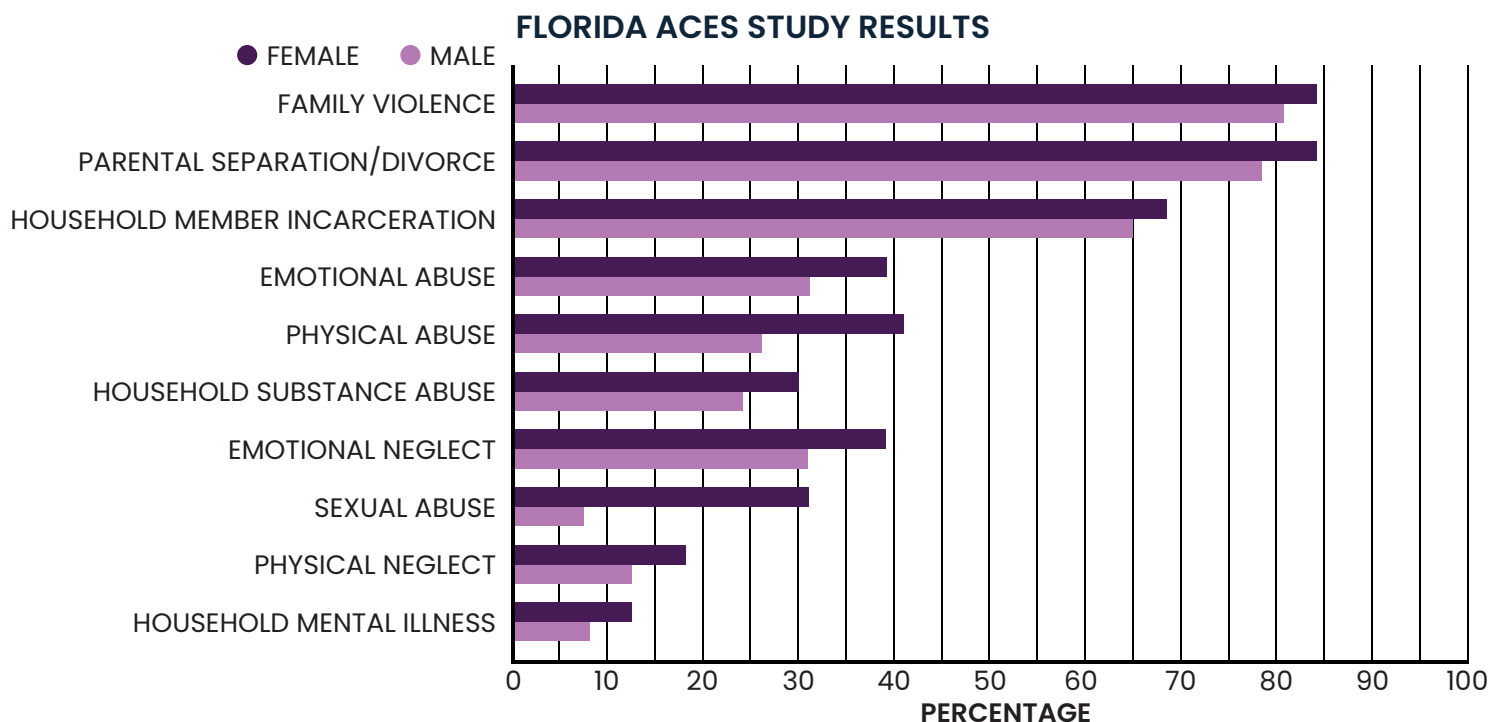


We estimate that these classifications represent the circumstances of nearly all children tried as adults in Maryland based on the data we and others have collected. Earlier this year we released the results of a similar ACEs survey conducted nationally among women incarcerated since childhood. In that study we found that emotional, physical, and sexual abuse was ubiquitous among girls tried as adults with more than 80% of women reporting having experienced all three prior to their incarceration.<sup>8</sup> Moreover, 70% of female respondents reported eight or more ACEs with an average score of 7.7 out of 10. These findings were consistent with prior reporting by Rights4Girls and the Center on Poverty and Inequality at Georgetown Law School in their seminal publication, *The Sexual Abuse to Prison Pipeline: The Girl’s Story*. In that report, the authors found that between 80 and 93% of girls in the juvenile justice system across multiple states reported sexual abuse prior to their system involvement.<sup>9</sup>

In 2014, the results of an ACEs study of children in Florida’s juvenile justice system was released. Researchers there found that 90% of youth experienced at least two ACEs, 73% experienced at least three, 52% experienced at least four, and 32% experienced five or more prior to their system involvement.<sup>10</sup>



The average composite ACE score for girls in the study was 4.29, while the average for boys was 3.48.<sup>11</sup> Household dysfunction, including domestic violence, incarceration, and parental separation were by far the most common traumatic experiences for youth in the study.<sup>12</sup>



Prior to these studies, the U.S. Department of Justice released its groundbreaking report on Children Exposed to Violence which found that:

“The relationship between exposure to violence and involvement in the justice system is not a coincidence. Exposure to violence often leads to distrust, hypervigilance, impulsive behavior, isolation, addiction, lack of empathy or concern for others, and self-protective aggression. When young people experience prolonged or repeated violence, their bodies and brains adapt by becoming focused on survival. This dramatically reduces their ability to delay impulses and gratification, to a degree even beyond that of normal adolescents. Youth who are trying to protect themselves from more violence, or who do not know how to deal with violence they have already experienced, may engage in delinquent or criminal behavior as a way to gain a sense of control in their chaotic lives and to cope with the emotional turmoil and barriers to security and success that violence creates . . .

Law enforcement, judges, prosecutors, defense attorneys, probation officers, providers, and policymakers must all understand the data about children’s exposure to violence that is contained in the ACE (Adverse Childhood Experiences) and NatSCEV (National Survey of Children’s Exposure to Violence) studies as well as the latest research about what works for kids. It also requires people outside the system to accept that children in the justice system are not “bad kids” but, instead, are traumatized survivors who have made bad decisions but can still turn things around if they have help.”<sup>13</sup>

As this report and its predecessors makes clear, the children tried as adults in Maryland’s justice system were victims long before they were offenders. They were victims of physical, emotional, and sexual abuse. They were victims of exploitation and human trafficking. They were neglected by their parents and caregivers which is no doubt a consequence of their chaotic home lives where incarceration, substance abuse, domestic violence, and mental illness significantly contributed to their broken homes. This in turn made these children more vulnerable to abuse and exploitation, including by gangs, resulting in a vicious cycle of violence.

Who are the disposable people Maryland has been incarcerating since childhood? They are the source of its greatest shame, but not exclusively because of what they’ve done, but rather because of what the state has failed to do: protect its children from violence and abuse.

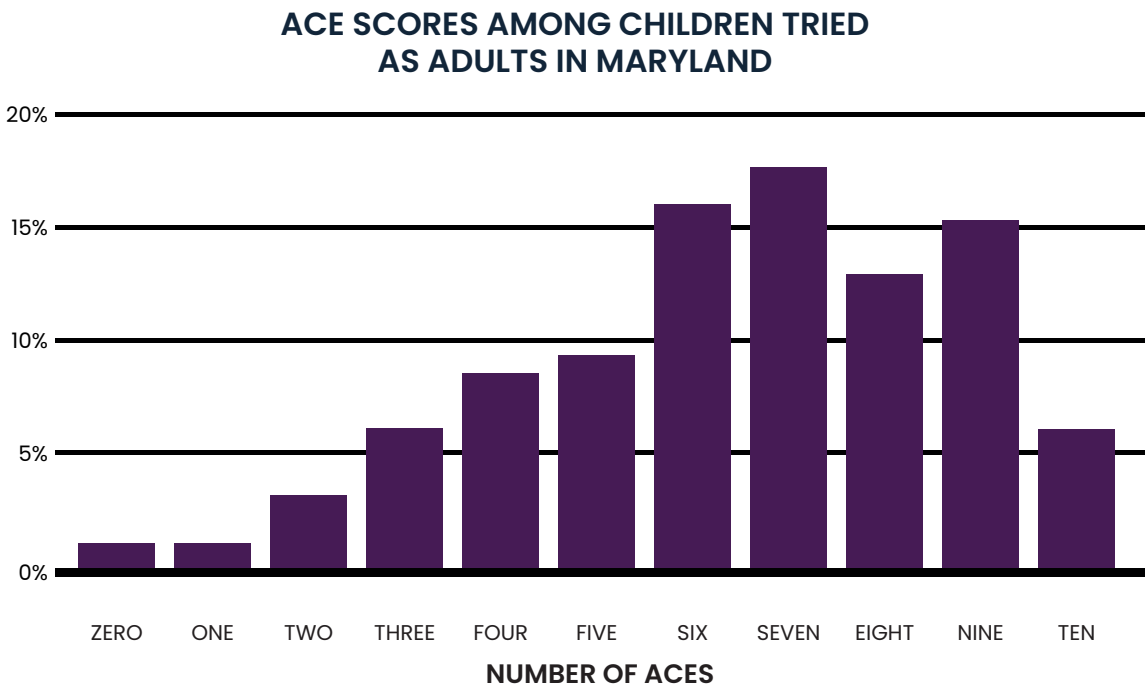
# The Severe Trauma of Children Prosecuted and Incarcerated as Adults in Maryland

Using the data we received in March of 2022 for the Crimes Against Humanity report, we subsequently administered Adverse Childhood Experiences (ACEs) surveys to the population of people currently incarcerated for childhood offenses. The ACEs surveys were mailed in February of 2024.

Before mailing the surveys, we conducted a review of the initial data to confirm its accuracy. In this review, we verified that each person was still incarcerated and the facility in which they were being held. The final mailing list totaled 882 people, and at the time of this report’s publishing, we received responses with completed surveys from 124 individuals. This amounts to a 14.06% response rate. Of the respondents, 62.1% identified as Black, 15.32% identified as Biracial or Other, 12.1% identified as Hispanic, 7.26% identified as White, 2.42% identified as Native American, and 0.81% identified as Asian American/Pacific Islander.

RACE/ETHNICITY	COUNT	PERCENTAGE
AAPI <sup>14</sup>	1	0.81%
BLACK <sup>15</sup>	8	62.90%
BIRACIAL/OTHER <sup>16</sup>	19	15.32%
HISPANIC <sup>17</sup>	14	11.29%
NATIVE AMERICAN <sup>18</sup>	3	2.42%
WHITE <sup>19</sup>	9	7.26%

The survey responses indicated an average ACE score of 6.38 out of 10, along with numerous stories of the failure of Maryland’s justice system to appropriately address childhood trauma. Nearly 70% of respondents reported experiencing six or more ACEs prior to their incarceration.



When children come before the justice system, they are often seen only in the context of the worst thing they have ever done, disregarding the circumstances that led them there. This singular focus on a child's offense ignores that the vast majority of the people who responded to our survey detailed backgrounds containing immense hardship and trauma.

Experiences of abuse, including physical, sexual, and emotional, have profound and lasting impacts on individuals. These traumatic events, when occurring as early as childhood, can set the stage for a lifetime of psychological, emotional, and physical challenges. The repercussions of such abuse can be far-reaching, affecting every aspect of a person's life, from their mental health and self-esteem to their relationships and ability to function in society. As people who have survived trauma grow, the harm they experienced persists into adulthood, influencing behaviors and decisions, and often contributing to a cycle of victimization and, in some cases, perpetration.

Of our survey respondents, 73.39% reported having experienced physical abuse, 39.52% reported sexual abuse, and 75.81% reported emotional abuse before their incarceration. We asked the respondents how old they were when they first experienced abuse, and the average response was **six years old**. This early exposure to abuse is crucial in understanding its long-term psychological and behavioral effects. Individuals who experience abuse or neglect as children are 59% more likely to be arrested as children, 28% more likely to be arrested as adults, and 30% more likely to commit violent crime.<sup>20</sup>

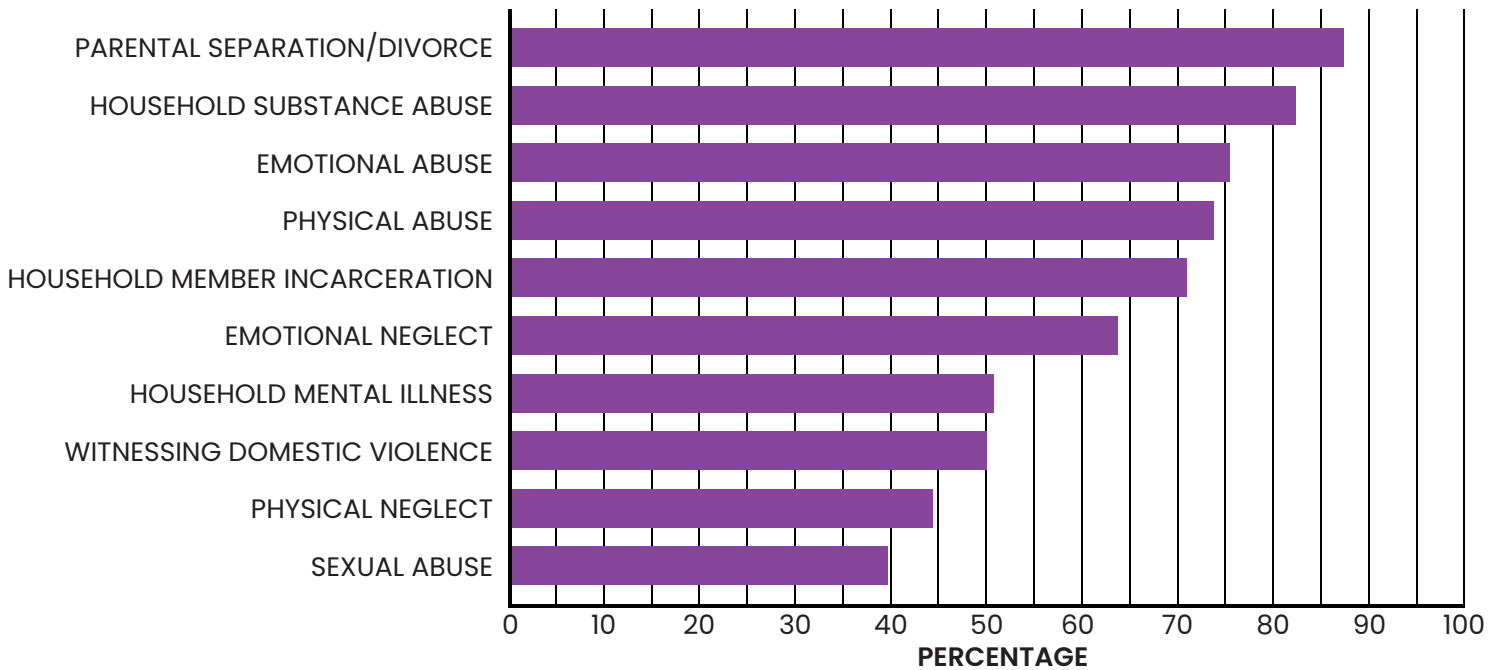
GRADE LEVEL AT TIME OF EARLIEST ABUSE	COUNT	PERCENTAGE OF RESPONDENTS
PRE-KINDERGARTEN (UNDER 4 YEARS OLD)	21	16.94%
ELEMENTARY (5-11 YEARS OLD)	65	52.42%
POST-ELEMENTARY (12+ YEARS OLD)	5	4.03%
UNSURE	1	0.81%

The survey data reveals that many respondents experienced significant neglect during their childhood, often due to parental absence or incapacity. In the ACEs survey, to determine emotional neglect, respondents are asked whether they felt that anyone in their family loved them or thought they were special, as well as whether their family looked out for each other, felt close to each other, or supported each other. 63.71% of respondents reported experiencing emotional neglect. Physical neglect includes not having enough to eat, not having clean clothes, and parents or guardians who are unable to properly provide care. 44.35% indicated that they experienced physical neglect.

Our respondents reported high rates of general household instability, with 82.26% having lived with someone who was an alcoholic or abused illegal drugs. This exposure can normalize drug and alcohol use, leading to early experimentation and addiction. Children in such environments often face neglect and abuse, further exacerbating their risk of engaging in criminal activities.<sup>21</sup> 50% witnessed their mother or stepmother be a victim of domestic violence, and 50.81% reported a household member being depressed, mentally ill, or attempting suicide. 87.1% of respondents' parents had been separated or divorced, and 70.97% had a household member go to prison. 25% also indicated that they had spent time in foster care or Child Protective Services custody.

Household dysfunction including parental separation, substance abuse, and incarceration, alongside emotional and physical abuse, were the most common traumatic experiences among people incarcerated since childhood in Maryland.

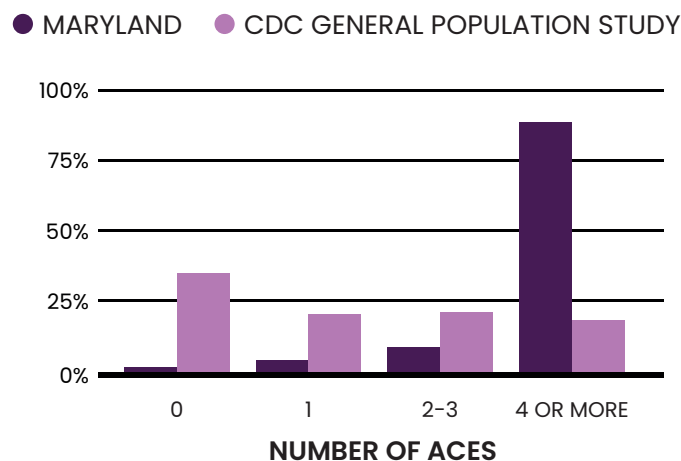
## PREVALENCE OF EACH ACE IN CHILDREN TRIED AS ADULTS



The absence of a stable family environment often leads to feelings of abandonment, insecurity, and mistrust, which contribute to delinquent and criminal behavior as children seek alternative forms of support and belonging. The lack of familial support and guidance also leaves these children vulnerable to negative influences and peer pressure. Perhaps most tragic is the fact that unstable home environments increase the likelihood of abuse and exploitation by predatory adults. As abuse becomes normalized, children lose the ability to meaningfully discern harmful situations they may find themselves in which perpetuates their traumatic experiences.

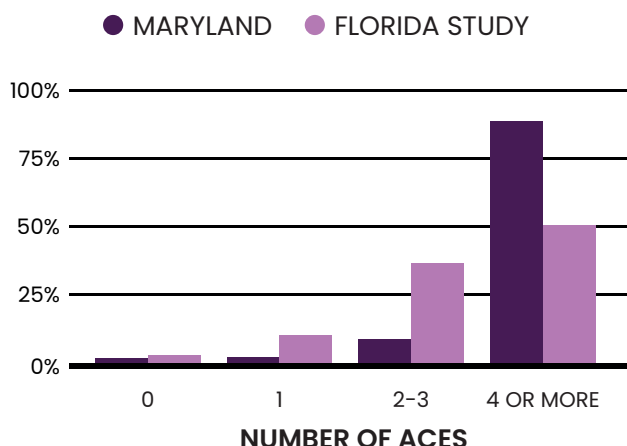
In the original ACEs survey from 1999, which was focused on identifying social determinants for negative health outcomes, more than 80% of the general population had experienced 3 or fewer traumatic events in childhood. More than one-third of those respondents reported no childhood trauma. By way of contrast, nearly 90% of children prosecuted and incarcerated as adults in Maryland experienced 4 or more ACEs prior to their system involvement.

## PREVALENCE OF ACEs IN CHILDREN INCARCERATED AS ADULTS IN MARYLAND VS. GENERAL POPULATION



Similarly, the prevalence of trauma among children prosecuted and incarcerated as adults in Maryland is significantly higher than the trauma reported by youth in Florida’s juvenile justice system. Approximately 50% of the child respondents in Florida reported four or more ACEs, as compared to 87% of respondents in Maryland who have been incarcerated since childhood.

### PREVALENCE OF ACES IN CHILDREN INCARCERATED AS ADULTS IN MARYLAND VS. OJJDP FLORIDA STUDY



It is important to note that the Florida ACEs survey was administered to children who were given an official referral to the juvenile justice system and were under eighteen years of age when the survey was administered. This differs from the survey methodology in this report which was focused on children who were tried as adults where surveys were completed by individuals who are currently incarcerated and well into adulthood. These factors provide two possible explanations as to why the prevalence of ACEs in our survey was much higher: (1) The prevalence of childhood trauma increases in relation to the seriousness of the offense, and (2) Adult respondents are more likely to feel comfortable reporting childhood trauma and/or more likely to recognize traumatic events than child respondents.

Additionally, 41.94% of respondents in the current survey reported at least one hospitalization for mental health care prior to their incarceration, which is unsurprising given the high rates of trauma most of them experienced in childhood. When a child with a mental health disorder is incarcerated, these issues are only exacerbated when they are charged in the adult system and housed in adult facilities where they are highly susceptible to further victimization.<sup>22</sup>

Most of our respondents had already experienced the juvenile justice system prior to being placed in the adult system, with 66.13% of them reporting being under the age of 15 when they first came before the justice system.

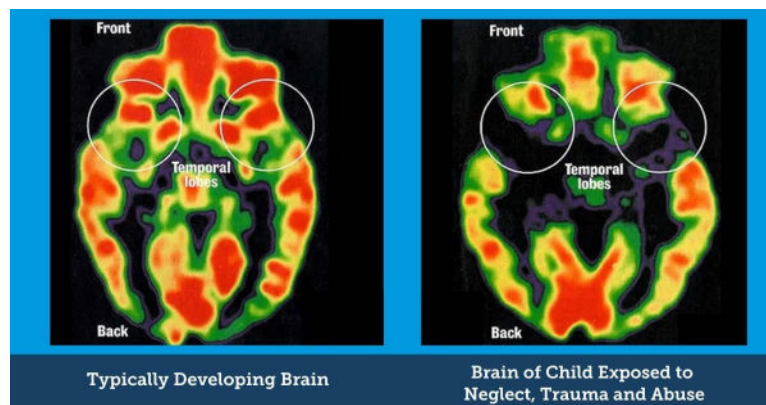
AVERAGE GRADE LEVEL OF FIRST JUSTICE SYSTEM INVOLVEMENT	COUNT	PERCENTAGE OF RESPONDENTS
ELEMENTARY (5 – 11 YEARS OLD)	32	25.81%
MIDDLE SCHOOL (12 – 14 YEARS OLD)	50	40.32%
HIGH SCHOOL (15 – 17 YEARS OLD)	42	33.87%

To better understand the causes of a child’s interaction with the justice system, we asked respondents about their most acute unaddressed needs prior to their incarceration. Responses varied but many of the same themes were repeated: a lack of safety and security in their living environments, not having a support system, insufficient communication about legal rights, and a lack of educational and mental health resources. Only 7.26% of respondents indicated that they were given adequate resources to understand the legal process, and just 4.03% of the respondents reported feeling safe when they first entered the justice system. Put another way, nearly all youth prosecuted and incarcerated as adults did not understand the legal process and did not feel safe entering the system.



# The Impact of Trauma on Child Brain Development

As the findings of this and other studies makes clear, the overwhelming majority of youth who engage in delinquent or criminal behavior have histories of ACEs and early childhood trauma.<sup>23</sup> Pediatric imaging studies demonstrate that both cerebral and cerebellar volumes are smaller in abused and neglected youth compared to non-maltreated youth.<sup>24</sup> Smaller cerebral volumes are significantly associated with earlier onset of PTSD trauma which has been linked to adverse brain development in areas responsible for executive functioning.<sup>25</sup> Thus, childhood trauma can have detrimental effects on the brain networks that establish an individual's ability to think, and regulate their sense of self, motivations, and behaviors.



26

The timing of a traumatic experience is also important given that youth who experience trauma early in life are more likely to experience other types of trauma and the experience of multiple trauma types is associated with increased post-traumatic stress reactions, difficulties in emotion regulation, and internalizing problems.<sup>27</sup> The confluence of multiple experiences of emotional, physical, or sexual abuse, and emotional or physical neglect at an early age is known as complex trauma, which is exacerbated within pathogenic environments such as poverty, community violence, and household dysfunctions.<sup>28</sup> Exposure to community violence during childhood and adolescence has been linked to internalizing and externalizing problems, PTSD, low school engagement, problematic peer relationships, substance abuse, and sexual risk behaviors.<sup>29</sup> Studies suggest that the combination of complex trauma and community violence on externalizing symptoms like rule-breaking and aggressive behaviors creates a “cycle of violence, where the harsh environment constantly interacts with these children, leading to the possibility of their engagement in gangs, criminal activities, and violent behaviors.”<sup>30</sup> Other forms of trauma exposure, beyond child maltreatment, have also been linked to delinquency and justice-system involvement, such as community violence, domestic violence, and traumatic loss.<sup>31</sup>

The science surrounding the impact of trauma on brain development, and children’s subsequent behavioral issues, is incontrovertible. The high prevalence of abuse, neglect, and other trauma among children tried as adults in Maryland is not a coincidence. The unmitigated trauma these children experienced, compounded by poor family and community environments, likely impacted their brain development in childhood which subsequently influenced their behavior, eventually leading to their incarceration.



# Continued Trauma Through Incarceration

While it is crucial to understand the factors in a child’s life that preceded their interaction with the justice system, we also wanted to understand the experiences of children after they began their terms of incarceration.

When asked about solitary confinement, nearly all of our respondents, 97.58%, reported experiencing this inhumane and cruel practice. 79.84% were placed in isolation while under the age of eighteen, with 30.65% reporting that they were placed in solitary confinement solely due to their age. They had an average longest stay in confinement of 20.5 months, or almost two years.

QUESTION	PERCENTAGE/AVERAGE
HAVE YOU EVER BEEN PLACED IN SOLITARY CONFINEMENT?	97.58%
WERE YOU EVER PLACED IN SOLITARY WHEN UNDER 18?	79.84%
WERE YOU EVER PLACED IN SOLITARY DUE TO YOUR AGE?	30.65%
AVERAGE LONGEST TIME SPENT IN SOLITARY (MONTHS)	20.5 MONTHS

While alarming, the high rates of solitary confinement are not surprising, given that adult facilities are not equipped to house children. Children in adult facilities both legally and ethically require specialized attention and cannot be treated in the same manner as adults. Statutory protections such as the Prison Rape Elimination Act (PREA), require children to be held separately from adult offenders. This required separation often means that children are held in solitary confinement.

Upon entering detention centers, our respondents reported being exposed to a variety of dangers that, despite being illegal, are widespread. Over a third of respondents continue to experience abuse while incarcerated, and a staggering 81.45% reported being harmed at least once by staff or other incarcerated people while serving their sentences. 45.16% indicated experiencing harm due to their race, ethnicity, or sexual orientation.

Children are often victimized in adult facilities solely because of their age, further highlighting that children should never be held in adult facilities. Of the respondents who reported they were victimized because of their age, 88.04% faced physical violence, 57.61% reported experiencing emotional violence, and 15.22% reported experiencing sexual violence. These numbers hold true nationwide as well, where studies have shown that children are 5 times more likely to be sexually assaulted in adult detention centers as opposed to juvenile facilities.<sup>32</sup>

TYPE OF VIOLENCE	AFFIRMATIVE RESPONSES	PERCENTAGE
PHYSICAL	81	88.04%
SEXUAL	14	15.22%
EMOTIONAL	53	57.61%
MENTAL	65	70.65%

When children are held in adult facilities, their educational opportunities are limited as compared to the programming available in juvenile facilities. 62.9% of respondents were able to complete their high school education or acquire a GED while incarcerated, meaning about a third of children did not complete their education due to incarceration, and only 39.52% of respondents had access to higher educational resources while incarcerated.

Proper health and mental healthcare services were also lacking: 60.48% of respondents reported that they lost access to medical care due to their incarceration, and only 28.23% received treatment to address any of the various traumas they experienced prior to their incarceration.

PROGRAMMING WHILE INCARCERATED	
SERVICES	PERCENTAGE WHO RECEIVED
SECONDARY EDUCATION	62.90%
HIGHER EDUCATION	39.52%
CONSISTENT HEALTH CARE	39.52%
TRAUMA-INFORMED SERVICES	28.23%

One thing is abundantly clear from our research: children in Maryland who were prosecuted and incarcerated as adults faced profound, multifaceted trauma prior to their system-involvement, which was exacerbated by the trauma they experienced upon entering the system.

# By the Numbers: People Incarcerated Since Childhood in Maryland

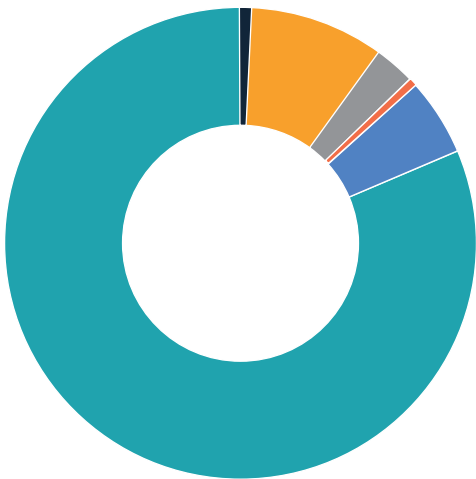
In January of 2022, Human Rights for Kids submitted data requests to the Departments of Corrections in each of the 50 states and the District of Columbia to determine the population of people incarcerated in adult prisons for offenses committed as children. According to Maryland’s Department of Public Safety and Correctional Services, there are 1,132 people who are currently incarcerated in Maryland prisons for crimes they committed as children. This represents 6.09% of the total Maryland prison population, which is the 4th highest percentage in the country and more than double the national average of 3%.<sup>33</sup> More than 80% of these children are Black and nearly 40% received either a life sentence or a de facto life sentence.<sup>34</sup>

Maryland’s population of children incarcerated as adults also received longer sentences when compared to other states and has one of the largest populations of children serving de facto life sentences in the nation. If we had included sentences over 40 years when we were averaging sentence length, Maryland’s average sentence would have been more than 25 years.<sup>35</sup>



## RACE/ETHNICITY BREAKDOWN

90.46% of people incarcerated since childhood in Maryland are people of color, the fourth highest percentage in the country. Black children are vastly overrepresented in the adult system, with an incarceration rate of 2.54 times their prevalence in the state.



## RACIAL/ETHNIC BREAKDOWN

KEY	RACE/ETHNICITY	COUNT	PERCENTAGE
	AAPI	8	0.7%
	BLACK	920	81.3%
	HISPANIC	60	5.3%
	NATIVE AMERICAN	5	0.4%
	OTHER/UNKNOWN	31	2.7%
	WHITE	108	9.5%

*Note: Of AAPI people, 5 were Native Hawaiian or Pacific Islanders.*

## SENTENCING BREAKDOWN

Maryland has the 13th highest average sentence length when excluding de facto life sentences in the country.

AVERAGE SENTENCE	YEARS
INCLUDING DE FACTO LIFE SENTENCES	25.69
EXCLUDING DE FACTO LIFE SENTENCES	17.01

Maryland has the 5th highest overall number of de facto life sentences in the country.

SENTENCE TYPE	CHILDREN	PERCENTAGE
DE FACTO LIFE	214	18.90%
NUMBERED	694	61.31%
LIFE	224	19.79%

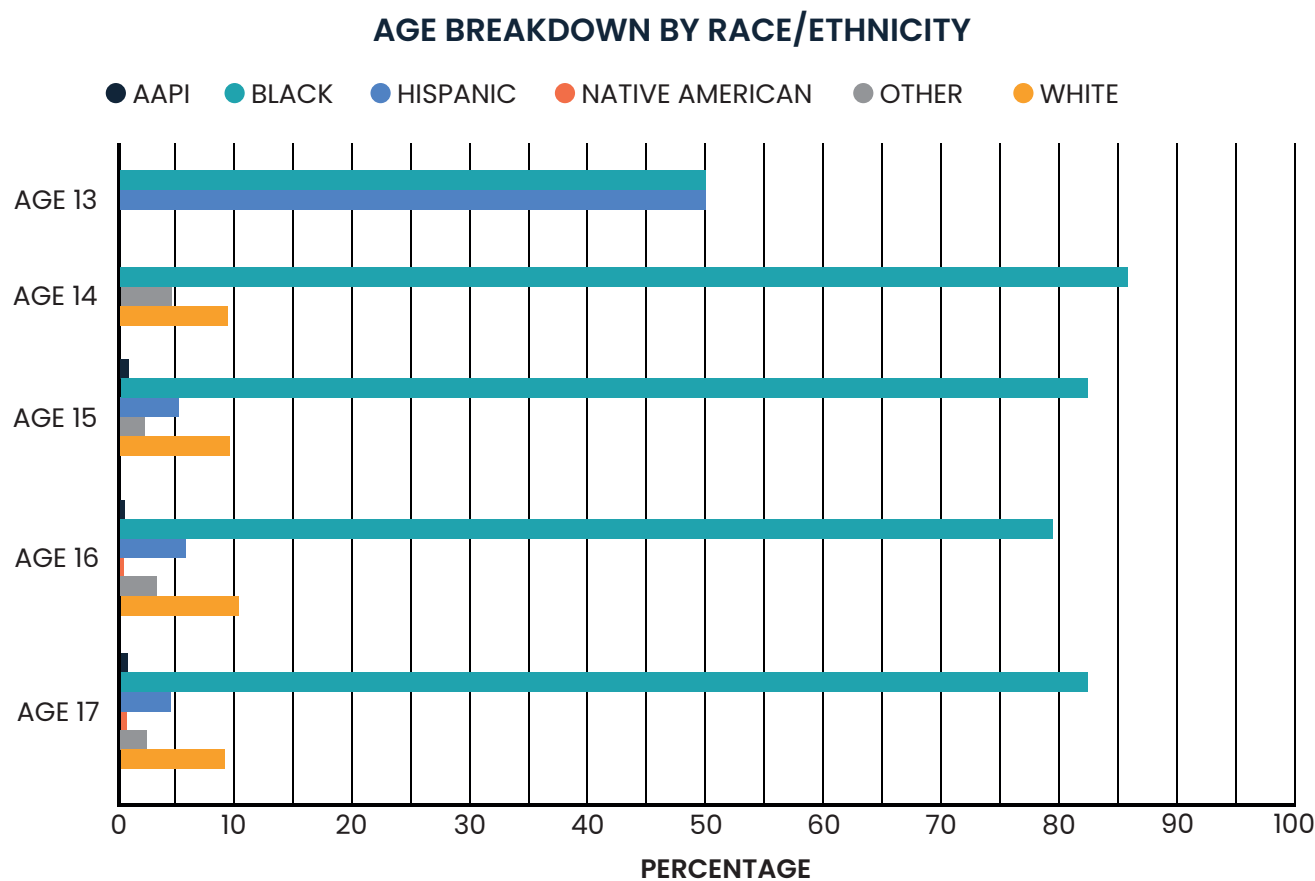
## SENTENCE BREAKDOWN BY RACE/ETHNICITY

Average sentence length is largely similar across the board (with the exception of Native American children due to a statistical outlier). A significant aspect of these average sentences are the shortest sentences, which are under ten years nearly across the board. Low average sentences indicate a lower barrier of entry to the criminal justice system, meaning that many children are sentenced as adults for less serious offenses.

RACE/ETHNICITY	AVG SENTENCE	SHORTEST SENTENCE	LONGEST SENTENCE	% OF NUMBERED SENTENCES	% OF LIFE SENTENCES
ALL	25.69	2.36	236.00		
AAPI	22.63	7.00	40.00	0.7%	0.9%
BLACK	25.44	2.36	124.54	81.6%	79.9%
HISPANIC	24.81	3.00	55.00	5.7%	3.6%
NATIVE AMERICAN	75.99	10.00	236.00	0.4%	0.4%
OTHER/UNKNOWN	28.91	13.00	50.00	3.1%	1.3%
WHITE	25.20	3.00	90.01	8.5%	13.8%

# AGE BREAKDOWN

Sixteen and seventeen-year-olds make up the large majority of children sentenced as adults. There are 120 people incarcerated for crimes committed when they were fifteen or younger. Black children make up at least 50% of the population no matter the age.

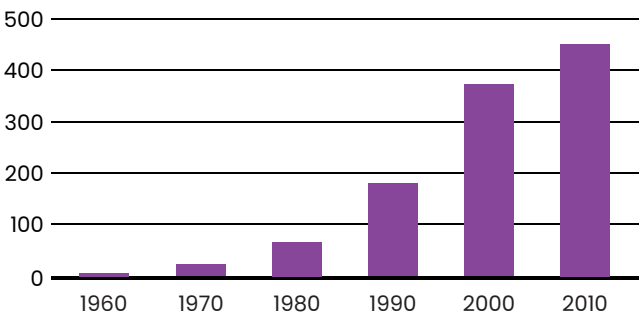


AGE AT OFFENSE	13	14	15	16	17
COUNT	2	22	96	369	643

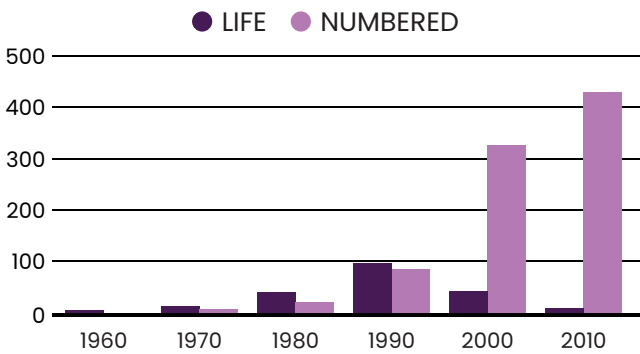
# DECADE BREAKDOWN

As Maryland added more crimes to the list of offenses eligible for the automatic charging of children as adults, children increasingly received numbered or term-of-years sentences. The end result is that more children enter the adult justice system every year for offenses that do not carry a life sentence.

CHILDREN INCARCERATED AS ADULTS, BY DECADE

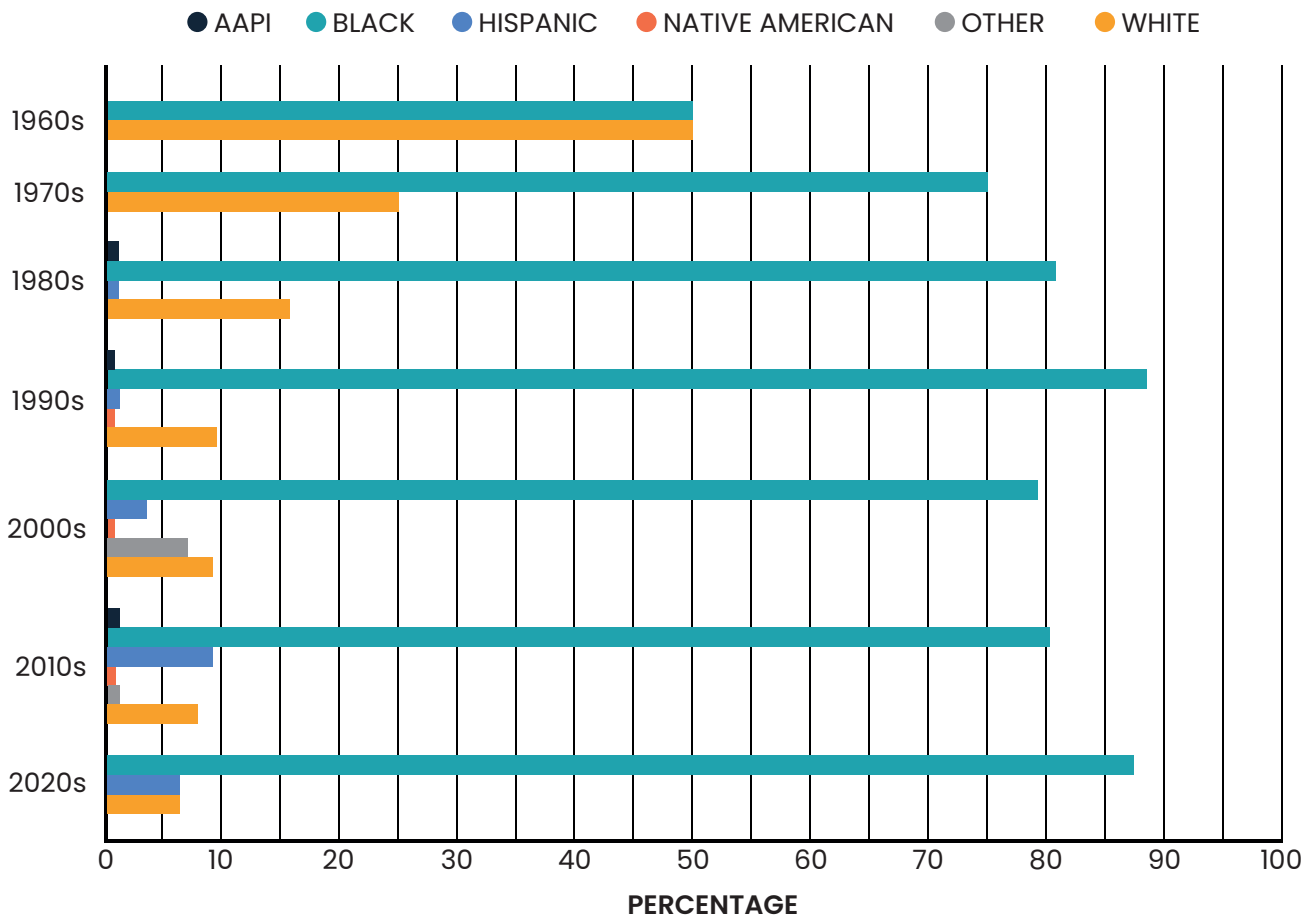


SENTENCE TYPE, BY DECADE OF INCARCERATION



Black children are overrepresented in the population of children incarcerated as adults. Black youth have represented at least 75% of all people incarcerated as children since the 1970s, and the first years of the 2020s indicate this trend will continue without legislative or judicial action.

SENTENCING BREAKDOWN PER DECADE BY RACE/ETHNICITY



# Maryland Advocates & Lawmakers Provide Hope Through Legislative Progress

America's integration of children into the adult justice system constitutes one of the largest state-sanctioned human rights abuses in the world. The United States is the only United Nations member state to fail to ratify the UN Convention of the Rights of the Child, which has allowed Maryland to become a national leader in abusing the human rights of justice system-involved youth. This status was reflected in the first edition of Human Rights for Kids' State Ratings Report in 2020, which evaluated states based on twelve categories of law that provide a basic framework for protecting the human rights of children in the justice system. Maryland ranked among the worst Human Rights offenders in the country. HRFK's report concluded that Maryland made little to no effort in protecting the human rights of children and was in violation of international human rights standards.

HRFK's 2020 Report, along with its surrounding media coverage, served as a call to action for policymakers in Maryland. Senator Will Smith, Jr., who Chairs the Maryland Judicial Proceedings Committee, even referenced the state's poor rating in his end of session report to underscore the importance of why Maryland had to act. Senator Jill P. Carter, author of several of the legislative reforms, said "the shocking 2020 report lit the fire behind our campaign to protect child dignity and was the motivator behind the Maryland General Assembly finally acknowledging the horrendous abuses within the juvenile justice system."<sup>36</sup>

Even before HRFK's 2020 report, however, work was underway in Maryland to reform the state's treatment of children in the justice system. In 2019, the General Assembly passed legislation creating the Juvenile Justice Reform Council (JJRC).<sup>37</sup> The JJRC was directed by law to:

1. use a data-driven approach to develop a statewide framework of policies to invest in strategies to increase public safety and reduce recidivism of youth offenders;
2. research best practices for the treatment of juveniles who are subject to the criminal and juvenile justice systems; and
3. identify and make recommendations to limit or otherwise mitigate risk factors that contribute to juvenile contact with the criminal and juvenile justice systems.<sup>38</sup>

The JJRC ultimately issued several recommendations to the legislature for changes to Maryland law. Among those recommendations was setting a minimum age of juvenile court jurisdiction<sup>39</sup> and ending the automatic charging of children as adults for specific crimes.<sup>40</sup> The JJRC held meetings from 2019 until 2021, providing a thorough background and education to the members of the Council on juvenile justice issues. The JJRC was also composed of several key members of the legislature including Senators Chris West (R), Will Smith Jr. (D), Jill P. Carter (D), and Delegates Luke Clippinger (D), Charlotte Crutchfield (D), and Jesse Pippy (R).

In 2021 and 2022, Maryland's General Assembly adopted omnibus legislation to strengthen children's rights in the criminal justice system. Among these reforms was the Juvenile Restoration Act (JRA), passed in the 2021 legislative session. The JRA aimed to correct Maryland's past treatment of children in the criminal justice system by allowing incarcerated individuals who were convicted of crimes they committed when they were under 18 to apply for a reduction in their sentence. The JRA also included provisions that ended mandatory minimums and life without parole sentences for youth. According to the Maryland Office of the Public Defender, as of October 1, 2022, 26 individuals have been released from prison because of the JRA.<sup>41</sup> Many more individuals







have filed motions for sentence reductions, meaning the full effect of the JRA remains to be seen. Brian Saccenti, Director of OPD's Decarceration Initiative, said about the JRA that "(t)he first year of its implementation confirms that individuals who had served long sentences imposed when they were children can often be safely released from prison and become valuable community members."

Another major reform in the 2022 legislative session was the Child Interrogation Protection Act, which requires that children have access to their parent or guardian and speak with an attorney before they can be interrogated by police.<sup>42</sup> Two high-profile cases in Maryland exemplified the need for these new protections for children during police interrogations.

In 1984, Andrew Stewart, Alfred Chestnut, and Ransom Watkins were teenagers. The three boys were wrongfully convicted of a murder at Harlem Park Junior High School and incarcerated for 36 years. The Harlem Park Three were eventually released in 2019 after a Baltimore Conviction Integrity Unit concluded they were innocent. Prosecutors have acknowledged that deceptive interrogation tactics used on the child defendants and child witnesses to the crime contributed to the wrongful convictions.<sup>43</sup> Additionally, prosecutors noted that none of the children interrogated by police had their parents present at the time.<sup>44</sup>

Adnan Syed was 17 when Hae Min Lee was murdered in Baltimore in 1999. Adnan was prosecuted and convicted of murder, robbery, kidnapping, and false imprisonment.<sup>45</sup> He was sentenced to life in prison.<sup>46</sup> Adnan's case eventually received international attention, and in 2022, prosecutors again acknowledged several errors in the case that led to the wrongful conviction.<sup>47</sup>

In the cases of both the Harlem Park Three and Adnan Syed, the convictions were based at least in part on evidence gained through police interrogation of child defendants and child witnesses. If the Child Interrogation Protection Act had been in place during the pendency of the Harlem Park Three or Adnan Syed cases, the child defendants would have received stronger legal protections, and the injustices that occurred could have been prevented altogether.

The last major reform in the 2022 session was legislation that established a minimum age of 10 before a child can be subject to criminal liability. According to the Annie E. Casey Foundation, "prior to these changes, Maryland had no set minimum age for prosecuting young people. In 2020, for example, the state prosecuted 376 children under the age of 13 and more than 70% of these children were Black."<sup>48</sup>

The reforms outlined above resulted in Maryland being recognized as the "most improved state" in Human Rights for Kids' 2022 National State Ratings Report.<sup>49</sup> The progress made in Maryland is due to the work of many individuals, organizations, and coalitions, including legislative champions Chairman Will Smith, Senator Jill Carter, Senator Chris West, Chairman Luke Clippinger, Delegate Sandy Bartlett, Delegate Charlotte Crutchfield, Delegate Jazz Lewis, the Maryland Office of the Public Defender, members of the Maryland Youth Justice Coalition, and directly impacted people across the state.

Unfortunately, these reforms have been under attack since their adoption, and in 2024, Maryland lawmakers made changes to their recently enacted minimum age law. While the minimum age of criminal culpability remains at 10, HB 814 added to the list of offenses for when a child under the age of 13 may be charged in the juvenile system.<sup>50</sup> Importantly, lawmakers resisted efforts to amend or repeal CIPA despite voluminous media coverage framing the law inaccurately.

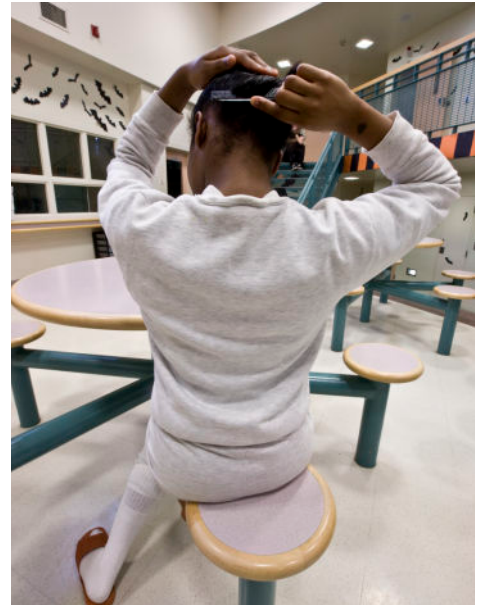


# Developments in Maryland Case Law

---

Efforts at obtaining relief for children through Maryland's state courts have been met with mixed results. In 2018, the Maryland Supreme Court issued a favorable ruling for children serving extreme sentences. In *Carter v. State*,<sup>51</sup> the court ruled that a juvenile defendant given a 100-year sentence who would be eligible for parole after 50 years was effectively serving a life without parole sentence and therefore entitled to resentencing consistent with Supreme Court rulings in *Graham v. Florida*,<sup>52</sup> *Miller v. Alabama*,<sup>53</sup> and *Montgomery v. Louisiana*.<sup>54</sup>

Maryland's transfer statutes require the consideration of certain factors to determine whether a child charged in adult court should be transferred to the jurisdiction of the juvenile court.<sup>55</sup> Among those factors is the child's amenability to treatment. In *Davis v. State*, the Maryland Supreme Court ruled that a child's amenability to treatment is the "ultimate determinative factor" in the analysis of whether a child should be transferred to juvenile court.<sup>56</sup> This decision was issued after the judge in Davis' transfer hearing gave only a cursory analysis of the defendant's amenability and instead focused almost solely on the nature of the offense, which led the judge to retain the child in adult court.



In another favorable ruling for children, the state Supreme Court ordered a resentencing hearing for Lee Boyd Malvo in *Malvo v. State* based on the U.S. Supreme Court rulings in *Graham*, *Miller*, and *Montgomery*. Mr. Malvo's original sentencing took place prior to the U.S. Supreme Court rulings, leading the Maryland court to rule that because the trial court may have found the defendant was not "permanently incorrigible," he was entitled to resentencing. Further, the Maryland court held that Maryland's Juvenile Restoration Act was not a sufficient mechanism to satisfy the U.S. Supreme Court's requirements in *Graham*, *Miller*, and *Montgomery*, ensuring that juvenile defendants can petition for resentencing under *Miller* and the Juvenile Restoration Act.

In 2022, the Maryland Supreme Court in *Harris v. State*<sup>57</sup> declined to apply heightened sentencing standards to juveniles who are sentenced to life with the possibility of parole. Defense counsel argued that the protections afforded to juveniles under Supreme Court precedent should apply in *Harris*, and that the Maryland Constitution afforded additional protections. HRFK submitted an Amicus Brief in *Harris*, arguing that Mr. Harris's mandatory life sentence violated both state and federal law. The Court rejected these arguments, meaning that children given lengthy sentences with the possibility of parole are not entitled to individualized sentencing proceedings.

In a setback for children, the Maryland Supreme Court ruled in *Jedlicka v. State*<sup>58</sup> that the defendant's sentence of 60 years for felony murder was not grossly disproportionate for a juvenile offender, nor did it trigger the individualized sentencing hearing required in *Miller*. This decision was rendered even though the defendant would not be parole eligible for the first 25 years of his sentence.

*Harris* and *Jedlicka*, both decided in 2022, likely signal an end to the Maryland Supreme Court's willingness to extend protections under state and federal law to child defendants, making legislative reforms crucial for any future progress.

# Policy & Practice Recommendations

---



While Maryland has improved its standing when it comes to the protection of children's rights, there remains progress to be made. In HRFK's 2024 State Ratings Report, Maryland still does not receive credit in the following areas: ending the felony murder rule for children, removing youth from adult correctional facilities, ending solitary confinement for children, conducting child status hearings prior to transfer to adult court, and discharging lengthy parole sentences.

During the 2023 legislative session, Maryland failed to advance Senate Bill 93/House Bill 96, or "the YES Act" which would have reformed the state's transfer laws. The most recent data from the Governor's Office of Crime Prevention, Youth, and Victim Services clearly shows that the number of children prosecuted as adults has surpassed pre-pandemic levels,<sup>59</sup> and Maryland's current statute which forces the majority of children to begin in adult court is a major factor. The current transfer law also contributes to Maryland's status as one of the top four states with the highest rate of incarceration of people who committed crimes as children. Only Louisiana, Wisconsin, and South Carolina rank higher.

The YES Act would have ensured that all children charged with crimes start in the juvenile system and could only be waived up to adult court after a hearing in front of a juvenile court judge. By beginning in the juvenile system, children would have the opportunity to receive trauma-informed and age-appropriate services much sooner. Approximately 80% of children charged in adult court have their cases transferred back to the jurisdiction of the juvenile court. Prior to these court-ordered transfers many children remain in DJS custody simply waiting for their cases to be adjudicated, which in turn inhibits DJS's ability to provide services efficiently. By passing the YES Act, or substantially similar legislation, lawmakers would remove this logjam allowing more efficient juvenile adjudications, while also ensuring children are not placed in adult jails.

Because Maryland allows children to be placed in adult facilities, they are often subject to conditions unsuitable for children, including solitary confinement. In documenting the abuses children face in adult facilities, the Maryland Office of the Public Defender noted "rodent-infested cells, barriers to healthcare, nonexistent or inadequate schooling for various detainees, exposure to adult offenders, unhygienic conditions and isolation with little attention from correctional officers."<sup>60</sup> In a positive development for children, Baltimore County agreed to transfer children held in their adult jail to the Youth Detention Center in Baltimore City "when space permits," but this practice has not been codified into statute and is not in place statewide.<sup>61</sup> The horrifying conditions in facilities across the state, especially in Baltimore County, have been well-documented and should serve as a call to action to the legislature to ensure children are never held in adult facilities.<sup>62</sup>

While incarcerated in adult facilities, children are five times more likely to be assaulted,<sup>63</sup> and are nine times more likely to die of suicide than children in juvenile facilities.<sup>64</sup> Victimization of children in adult jails and prisons is so pervasive that children sometimes commit infractions intentionally, in order to be moved to solitary confinement so as to escape their abusers.<sup>65</sup> Some facilities simply preemptively move children into permanent solitary as a "protective" policy.<sup>66</sup> The end result is that solitary confinement has become a fact of life for many children in Maryland's criminal justice system.

Delegate Sandy Bartlett, in the 2024 legislative session, introduced HB 855 which would ensure that children are protected from solitary confinement in both juvenile and adult facilities. While Delegate Bartlett's legislation was not ultimately successful in 2024, there was a consensus among the members of the House Judiciary Committee that not only should children never be subjected to solitary confinement, but that they should also not be housed in adult facilities.<sup>67</sup>

The 2012 DOJ report on Children Exposed to Violence made an important recommendation that should guide Maryland lawmakers and government officials within the Department of Juvenile Services and Department of Human Services:

"All children who enter the juvenile justice system should be screened for exposure to violence... An important next step in the improvement of the overall justice system is to incorporate what is known about children who have been exposed to violence into every facet of the system — juvenile and adult — and to incorporate trauma-informed care into decision-making responses for children throughout the system.

Trauma-informed screening and treatment are just as vital, if not more so, for children who have committed serious violent offenses . . . Providing opportunities for assessment and trauma-informed care in both the juvenile and adult justice systems will help to repair the damage done by exposure to violence, improve the safety of everyone within the system, and increase the safety of communities to which incarcerated and detained children are released."<sup>68</sup>

In light of the findings detailed in this report and the prior recommendations from the Attorneys General's National Task Force, the legislature should enact reforms that take into account the trauma histories of children in the justice system. One bipartisan measure from 2024 is HB 445/SB 601, sponsored by Democratic Delegate Karen Simpson and Republican Senator William Folden, which would have put in place protections for child victims of sex crimes and trafficking who commit crimes against their abusers. The General Assembly should also look to enact policies that require courts to consider ACEs and trauma history when sentencing a child in adult court. Neighboring states, including Virginia and West Virginia, have similar laws in place.

Maryland's waiver statute, specifically §3–8A–06, should also be amended to require the consideration of ACEs, trauma history, and involvement in the child welfare system, prior to waiver under subsection (e). Further, there should be a strong presumption against waiver for children with trauma histories that contributed to their criminal conduct. Similarly, lawmakers should revise Maryland's transfer statute (§4–202) to require the same trauma-related factors to be considered by criminal court judges when determining whether to transfer a child back to the jurisdiction of the juvenile court.

One tragic example of the need for reform of Maryland's transfer statute is the case of Andrew Zaragoza, who was a victim of sexual and physical abuse at the hands of both his mother and father. In 2017, when Andrew was 16 years old, he took the life of his mother and was charged with second degree murder.<sup>69</sup> Because of Maryland's automatic charging statute, Andrew's case began in adult court. The statute also prevented Andrew's case from ever being transferred to juvenile court, where he could have received treatment and more appropriate sentencing. Andrew expressed remorse for his actions, and his defense attorneys repeatedly presented evidence of his childhood trauma and abuse. However, because judges are not required to consider evidence of childhood trauma as mitigating factors at sentencing, Andrew was sentenced to 15 years in an adult prison.

Law enforcement, judges, prosecutors, defense attorneys, probation officers, providers, and facility staff should receive training to better understand the data about children's exposure to violence that is contained in the ACEs study as well as the latest research about what works when engaging with youth with severe trauma histories. The Department of Juvenile Services (DJS), in particular, should implement ACEs screenings for all youth who receive referrals. Treatment and service plans should focus on addressing the traumas that lead youth into the justice system to begin with. It is critical that DJS implement a high-fidelity wraparound services model in coordination with the Department of Human Services to ensure that the needs of children's families and caregivers are also met. Based on our data analysis, it is highly likely that many families of justice system-involved youth are struggling with parental separation, substance abuse, mental illness, incarceration, poverty, and community violence. We do not pretend to have all of the answers, but a multi-faceted problem of this magnitude where the stakes could not be higher requires a coordinated, multi-agency strategy and a service delivery model for children and families contending with a myriad of complex trauma.



# Conclusion

---



With one of the highest rates of people incarcerated since childhood in the country, and a correspondingly high rate of children charged as adults with severe trauma histories, the Maryland General Assembly must build upon their recent progress by implementing further reforms. However, it is not only lawmakers who are called upon to act. Officials within DJS and DHS must also work to implement system-wide reforms that center identifying and effectively treating ACEs and childhood trauma among youth in the justice system, as well as their families.

Children in Maryland are so much more than the worst thing they have ever done, and they deserve a chance at redemption in a trauma-informed, age-appropriate system that was built with their well-being and rehabilitation in mind. Maryland has undoubtedly made major strides in respecting the rights and dignity of its youngest and most vulnerable residents, but there is still much work to be done to protect them.

# Endnotes

---

- <sup>1</sup> <https://www.sentencingproject.org/policy-brief/youth-justice-by-the-numbers/>
- <sup>2</sup> *Juvenile Transfer Laws: An Effective Deterrent to Delinquency?*, Richard E Redding, OJJDP, (June 2010).
- <sup>3</sup> Statistical Briefing Book, OJJDP, (<https://www.ojjdp.gov/ojstatbb/corrections/qa08700.asp>).
- <sup>4</sup> *National Prison Rape Elimination Commission Report*, pg. 155, (June 2009).
- <sup>5</sup> 1986 Md. Laws, Ch. 790.
- <sup>6</sup> 1994 Md. Laws, Ch. 641.
- <sup>7</sup> *Thompson v. Oklahoma*, 487 U.S. 815, 834 (1988).
- <sup>8</sup> *Unheard: The Epidemic of Severe Childhood Trauma Among Girls Tried as Adults*. (<https://humanrightsforkids.org/wp-content/uploads/Unheard-The-Epidemic-of-Severe-Childhood-Trauma-Among-Girls-Tried-as-Adults.pdf>).
- <sup>9</sup> *The Sexual Abuse to Prison Pipeline: The Girl's Story*. (<https://rights4girls.org/wp-content/uploads/2020/11/SexualAbusetoPrisonPipeline-Report.pdf>)
- <sup>10</sup> Baglivio MT, Epps N, Swartz K, Huq MS, Sheer A, & Hardt NS (2014). The prevalence of Adverse Childhood Experiences (ACE) in the lives of juvenile offenders. OJJDP Journal of Juvenile Justice, 3 ([https://static1.squarespace.com/static/63814a32e86ac444e02b316e/t/6387fa3ce873f17c5522616f/1669855806114/Prevalence\\_of\\_ACE.pdf](https://static1.squarespace.com/static/63814a32e86ac444e02b316e/t/6387fa3ce873f17c5522616f/1669855806114/Prevalence_of_ACE.pdf)).
- <sup>11</sup> *Id.*
- <sup>12</sup> *Id.*
- <sup>13</sup> Report of the Attorney General's National Task Force on Children Exposed to Violence, pp. 171 (2012), (<https://www.justice.gov/defendingchildhood/cev-rpt-full.pdf>).
- <sup>14</sup> The one respondent under AAPI reported as Asiatic.
- <sup>15</sup> Those under Black reported as African, African American, Jamaican American, or New Afrikan.
- <sup>16</sup> Those under Biracial/Other reported as African American/Native American, American, Asiatic African American, Biracial, Black Hispanic, Black/Asiatic, Black/Puerto Rican, Moorish American, or didn't answer.
- <sup>17</sup> Those under Hispanic reported as Brown American, Hispanic, Hispanic/Latino, Latino, Latino American, Mexican American, Puerto Rican, Salvadorian/Latino, Spanish, or Spanish/Latino
- <sup>18</sup> Those under Native American reported as Native American
- <sup>19</sup> Those under White reported as Caucasian or White.
- <sup>20</sup> Samuels, Julie E. "An Update on the 'Cycle of Violence.'" *National Institute of Justice (Research in Brief)*, National Institute of Justice, Feb. 2001, [www.ojp.gov/pdffiles1/nij/184894.pdf](http://www.ojp.gov/pdffiles1/nij/184894.pdf).
- <sup>21</sup> Reid, J.; Macchetto, P.; and Foster, S. "No Safe Haven: Children of Substance-Abusing Parents." New York: National Center on Addiction and Substance Abuse at Columbia University. 1999 <https://corpora.tika.apache.org/base/docs/govdocs1/324/324132.pdf>.
- <sup>22</sup> Leevitt, Lacey, "The Comparative Risk of Mistreatment for Juveniles in Detention Facilities and State Prisons," *International Journal of Forensic Mental Health* pg. 44-54 (2010).
- <sup>23</sup> Vincent J. Felitti, et al., "Relationship of childhood abuse and household dysfunction to many of the leading causes of death in adults: The adverse childhood experiences (ACE) study," 14 (4) AM. J. OF PREVENTIVE MED. 245 (1998).


- <sup>24</sup> Michael D. De Bellis, Abigail Zisk, “The Biological Effects of Childhood Trauma,” *Child and Adolescent Psychiatric Clinics of North America*, Volume 23, Issue 2, 2014, Pages 185-222.
- <sup>25</sup> *Id.*
- <sup>26</sup> Dr. H. T. Chugani, *Newsweek*, Spring/Summer 1997 Special Edition: “Your Child: From Birth to Three”, pp 30-31
- <sup>27</sup> Carly B. Dierkhising, Susan J. Ko, Briana Woods-Jaeger, Ernestine C. Briggs, Robert Lee & Robert S. Pynoos (2013) “Trauma histories among justice-involved youth: findings from the National Child Traumatic Stress Network,” *European Journal of Psychotraumatology*, 4:1, 20274, DOI: 10.3402/ejpt.v4i0.20274.
- <sup>28</sup> Yearwood K, Vliegen N, Chau C, Corveleyn J, Luyten P. “Prevalence of Exposure to Complex Trauma and Community Violence and Their Associations With Internalizing and Externalizing Symptoms.” *Journal of Interpersonal Violence*. 2021;36(1-2):843-861. doi:10.1177/0886260517731788.
- <sup>29</sup> *Id.*
- <sup>30</sup> *Id.*
- <sup>31</sup> *Id.*
- <sup>32</sup> Kraut, Michael E. “Minors in Prison,” 2024, Child Crime Prevention & Safety Center.
- <sup>33</sup> Human Rights for Kids. (2023, May) *Crimes Against Humanity: The Mass Incarceration of Children in the United States*. <https://humanrightsforkids.org/a-crime-against-humanity/>. Pg. 11.
- <sup>34</sup> “De facto life sentence” is defined as a sentence over 40 years.
- <sup>35</sup> For purposes of calculating average sentence length, only non-de facto life sentences were included to filter out extreme outlier sentences and ensure that the average more accurately reflects the population.
- <sup>36</sup> Press Release: Human Rights for Kids Releases 2022 National State Ratings Report: [https://docs.google.com/document/d/14r5SU5kUj9H5WNrKU3\\_InCZoa2VktOC3rJ1PClBeVe4/edit?usp=sharing](https://docs.google.com/document/d/14r5SU5kUj9H5WNrKU3_InCZoa2VktOC3rJ1PClBeVe4/edit?usp=sharing)
- <sup>37</sup> 2019 Md. Laws, Ch. 252
- <sup>38</sup> 2019 Md. Laws, Ch. 252
- <sup>39</sup> Maryland Juvenile Justice Reform Council Final Report, January 2021: <http://dls.maryland.gov/pubs/prod/NoPblTabMtg/CmsnJuvRefCncl/JJRC-Final-Report.pdf>
- <sup>40</sup> The Juvenile Justice Reform Council Supplemental Report, October 2021: [http://dls.maryland.gov/pubs/prod/NoPblTabMtg/CmsnJuvRefCncl/JJRC-Report-Final\\_2021SupplementalReport.pdf](http://dls.maryland.gov/pubs/prod/NoPblTabMtg/CmsnJuvRefCncl/JJRC-Report-Final_2021SupplementalReport.pdf)
- <sup>41</sup> <https://southernmarylandchronicle.com/2022/10/17/juvenile-restoration-act-secures-the-freedom-of-23-individuals-in-the-first-year-of-its-implementation/>
- <sup>42</sup> 2022 Md. Laws, Ch. 50
- <sup>43</sup> Tom Jackman, “Arrested as teens, three men exonerated after 36 years behind bars for wrongful murder conviction.” November 25, 2019, *The Washington Post*. <https://www.washingtonpost.com/crime-law/2019/11/25/arrested-teens-three-men-are-expected-be-exonerated-after-years-behind-bars-wrongful-murder-conviction/>
- <sup>44</sup> *Id.*
- <sup>45</sup> Daniel Victor, “Timeline: The Adnan Syed Case.” March 29, 2023, *The New York Times*. <https://www.nytimes.com/article/adnan-syed-serial-timeline-serial.html>
- <sup>46</sup> *Id.*
- <sup>47</sup> *Id.*
- <sup>48</sup> <https://www.aecf.org/blog/maryland-enacts-sweeping-youth-justice-reforms>
- <sup>49</sup> <https://humanrightsforkids.org/publication/2022-national-state-ratings-report/>

- <sup>50</sup> <https://mgaleg.maryland.gov/mgaweb/Legislation/Details/hb0814>
- <sup>51</sup> 461 Md. 295 (2018)
- <sup>52</sup> 560 U.S. 48 (2010)
- <sup>53</sup> 567 U.S. 460 (2012)
- <sup>54</sup> 577 U.S. 190 (2016)
- <sup>55</sup> Md. Courts & Proceedings §3–8A–06.
- <sup>56</sup> 474 Md. 439 (2021)
- <sup>57</sup> Harris v. State, 479 Md. 84 (Md. 2022).
- <sup>58</sup> Md. Ct. Spec. App. Jul. 9, 2019.
- <sup>59</sup> <http://goccp.maryland.gov/juveniles-charged-adults-hb-943/>.
- <sup>60</sup> <https://www.thebaltimorebanner.com/politics-power/local-government/baltimore-county-minors-jail-ZBPCLORGRHLFH64UT2ECWGTCY/>
- <sup>61</sup> <https://www.baltimoresun.com/2024/01/09/baltimore-county-agrees-to-move-youth-detainees-to-city-jvenile-jail-when-space-permits/>
- <sup>62</sup> <https://www.cbsnews.com/baltimore/news/parents-and-advocates-question-conditions-for-juveniles-at-baltimore-county-detention-center/>
- <sup>63</sup> Equal Justice Initiative (2017). *All Children are Children: Challenging Abusive Punishment of Juveniles*. United States. Equal Justice Initiative.
- <sup>64</sup> *Children in adult prison*. Equal Justice Initiative. (2022, January 25). Retrieved October 12, 2022, from <https://eji.org/issues/children-in-prison/>.
- <sup>65</sup> ACLU and Human Rights Watch (2012). *Growing Up Locked Down: Children in Solitary Confinement in Jails and Prisons Across the United States*. United States. ACLU and Human Rights Watch. Pg. 53-57
- <sup>66</sup> *Id.*
- <sup>67</sup> <https://mgaleg.maryland.gov/mgaweb/Legislation/Details/hb0855>
- <sup>68</sup> Report of the Attorney General’s National Task Force on Children Exposed to Violence, pp. 174, 176 (2012), (<https://www.justice.gov/defendingchildhood/cev-rpt-full.pdf>).
- <sup>69</sup> “Anderson, D. (2019, July 8). Bel Air teen found guilty of killing his mother with a hammer sentenced to 15 years, Baltimore Sun. <https://www.baltimoresun.com/maryland/harford/aegis/ph-ag-zaragoza-sentenced-0710-story.html>







A photograph of a schoolyard with a green basketball court. A person is sitting on a blue bench in the foreground, leaning their head against a wall and looking down. The background shows a school building with green doors and windows, trees, and a cloudy sky.

**“You can choose to look the  
other way, but you can never  
again say that you did not know.”**

*- William Wilberforce*

## **Human Rights for Kids**

1250 Connecticut Ave NW, Suite 700

Washington, D.C. 20036

**[www.humanrightsforkids.org](http://www.humanrightsforkids.org)**

© 2024 by Human Rights for Kids. All rights reserved.

# **Testimony Written HB1433 FAVORABLE with Amendments**

Uploaded by: Marlon Tilghman

Position: FWA



VISION - *BRIDGE Maryland sees the state challenged by a history of inequity but engaged in community organizing for a more just tomorrow.*

MISSION - *BRIDGE Maryland uses intentional relationship building, organizing, and intensive leadership development in order to strengthen congregations and faith leaders to demonstrate and advance justice in the world.*

## **HB1433 - JUVENILE COURT – JURISDICTION**

### **FAVORABLE WITH AMENDMENTS**

Dear Chair Clippinger, Vice Chair Bartlett, and members of the Judiciary Committee,

BRIDGE Maryland, Inc. is an interfaith organization with laity and religious leaders who identify and address community issues by building power to pursue equity and opportunity for all Marylanders. And we **support HB1433 as written, and ask for a favorable report.** We earnestly believe that the automatic charging of any child 18 and under as an adult is an unjust law. Any law that adultifies a child to justify their imprisonment is unjust. Any law that can traumatize a youth indefinitely and into their adulthood is unjust. Any law that can place our children in danger of rape, abuse, isolation, or mental anguish is unjust. Thus, we see this bill as a step forward to undoing this unjust legislation by addressing 73% of the children in the legal system who have been detained.

Continue to give judges back their discretion, wisdom, and duty to look at alleged crimes FIRST in the juvenile legal system based on the situation, thus giving the youth a chance to reach their potential instead of their demise. All youth are redeemable, not to be thrown away. All children deserve #carenotcages. Our God requires we do Justice and to love mercy. Automatically charging any youth as an adult is an unjust law and this is a good step toward that end.

Again, we support HB1433 **for these reasons and we strongly encourage this committee to issue a favorable report on HB1433.**

Sincerely,

*Marlon Tilghman*

Rev. Dr. Marlon Tilghman  
Executive Board, BRIDGE Maryland, Inc. (Organized in Baltimore City and five surrounding counties)

# **NYJN\_HB1433\_FAV w amnd.pdf**

Uploaded by: Melissa Goemann

Position: FWA



## **HB 1433: Juvenile Court – Jurisdiction**

### **Position: Favorable with Amendments**

February 26, 2025

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

My name is Melissa Coretz Goemann, a resident of Silver Spring, Maryland, and Senior Policy Counsel for the National Youth Justice Network (NYJN). On behalf of NYJN, we **urge the committee to issue a Favorable with Amendments report on HB 1433**. NYJN is a membership organization comprised of 73 state-based organizational members and nearly 100 Youth Justice Leadership Institute (YJLI) members and alumni in 42 states across the country, including Maryland. NYJN works towards our vision of anti-racist, community-based, healing-centered justice.

HB 1433 would take Maryland a big step forward in ending the practice of automatically charging youth as adults – a process that now occurs without the thoughtful deliberation of a judge. This bill would end automatic charging for all fourteen and fifteen-year-olds and limit the offenses that sixteen and seventeen-year-olds can be charged with. This will help to ensure that the decision as to whether to charge a young person as an adult is given the serious consideration by a juvenile court judge that this significant, life-altering decision requires. The negative impacts of treating youth as adults are substantial and often life-long, affecting individual youth, their families, and communities.<sup>1</sup>

Our goal should be to rehabilitate these young people so that they can lead healthy, productive lives – that is the humane thing to do and is also the best route to protecting public safety.<sup>2</sup> Keeping large numbers of our youth in adult court and adult facilities runs counter to this goal.

#### **Poor conditions for youth in adult facilities**

In 2023, multiple problems for youth housed at the Baltimore County Detention Center (an adult facility) surfaced including “rodent-infested cells that sometimes flood with sewage water.”<sup>3</sup> In January, 2024, Baltimore County agreed to move minors “when space allows” to the Youth Detention Center in Baltimore City, run by the adult correctional system (Maryland Department of Public Safety and Correctional Services (DPSCS)).<sup>4</sup> However, by last August, the detention center was already

---

<sup>1</sup> See, e.g., Campaign for Youth Justice, “The Consequences Aren’t Minor: The Impact of Trying Youth as Adults and Strategies for Reform” (March 2007), [https://www.njcn.org/uploads/digital-library/CFYJNR\\_ConsequencesMinor.pdf](https://www.njcn.org/uploads/digital-library/CFYJNR_ConsequencesMinor.pdf).

<sup>2</sup> Research shows that adult system processing and incarceration increases recidivism among teens. “Effects on Violence of Laws and Policies Facilitating the Transfer of Juveniles 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, April 2007): 6-8, [www.cdc.gov/mmwr/pdf/rr/rr5609.pdf](http://www.cdc.gov/mmwr/pdf/rr/rr5609.pdf).

<sup>3</sup> Cassidy Jenson, “Youth at Baltimore County jail kept in cells for 23 hours a day in poor conditions, state public defender says,” *Baltimore Sun*, March 10, 2023, <https://www.baltimoresun.com/2023/03/10/youth-at-baltimore-county-jail-kept-in-cells-for-23-hours-a-day-in-poor-conditions-state-public-defender-says/>.

<sup>4</sup> Cassidy Jenson, “Baltimore County Agrees to Move Youth Detainees to City Juvenile Jail When Space Permits,” *Baltimore Sun*, Jan. 9, 2024, <https://www.baltimoresun.com/2024/01/09/baltimore-county-agrees-to-move-youth-detainees-to-city-juvenile-jail-when-space-permits/>.





overcrowded.<sup>5</sup> This has led to issues including teens sleeping on cots in the gym and an inability of the one facility psychologist to see all the youth that need care.

### **Insufficient mental health treatment for youth in adult facilities**

It is well known that many young people in the justice system have mental health challenges. The Department of Juvenile Services offers a number of programs to help these youth, including dialectical behavioral therapy and family systems therapy, offered both in their residential facilities and in the community.<sup>6</sup> By contrast, mental health treatment in Maryland's adult facilities is generally "self-directed," by giving young people a workbook to do, rather than an actual therapist.<sup>7</sup> If a teen can get into the Patuxent Youth Program (run by DPSCS), at best they will get once a week group therapy but not individual therapy. The Patuxent psychiatrist stated that their staff members are not trained to work with teens and they cannot treat youth as successfully there as they could be in the juvenile system. As he further stated, "Having a youth receive services at the Department of Juvenile Services is always more beneficial than anything they would receive in the adult system."<sup>8</sup> Research has shown that therapy reduces the likelihood of reoffending.<sup>9</sup>

### **Conclusion**

The bottom line is that youth can only receive developmentally appropriate and humane treatment, which has the best chance of turning their lives around and thereby best protecting public safety, in a system and facilities created for youth – the juvenile justice system. By passing this bill, many young people that currently start in adult court and then get moved down to juvenile court, will not have to endure the poor conditions for youth in adult facilities because they will start the process in juvenile court and facilities. Even if a motion is filed to move a young person to adult court, the process in juvenile court is much quicker so they will not be in detention for nearly as long a time.

**We urge this committee to amend HB 1433 to fully end the automatic charging of young people who are aged seventeen and younger as adults in Maryland and vote in favor of such legislation.**

Respectfully Submitted,  
Melissa Coretz Goemann, Senior Policy Counsel

---

<sup>5</sup> Rachel Baye, "Detention Center for Maryland Teens Charged as Adults Overcapacity for Months," *WYPR*, August 7, 2024, <https://www.wypr.org/wypr-news/2024-08-07/detention-center-for-maryland-teens-charged-as-adults-overcapacity-for-months>.

<sup>6</sup> Rachal Baye, Jennifer Lu, and Claire Keenan-Kurgan, "Judges Use 'Arbitrary,' 'Horrendous' Reasons to Keep Teens in Adult Court," *WYPR*, March 20, 2024, <https://www.wypr.org/wypr-news/2024-03-20/judges-use-arbitrary-horrendous-reasons-to-keep-teens-in-adult-court>.

<sup>7</sup> *Ibid.*

<sup>8</sup> *Ibid.*

<sup>9</sup> *Ibid.*

# **HB1433\_Mikkyo McDaniel\_FWA.pdf**

Uploaded by: mikkyo mcdaniel

Position: FWA



HB1433\_MikkyoMcDaniel\_FWA

2/26/2025

Mikkyo McDaniel  
Towson, MD 21286

**TESTIMONY ON HB1433 - POSITION: (FAVORABLE WITH AMENDMENTS)**  
**Autocharge Bill**

Commented [1]: Excellent! This makes much more sense now!

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

**FROM:** Mikkyo McDaniel

My name is Mikkyo McDaniel, and I am a resident of District 43B in Baltimore, Maryland. I am submitting this testimony in support of the Autocharge Bill (HB1433).

As a senior college student studying policy, politics, and international affairs, I have spent considerable time analyzing the intersection of law enforcement, the justice system, and the disproportionate impacts on marginalized communities. Born and raised in Baltimore, I have witnessed firsthand how our city's justice system too often fails its young people, particularly Black youth. This is why I am compelled to speak out against the practice of automatically charging children as adults, a policy that not only harms youth but also disproportionately impacts Black communities.

I am writing today to express my strong opposition to the practice of automatically charging children as adults within the state of Maryland. As we all know, the criminal justice system is meant to serve as a path to rehabilitation, not as a tool for further harm, especially for our young people. Charging children as adults undermines this purpose, exacerbating their chances for long-term negative outcomes, and perpetuates a cycle of injustice that has no place in a society that claims to value second chances.

Children are not miniature adults. They are still in the process of developing physically, emotionally, and psychologically. Brain science has demonstrated time and again that the human brain, particularly the areas involved in decision-making, impulse control, and understanding long-term consequences, continues to mature well into a person's mid-20s. To charge a child as an adult and subject them to an adult sentence is to ignore this developmental reality. We are condemning them to a system that is designed to punish rather than rehabilitate, and this is a profound injustice.

Automatically charging children as adults disproportionately impacts communities of color and economically disadvantaged families. It further perpetuates systemic inequalities and leads to outcomes that are not just harmful to the individual child, but to society. These children, who often come from broken homes or neighborhoods plagued by violence, are being locked in a system that robs them of the opportunity to change, to grow, and to contribute positively to their communities in the future. In contrast, when given access to age-appropriate rehabilitation programs, education, and community support, many young offenders can and do turn their lives around.

We must not forget that these children are still learning, still capable of growth, and still deserving of hope and opportunity. Instead of subjecting them to adult penalties, we should be investing in programs that focus on rehabilitation, education, and the development of skills that will help them become productive members of society.

I urge you to reject any measure that automatically charges children as adults in Maryland. Let us lead with compassion and a clear understanding of the science of adolescent development. Let us recognize that every young person deserves the chance to make amends and rebuild their life. We owe it to our children—and to the future of Maryland—to do better than this.

I respectfully urge this committee to return a favorable report on HBI433.

# **HB1433\_QVM\_Testimony\_FWA.pdf**

Uploaded by: Molly Finch

Position: FWA



February 24, 2025

**TESTIMONY ON HB1433/SB422**

**Position: SUPPORT (FAV) with Amendments**

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

FROM: Quaker Voice of Maryland, by Molly Finch

This testimony is being submitted on behalf of Quaker Voice of Maryland, a faith-based advocacy group formed to urge our state legislature to act on matters of injustice. Quakers across Maryland told our advocacy group that injustices in the state criminal justice system are deeply concerning, and we should support policies that reduce harms people experience from incarceration.

**Quaker Voice of Maryland supports HB1433 - Juvenile Court – Jurisdiction with amendments.** This bill stands out as important legislation because it adds protections for our youth who are entering the justice system by ending automatic charging of children as adults based on their accused crime. There are many reasons this legislation can lead to better outcomes for individuals and communities, and I will highlight two in this testimony:

(1) Youth who are charged in adult court may be less likely to have access to rehabilitative services that are appropriate for their needs, which can lead to reoffending in the future, and

(2) Youth who are charged as adults are at an increased risk of sexual assault, physical harm, and being placed in solitary confinement in adult prisons as a protection mechanism, which in itself is harmful.

To be clear, this bill does not mean youth cases can never reach adult court, but it does change the way youth charged with serious felonies enter the justice system. As written, HB1433 eliminates automatic charging for children aged 14, and 15, and reduces the list of charges for 16 and 17 year olds. **Quaker Voice of Maryland supports the request of Maryland Youth Justice Coalition for amendments that would end automatic charging for all offenses and for all children 17 and younger.**

You can learn more about the issue and how passing this legislation, with amendments, will lead to positive change for youth through the Maryland Youth Justice Coalition website: <https://www.md youthjustice.org/youth-equity-safety-act>

We encourage a FAVORABLE with amendments report for this essential legislation.

# **Testimony HB 1433 .docx.pdf**

Uploaded by: Monica Brooks

Position: FWA



**House Bill 1433**  
**Chairman; Luke Clippinger**  
**House Judiciary**  
**February 26, 2025 1 p.m.**  
**(Wicomico County NAACP)**

Dear Chairman Luke Clippinger and Members of the Committee,

I am Monica Brooks and I represent Wicomico County NAACP. I am writing to express my strong support for HB-1433. When young people are transferred out of the juvenile system, they are more likely to be convicted and typically receive harsher sentences than youth who remain in juvenile court charged with similar crimes.

This practice undermines the purpose of the juvenile court system, pursues punishment rather than rehabilitation, and conflicts with what we know from developmental science. Furthermore, laws that allow youth to be tried as adults reflect and reinforce the racial inequities that characterize the justice system in United States

The punitive mindset that promotes the notion of “adult crime, adult time” has led to serious consequences, most notably the loss of judicial discretion. This law has become a blunt instrument that disregards the unique circumstances of youth. There are always unique circumstances. Many states have already rescinded these types of practices. They have brought back compassion for the individuals and families affected. It is time for Maryland to follow suit.

While we acknowledge the necessity of accountability for young people, we must also recognize that many lack positive influences and resources. Compassion should guide us in allowing judges the discretion to determine the appropriate venue for young offenders, whether juvenile or adult court, on a case-by-case basis.

I urge you to support HB-1433 to end the harmful practice of charging children as adults in Maryland.

Thank you for your consideration.

Monica Brooks  
President  
Wicomico County NAACP

## **Testimony in support with amendments of HB1433 - J**

Uploaded by: Richard KAP Kaplowitz

Position: FWA

02/26/2025

Richard Kaplowitz  
Frederick, MD 21703

**TESTIMONY ON HB#1433 - POSITION: FAVORABLE WITH**  
**AMENDMENTS**  
**Juvenile Court – Jurisdiction**

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

**FROM:** Richard Keith Kaplowitz

**My name is Richard Kaplowitz. I am a resident of District 3, Frederick County. I am submitting this testimony in support with amendments of HB1433, Juvenile Court – Jurisdiction**

This bill centers youth justice within our criminal systems. I am part of a coalition with The Maryland Youth Justice Coalition <sup>1</sup> “...which believes that all young people have a unique capacity for growth and achievement that can best occur in supportive and well-resourced communities outside of the legal system. The harsh treatment of young people under the cover of law, unduly punishing them for their juvenile and adolescent mistakes, is an attack on the youth itself. In Maryland as elsewhere, this injustice falls disproportionately upon youth of color and particularly punishes Black teenagers.”

My Jewish faith teaches:

Jewish sacred texts teach us that the world was created with both justice and mercy, and that children breathe life into the world. But here in Maryland, children who are charged with certain crimes are sentenced as if they were adults. That is neither just nor merciful, and it robs these children and the world of the breath of life.

...at creation G-d thought, ‘If I run the world on the basis of compassion, sins will abound. If on the basis of justice, the world would not endure.’ That is why G-d runs the world with both justice and compassion. If only it will survive!’ (B’reishit Rabba 11:15).

As reported by Maryland Matters: <sup>2</sup>

Maryland is among the worst states in the nation when it comes to the number of prison inmates who began their time behind bars for crimes they committed as children, according to a report set to be released Wednesday.

---

<sup>1</sup> <https://www.md youth justice.org/>

<sup>2</sup> <https://marylandmatters.org/2024/11/20/report-calls-for-reforms-in-marylands-handling-of-youth-tried-and-imprisoned-as-adults/>



With 6% of its overall prison population incarcerated for crimes they committed as minors, Maryland trailed only Louisiana, Wisconsin and South Carolina, according to [the report](#), “Disposable Children: The Prevalence of Child Abuse and Trauma Among Children Prosecuted and Incarcerated as Adults in Maryland.”

The statistics paint a bleak picture of what is happening to our youth in Maryland:

- 87% of kids in Maryland charged as adults end up waived back down to the juvenile system, but the time spent in the adult system without rehabilitative services is damaging. Kids charged as adults have a 44% chance of being reincarcerated, compared to 17% for those charged as juveniles.
- 81% of kids charged in adult court in Maryland are Black. Ending this practice would reduce not only violent crime, but also the criminalization and incarceration of Black youth, who are disproportionately targeted by our legal system.

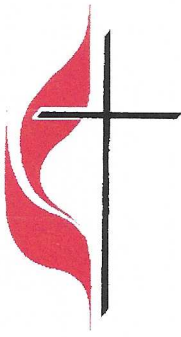
This bill will begin progress on these issues in Maryland through altering the jurisdiction of the juvenile court by repealing provisions specifying that the juvenile court does not have jurisdiction over a child alleged to have committed certain acts.

**I respectfully urge this committee to return a favorable report with amendments on HB#1433.**

## **S. Tillett testimony in favor of HB 1433.pdf**

Uploaded by: Stephen Tillett

Position: FWA



ASBURY BROADNECK  
UNITED METHODIST CHURCH  
657 Broadneck Road ■ Annapolis Maryland 21409  
Office: 410.757.2995 Fax: 410.757.3694

The Reverend Stephen A. Tillett I, *Pastor*

February 24, 2025

Dear Chair Clippinger, Vice Chair Bartlett, and members of the Judiciary Committee,

In support of the efforts of The Maryland Youth Justice Coalition (MYJC), I submit this testimony in support of HB 1433 with favorable amendments. I will not reiterate the assiduously detailed testimony with footnotes, et al. that you have already received. Instead, I would like to remind us of policy making (at the federal level, that also had reverberations at the state and local levels) in the mid 1990's. During the Clinton Administration, there was such a zeal to *punish* offenders for their crimes that perspective and proportionality was lost in the process. It led to the jailing of minority and poor citizens and historic rates. Many were jailed for relatively minor offenses or "third strike" offenses. It helped to create the wretched "Pre-school to Prison Pipeline" that *overincarcerated* members of the African American community for years. Some communities are *still* trying to recover from those injustices!

I understand the need to hold our youth offenders accountable for their crimes. However, I do not support incarcerating minors with adults. The other testimony and data you have received has detailed the myriad ways that is entirely unhelpful. It is purely punitive with no eye toward rehabilitating or reintegrating restored and productive individuals back into society. Unless a person is incarcerated with a life sentence, he/she will eventually be released. Do we want to release young people, many of whom were *already* traumatized, back into society after having experienced even more significant levels of trauma? Would any of us want to be *over-sentenced* for a youthful mistake? I think not!

Our younger offenders should be given every chance to receive counseling, therapy and education so they can emerge from prison more whole, repentant and prepared for life after incarceration. Jailing youthful offenders with adults will do nothing but create more angry, resentful and traumatized adults who will likely apply the lessons learned in negative ways when they're back on the outside, with us, and ultimately end up recidivating.

Please don't repeat the same mistakes we have made in the past. Show the same level of compassion and forward-thinking you would like applied to someone *you* care about. These people could be one of your neighbors or relatives who made some mistakes in their youth. They do not deserve to be sentenced to an even more damaging life of hell and abuse from which they may never recover. Please support HB 1433.

Respectfully submitted,

Stephen Andrew Tillett  
Pastor

# **HB1433\_StevenAsin\_FavorablewithAmendments.pdf**

Uploaded by: Steven Asin

Position: FWA

February 26, 2025

Steven G. Asin  
Bethesda, MD 20817

**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).**

# **HB1433\_Susan Tafler\_FWA.pdf**

Uploaded by: Susan Tafler

Position: FWA

**Committee:** Judiciary  
**Testimony:** HB1433 – Juvenile Court – Jurisdiction  
**Submitting** Susan Tafler  
**Position:** FAVORABLE WITH AMENDMENTS  
**Hearing Date:** February 26, 2025

Dear Chair Luke Clippinger, Vice Chair Sandy Bartlett, and members of the Judiciary Committee,

My name is Susan Tafler and I am a resident of Odenton, District 21. I am submitting this testimony urging the Judiciary Committee to issue a favorable with amendments report on House Bill 1433. While this legislation seeks to address components of our state's unacceptable system of automatically charging kids as adults, it does not go far enough and should be amended to end this practice entirely. Passing an amended HB1433 would allow all kids who are accused of crimes to receive support and rehabilitation, reducing violent crime and recidivism while treating them more fairly and humanely. It would also reduce the amount of time that these children wait for their cases to be heard and would prevent them from being incarcerated in adult jails. An amended 1433 simply changes where juvenile cases start and would still allow cases to be waived up to adult court after judicial review

The Jewish values that I have grown up with have long recognized the differing capacities of children and adults. *Yetzer harah*, the "evil inclination," is seen as a drive toward pleasure that can be tempered by *yetzer hatov*, the "good inclination" or moral sense that leads to benefits toward oneself and society. The ability to "tame" the basic instincts, *yetzer harah*, with higher level reasoning, *yetzer hatov*, grows stronger as we mature, warranting different treatment of children and adults.

I taught high school biology for a good number of years, and I think I know what teenagers are like. In my classroom I certainly had my share of kids who were immature, impulsive, and disruptive and a few who have gotten themselves into trouble in the larger community. I could understand that adolescent brains are not adult brains! I did feel confident that given support and steady guidance those young troublemakers could eventually mature and settle down to turn into pretty good adults. In 2013, Massachusetts (which is where I had taught many years earlier) raised the age to 17 to keep in the juvenile system children accused of criminal behavior. Since then, Massachusetts has seen a 51% reduction in juvenile crime – outperforming national reductions in both property and violent crime – and found that older adolescents processed in juvenile system had a 34% lower recidivism rate than those in the adult system.

That is why I have been appalled at the practice in Maryland of automatically charging youth as adults for 33 different offenses, which sends children as young as 14 to adult detention facilities with fewer rehabilitative resources and less access to education than in the juvenile system. Autocharging especially harms Black youth, who are disproportionately targeted by police and our justice system. In fact, 81% of kids charged in adult court in Maryland are Black. Not only is this practice damaging to the children facing prosecution, it does not further the safety of the communities they live in. When it comes to public safety, what is best for kids is best for everyone.

I respectfully urge this committee to return a favorable with amendments report on HB1433.



# **HB1433 (Juv Ct-Jurisdiction) 2025\_ Ditz\_ FWA.pdf**

Uploaded by: Toby Ditz

Position: FWA

**Feb 26, 2025**

Toby Ditz

Baltimore, MD 21217

**TESTIMONY ON HBI 433: Favorable with Amendment**  
**Juvenile Court - Jurisdiction**

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

**FROM:** Toby Ditz

I am Toby Ditz, a resident of District 40 in Baltimore City. I am submitting testimony in **support of HBI 433 with amendments.**

I am also a retired historian of the United States. One of my specialties is the history of family life. Historical scholarship shows that this country has never been willing to grant to Black children the same protections as we do white children. Until the nineteenth century, children of the poor were treated as little laborers, not as vulnerable youngsters requiring special care. But our failure to respect or even to recognize Black childhood is also the legacy of enslavement, with its brutal labor regimes and utter disregard for the integrity of Black families—a legacy reinforced by the era of Jim Crow segregation. As implicit bias studies have shown again and again, racist stereotypes of Black children persist strongly to this day. We see them as more dangerous and impulsive than white children, and as older than they are.

In the 20th and the 21st centuries, the criminal justice system has been one of the main inheritors and perpetrators of our differential treatment of white and Black children and families. The criminalization of Black childhood is at its most extreme when we treat children as *if they were adults* in criminal courts, where they do not have access to rehabilitative and educative services that should be available to the young, more exposure to violence and solitary confinement (a violation of human rights law). This practice is also pointlessly cruel because the majority of pre-conviction detention cases will ultimately end up in juvenile court or will be dismissed. But what is wrong for them is wrong for all minors, before or after conviction.

Maryland, we can do better. We must act decisively to disrupt the dismaying history of disparate treatment of black children in the criminal justice system. We must not give in to the current media obsession with crimes committed by youth, when the facts show that they commit a small percentage of violent crimes. This hysteria is fed by and reinforces the persisting stereotyping of black children.

So Let's start by making sure children are treated as children when they first come to court. I am pleased to see that **HBI 433** greatly narrows the number of cases that are automatically sent to adult court. This is a great start. But I support the MYJC request for amendments that

would end automatic charging for all offenses and for all children 17 and younger. *Please keep in mind this amendment changes only where 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 with amendments on HBI 433.**

# **HB1433\_TylerDratch\_FWA.pdf**

Uploaded by: Tyler Dratch

Position: FWA

February 26, 2025

Rabbi Tyler Dratch  
Baltimore, 21217



**TESTIMONY ON HB 1433 - FAVORABLE WITH AMENDMENTS**  
**Juvenile Court - Jurisdiction**

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

**FROM:** Rabbi Tyler Dratch, Associate Rabbi at Beth Am Synagogue

**My name is Rabbi Tyler Dratch. I am a resident of District 40. I am submitting this testimony in support with amendments of HB 1433, Juvenile Court - Jurisdiction on behalf of Jews United for Justice (JUF).** JUF organizes over 6,000 Jewish Marylanders and allies in support of local campaigns for social, racial, and economic justice.

I serve as Associate Rabbi of Beth Am Synagogue of Baltimore. It is a synagogue of 420 families who live, work, and pray in our city and are deeply committed to helping build a more just community, especially for our children. In my role at the synagogue, I run spiritual and educational programming for over 100 children who are affiliated with the synagogue. I also interact regularly with children affiliated with our partner organizations and residents of our neighborhood. Inspired by my faith, the Jewish textual tradition, and my deep work with youth in our community, I strongly urge this Committee to issue a favorable report – with amendments – on Senate Bill 422. While this legislation seeks to address components of our state’s unacceptable system of automatically charging kids as adults, it should be amended to end this practice entirely. Automatic charging puts our youth in dangerous situations without giving them the chance to learn from their mistakes and commit to doing better.

I believe that our children are the greatest assets of our communities in Maryland. They are the ones who will continue to improve our state for generations; they have the unique ability to see a more just future for all of us. As children, their minds and their life trajectories are deeply malleable, and it is up to the adults to provide meaningful structures and opportunities for them to grow and thrive.

As an educator, I understand that holding our children accountable when they fall short is essential. We are responsible for helping them take responsibility for their actions, and to guide them toward ways to repair the harm that they have caused. I also know that punitive measures and excessive incarceration do not allow for this kind of accountability. At our synagogue and in Reservoir Hill, we know that accountability comes when children can acknowledge their wrongs

and get the support they need to become healthy adults. Incarcerating more children for longer sentences diverts important funding from programs that are proven to change behavior, and increases racial disparities in our youth incarceration system. Our current system of incarceration also increases youth recidivism, making us all less safe.

We have an opportunity to create holistic programs that not only increase youth accountability when they do commit crimes, but also provide children the help that they need to become the kinds of adults that we expect and need them to be. It takes a full community to raise a child, and the practice of automatically charging young people as adults ignores not only that sacred responsibility, but also twenty years of research on effective ways to hold children accountable and increase safety.

Judaism asks each human to engage daily in a process of accountability and return, called *teshuvah* in Hebrew. The practice asks us to name specifically where they have fallen short, and then to return back to our communities and the best version of ourselves. We know that each person will need to hold themselves accountable through a different process that makes sense for them. Children will need different processes than adults, and judges should be empowered to help children take this appropriate level of accountability and have access to critical supportive services.

Without ending automatic charging entirely, our current system will continue to subject youth to some of the most horrific effects of our current juvenile justice system, making it incredibly challenging for them to receive the services they need and to return to our communities ready to continue the path toward healthy adulthood.

**On behalf of Jews United for Justice, I respectfully urge this committee to return a favorable with amendments report on HB 1433.**

# **HB-1433\_2\_26\_25.pdf**

Uploaded by: Willie Flowers

Position: FWA



# NAACP

*Howard County Branch*  
*#7020*

**HB-1433**

**Chairman; Luke Clippinger**

**House Judiciary Committee**

**February 26, 2025 1 p.m.**

**NAACP Howard County Branch #7020**

**Willie Flowers; Branch President**

To Chairman Clippinger and the Committee. I am Willie Flowers, Branch President of the NAACP Howard County #7020. I am writing in support of HB-1433 with amendments. The idea of charging and sentencing a child as an adult and then incarcerating them in a prison with adults is cruel and unusual punishment and should end in Maryland.

Regardless of how you look at it, the fact that our state imprisons youth sends a terrible message to our state and the world that we are still using an antiquated practice to represent what we think about young people in our state. Continuing to do so on showcases that we have complete contempt for youth in our community have made mistakes and trying them as adults says that we don't believe that they will ever change their lives.

Like the period that we are in now, (when politics and marketing wins of good sense) the political call to arms that propelled such a policy was ill-conceived and the long-term effects have been devastating especially to African American families. From the time that the punitive class said "do adult crime, you do adult time." The message stuck and the statute that caused children to be tried as adults has been policy in the state of Maryland. This took away the judges oversight of discretion. That is the problem.



The history of it says that we followed other states but many states have rescinded the practice out of compassion for the individuals and their families who have had to pick up the pieces after seeing their children grow into returning citizens who come home traumatized and in many cases disabled. It is time for Maryland to do the same thing.

We understand the young people should be held to order but we also know that most young people don't have positive access points so negative options about lifestyles are what they have to live by. We are just saying also that compassion should mean that we can give the judge discretion to determine if youth should appear in juvenile court where young people should belong. Ultimately, the decision should be made on a case-by-case basis and not by a statute that doesn't work.

I urge a favorable report on HB-1433.

# **House Bill 1433\_ Favorable Sigma Gamma Rho Sororit**

Uploaded by: Willie Flowers

Position: FWA

**House Bill 1433**

**Chairman; Luke Clippinger**

**House Judiciary**

**February 26, 2025 1 p.m.**

**(Eta Theta Sigma Alumnae Chapter, Sigma Gamma Rho Sorority, Inc.)**

**Dear Chairman Luke Clippinger and Members of the Committee,**

I am Dr. Detrice Wallace, and I represent the Eta Theta Sigma Chapter of Sigma Gamma Rho Sorority, Inc.. I am writing to express my strong support for HB-1433. The policy of trying, convicting, and sentencing children as adults is fundamentally flawed and has had devastating effects on many families, particularly within African American communities. It is time for Maryland to correct this injustice.

The punitive mindset that promotes the notion of “adult crime, adult time” has led to serious consequences, most notably the loss of judicial discretion. This law has become a blunt instrument that disregards the unique circumstances of youth. Many states have recognized the harms of this practice and successfully rescinded it out of compassion for the individuals and families affected. It is time for Maryland to follow suit.

Sigma Gamma Rho is an historic Divine 9 sorority that centers the rights of women and their families in our work. Centering women's and their families' rights for justice is essential to building a more equitable, peaceful, and prosperous society. In order for communities to thrive, we believe that women and their families must enjoy the fullest range of rights and justice. Incarcerating youth undermines public safety, damages young people's physical and mental health, impedes their educational and career success, and often exposes them to abuse. While we acknowledge the necessity of accountability for young people, we must also recognize that many lack positive resources. Compassion should guide us in allowing judges the discretion to determine the appropriate venue for young offenders, whether juvenile or adult court, on a case-by-case basis.

I urge you to support HB-1433 to end the harmful practice of charging children as adults in Maryland. Thank you for your consideration.

# **TGCS House Bill 1433 Support.pdf**

Uploaded by: Willie Flowers

Position: FWA

February 24, 2025

House Bill 1433  
Chairman; Luke Clippinger  
House Judiciary  
February 26, 2025 1 p.m.



Two Gems Consulting Services,  
Bahá'í Faith leadership council member writing individually and independently

Dear Chairman Luke Clippinger and Members of the Committee,

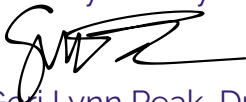
I am Dr. Geri Lynn Peak, an independent public health and research consultant; former administrator of Baltimore Youth Initiative H.S. (2012-2016); and a member of the democratically and anonymously elected local governing body of the Bahá'í Faith community in Baltimore City.

I am writing to express my strong support for HB-1433. To urge lawmakers to reject the exploitative policy of trying, convicting, and sentencing children as adults. This practice is fundamentally flawed and has had devastating effects on many families, particularly within African American communities. It is time for Maryland to correct this injustice.

God's divine policy is to show mercy to all. The punitive mindset that promotes the notion of "adult crime, adult time" has led to serious consequences, most notably the loss of judicial discretion. This law has become a blunt instrument that disregards the unique circumstances of youth. Many states have recognized the harms of this practice and successfully rescinded it out of compassion for the individuals and families affected. It is time for Maryland to follow suit.

While we acknowledge the necessity of accountability for young people, we must also recognize that many lack positive influences and resources. Compassion should guide us in allowing judges the discretion to determine the appropriate venue for young offenders, whether juvenile or adult court, on a case-by-case basis. I urge you to support HB-1433 to end the harmful practice of charging children as adults in Maryland.

Thank you for your consideration and Harambee! (we all pull together)



Geri Lynn Peak, DrPH, MPH  
Chief Insight Facilitator and Spiritual Demographer  
Owner and Chief Insight Facilitator, Two Gems Consulting Services

# **HB 1433 - Juvenile Court - Jurisdiction.pdf**

Uploaded by: Scott Shellenberger

Position: UNF

**Bill Number: HB 1433**

**Scott D. Shellenberger, State's Attorney for Baltimore County**

**Opposed**

**WRITTEN TESTIMONY OF SCOTT D. SHELLENBERGER,**  
**STATE'S ATTORNEY FOR BALTIMORE COUNTY,**  
**IN OPPOSITION OF HOUSE BILL 1433**  
**JUVENILE COURT - JURISDICTION**

I write in opposition to House Bill 1433 that will start many crimes committed by juveniles in Juvenile Court instead of adult court as has been the Law for many years in Maryland.

The list of crimes are violent crimes or dangerous crimes and to start them all in Juvenile Court would pose a public safety risk. In addition, the Department of Juvenile Services (DJS) will need additional resources because every State's Attorney will likely try to "waive up the juvenile" to adult court which will require DJS to do more waiver/transfer summaries.

In addition, with the shortened time limitations that must be adhered to both DJS and State's Attorney's Office will need additional staff to handle the work load.

Let me outline a few of the cases that had this Bill be in effect when these Defendants committed their crimes, they would have all started in Juvenile Court.

**Baltimore County – Nick Browning**

On February 2, 2008 Nick Browning snuck into his home, put a gun to the back of his father's head and executed him while he slept on the couch. He then went upstairs where he proceeded to execute his mother, brother Gregory age 14, and brother Benjamin age 11.

At the time he committed these murders he was 15 years old. He was also 6'2", 200 pounds, with an I.Q. of 125.

Before he left the home after the murders, he staged the scene to look like a burglary. He opened his mother's jewelry cabinet and scattered its contents across the floor. He disconnected the Xbox and Wii video games and placed them on the pool table.

Browning then returned to a friend's home where he was at a sleepover. The next day he played video games and went to the mall with his friends while calling his parent's home leaving messages expressing his love for his family.

He confessed to the murders. He admitted that he had a long standing plan to kill his family. He murdered them all because he wanted his family's money.

Should he be treated as a juvenile?

The killer who is the size of a man, with high intellect is one of the most manipulative, conniving, dangerous people I have come across in recent years. Do we want this Defendant in a juvenile facility for two years?

He pled guilty to four murders. Received two life sentences. He is serving his sentence in North Branch, Maryland, One of the most secure correctional facilities we have in the State.

He did not deserve to be treated as a juvenile for the State to hope to waive him up to adult court. He would be too dangerous.

Now let me tell you about some others.

#### Baltimore County – Felix Fitzgerald

In 1999 Fitzgerald was an inmate at the Charles Hickey School and the victim was the school nurse. Keep in mind this crime happened in the place that the Defendants' will be housed if you change the law. Obviously since Fitzgerald was at the Hickey School he was still a juvenile. For some reason, the nurse's station was in the building with either the cafeteria or gym and was virtually deserted when those facilities were not being used. On the date of the incident, the Defendant jumped over the dutch door into the nurse's station that was a room not much bigger than a closet. He was wearing a t-shirt over his face. He grabbed the nurse from behind, strangled her and anally raped her. No one could hear her pleas for help. Although the victim was a nurse, she was so traumatized by this incident that she could no longer work in that capacity and eventually moved out of State. The Defendant received a forty year sentence for First Degree Sex Offense. Do we want him treated as a juvenile? That is how he was being treated when he committed his crime.

#### Baltimore County – Ty'aris Washington

Ty'aris Washington, 16, and his 14 year old co-defendant in 2016 when the crimes were committed. On November 16, five males walked towards three victims, including a 6 year old. One male who had a black bandana covering the lower part of his face, had a handgun in his hand and stated, "Give me your shit." One of the males pushed a victim to the ground and took her phone. Another male slapped another victim in the face with an open hand multiple times and grabbed her purse off her body, she resisted, but the assailant continued to take the purse, breaking one of her fingers in the process. Yet another male took the purse of the third victim. They then got back in the car and fled.

Approximately fifteen minutes later a witness observed three or four male suspects throwing a car seat and other items out of a vehicle. The items were later determined to belong to one of the victims. The witness stopped and asked what they were doing and the Defendant ran on foot to the parking lot of a 7-Eleven across the



street where he observed them drop purses. Those purses were later identified as belonging to two of the victims.

Approximately thirty minutes later officers were dispatched for a hit and run involving a silver Chrysler Town and Country with extensive damage matching the description of the vehicle involved in the robbery. Investigation would reveal a tampered ignition and that the vehicle was reported stolen two days earlier in Baltimore City. A witness heard the crash and looked outside, observing suspicious subjects and called 911 telling them the suspects were headed north. While following their path of flight a red leather wallet and a BOA check were found belonging to the victims.

Within a minute of the hit and run, officers were dispatched to an armed carjacking just up the street. Another victim advised he was approaching his Volkswagen Jetta when he observed a group of approximately five males walking down the street. He was about to unlock his car when he was surrounded by the males. One of the individuals pulled a gun out and pointed it at the victim's head demanding his keys, cell phone and wallet. After handing over his keys and cell phone the victim grabbed the gun and pushed it over his head and then the two began to struggle. During the struggle another individual put a sharp pointed object in his ribs. The suspects then fled the area stopping briefly to dump the contents of the victim's vehicle on the side of the road. Ty'aris Washington was one of the Defendant's. He does not belong in juvenile court for his participation in this crime spree.

#### Baltimore County – Destiny Fields

When she was 15 years old, she and a younger juvenile named Joy Jones, planned to attack a group home worker. They beat her with a fire extinguisher, dragged her down the basement stairs, barricaded the door with chairs and other furniture so she couldn't escape, then stole her car keys and took the victim's car for a joyride. This Defendant crashed the car then called her dad bragging about it. Originally sentenced to twenty years suspend all but five years on Robbery with a Deadly Weapon, ten years consecutive all suspended, on False Imprisonment. She had several Violation of Probation's and it was successfully argued for all the back-up time at her last Violation of Probation hearing. The Defendant was also convicted in Baltimore City of driving a stolen car with a handgun under the seat. Does she belong in Juvenile Court?

#### Howard County – Monti Fleming

In 2006, at the age of 15, the Defendant was convicted of First Degree Murder. He and the victim had a verbal argument. The victim walked away. While he was walking away the Defendant shot at him striking him in the back and killing him. The Judge described his actions as brutal and barbaric. He was sentenced to fifty years in prison.

The Defendant was also convicted of two additional cases. The Defendant was convicted of armed robbery where he robbed and pistol whipped the victim. He was also convicted of Attempted First Degree Murder. The Defendant accused the victim of speaking to the police about drug dealing in the area. The victim went home. The Defendant went to the victim's home and asked him to come outside. The victim did.

When the victim went outside the Defendant started shooting at him. The victim was shot in the leg.

### Howard County – Melvin Jacome

In October of 2018, the Defendant, age 15, planned to rob an individual during a marijuana transaction. The Defendant came to the robbery with a semi-automatic Keltec handgun loaded with hollow-point bullets and affixed with a green laser pointer. When the robbery fell apart the two groups separated. The Defendant got back into his vehicle and opened fire. He fatally struck the 14 year old victim.

Are these the kind of Defendants you want in Juvenile Court? Six juveniles who committed adult crimes. I am sure there are many more. Should they really start as juveniles?

Over the last several years the Legislature and Rules Committee has done a great deal to protect the rights of juveniles. In 2009 and updated in 2015, the Legislature passed Criminal Procedure 10-105(a)(7) and 10-106. This expungement procedure allows for the immediate expungement of an adult criminal record once a case has been waived back to juvenile court. There is no need to wait until the juvenile case is completed or juvenile probation is done.

The Legislature also changed Criminal Procedure 4-202. This statute establishes a presumption that juveniles charged as adults will be housed in a juvenile facility unless there is no space, the juvenile is released or the State proves and a judge finds on the record that such a transfer is not in the interest of public safety. Another change that was not available before.

In cases where juveniles are charged as adults and residing in an adult facility the State's Attorney's Office must act quickly.

Criminal Procedure 4-202.1 requires a preliminary hearing date on these juveniles to be set within fifteen days. The adult time period is thirty days. This is one half the time required in adult cases. This means an attorney will screen these cases quickly and if it is determined the case should proceed, then they will take the case to a Grand Jury or preliminary hearing. This assures that another independent body finds probable cause to proceed with the case. Yet another protection put in place for the juvenile.

The time periods in these cases will prevent a complete investigation if everything must move so quickly. The Department of Juvenile Services will not be able to handle this additional workload. Public safety must be paramount. This is a Bill that endangers public safety.

There is no reason to change the statutory scheme that was put in place decades ago to handle violent juveniles. When you review the crimes committed by the

above all of these crimes are very adult crimes and the criminals should be treated as adults.

I urge an unfavorable report.

# **MEJC Written Testimony House Bill 1433 Juvenile Co**

Uploaded by: MECJ Maryland Equitable Justice Collaborative

Position: INFO



## **POSITION ON PROPOSED LEGISLATION**

**BILL:** House Bill 1433 – Juvenile Court - Jurisdiction

**FROM:** Maryland Equitable Justice Collaborative (MEJC)

**POSITION:** INFORMATIONAL (SUPPORT IN CONCEPT)

**DATE:** February 26, 2025

---

The Maryland Equitable Justice Collaborative (MEJC) submits this testimony supporting in concept the goals of House Bill 1433. This legislation represents an essential step toward more positive outcomes for Maryland’s children by ensuring that we invest in solutions that reduce crime and long-term societal costs.

### **About the Maryland Equitable Justice Collaborative**

The Maryland Equitable Justice Collaborative (MEJC) was established by the Office of the Attorney General (OAG) and the Office of the Public Defender (OPD) to address racial disparities in mass incarceration in Maryland. This initiative is the first of its kind. It was developed based on listening sessions the Attorney General and Public Defender held with impacted people, advocates, and other community members. Academic partners, including the Judge Alexander Williams Center for Education, Justice & Ethics at the University of Maryland at College Park and the Bowie State University Institute for Restorative Justice, were brought in to ensure the work is evidence-based and data-driven statewide.

The MEJC comprises over 40 representatives from state agencies, community groups, subject matter experts, and people directly impacted by the system. Its initiatives are organized into workgroups focusing on various factors influencing incarceration rates. Each workgroup is led by a staff member from the Office of the Attorney General, a staff member from the Office of the Public Defender, and a community advocate with relevant expertise. Community voices and public input have shaped the recommendations developed by the workgroups of the MEJC. In December 2024, the MEJC approved 18 recommendations for legislative and agency reforms, program development, data collection, and other measures designed to reduce the mass incarceration of Black men and women and other marginalized groups in Maryland prisons and jails. Recommendation 17 proposes limiting the automatic charging of children in adult criminal court by restricting laws that allow the automatic adult charges to more serious felonies or providing more judicial review opportunities before transferring children to adult court.

## **Reducing Racial Disparities in Youth Incarceration**

National data shows that Black children are over four times more likely than White children to be incarcerated, according to studies conducted by the Sentencing Project.<sup>1</sup> In Maryland, this disparity is even more severe, with Black children making up a staggering 77% of those charged as adults despite being only 31% of the state's youth population.<sup>2</sup> And over 70% of children are held in detention centers.<sup>3</sup> Structural biases contribute to these disparities, such as the excessive policing of Black neighborhoods and the prosecutorial discretion that often leads to Black children encountering more severe charges and reduced access to diversion programs in comparison to their White peers.<sup>4</sup> Research shows that Black children are less likely to receive alternatives to incarceration, such as community service or probation, and are more often sent to detention facilities or adult correctional institutions, which exacerbates the cycle of disadvantage and recidivism.<sup>5</sup> By restoring judges' discretion, SB 1433 ensures cases are reviewed individually, reducing unnecessary punishments and keeping more children out of adult facilities.

## **Acknowledging Adolescent Brain Development and Capacity for Rehabilitation**

Scientific research shows that adolescents' brains are still developing, particularly in areas responsible for impulse control, decision-making, and understanding long-term consequences. This developmental stage makes children more capable of rehabilitation than adults. Studies indicate that children processed through the juvenile court system are 34% less likely to re-offend compared to those tried in adult courts. Adult facilities often lack the rehabilitative resources that are crucial for child development and reintegration into society. SB 1433 aims to ensure children receive developmentally appropriate interventions focused on rehabilitation by keeping their matters in the juvenile courts. This approach will reduce recidivism and ultimately promote long-term public safety.

## **Addressing the Long-Term Consequences of Adult Prosecution**

Children who are prosecuted as adults face significant long-term consequences, including a 50% lower likelihood of graduating from high school and an unemployment rate that is twice as high as their peers without criminal records. The adult criminal system subjects these children to harsher sentences, fewer educational opportunities, and limited access to rehabilitative services,

---

<sup>1</sup> The Sentencing Project. Youth Justice by the Numbers. Accessed January 29, 2025. <https://www.sentencingproject.org/policy-brief/youth-justice-by-the-numbers/>.

<sup>2</sup> Annie E. Casey Foundation. Child Population by Race/Ethnicity. KIDS COUNT Data Center. <https://datacenter.kidscount.org/>.

<sup>3</sup> Maryland Department of Juvenile Services. Data Resource Guide: Fiscal Year 2022. Baltimore, MD: Maryland Department of Juvenile Services, 2022. [https://djs.maryland.gov/Documents/DRG/Data\\_Resource\\_Guide\\_FY2022.pdf](https://djs.maryland.gov/Documents/DRG/Data_Resource_Guide_FY2022.pdf).

<sup>4</sup> Osher, Julia Van Zandt. "Addressing Racial Disparities in Maryland's Juvenile Justice System: What the Juvenile Restoration Act Could Mean for Maryland's Black Youth Tried as Adults." University of Baltimore Law Review, October 29, 2021. <https://ubaltlawreview.com/2021/10/29/addressing-racial-disparities-in-marylands-juvenile-justice-system-what-the-juvenile-restoration-act-could-mean-for-marylands-black-youth-tried-as-adults/>.

<sup>5</sup> Maryland Judiciary Equal Justice Committee. Report on Access to Fairness and Equity in the Maryland Judiciary. Annapolis, MD: Maryland Judiciary, 2021.

which often perpetuates cycles of poverty, criminal behavior, and adverse life outcomes.<sup>6</sup> By keeping more children within the juvenile justice system, SB 1433 seeks to address these long-term issues, providing young people with access to resources that can enhance their chances of successfully reintegrating into their communities.

### **National Trends and Evidence-Based Practices**

Across the country, states recognize the need to reform youth charging laws and are moving toward limiting automatic adult prosecution.<sup>7</sup> California and Vermont have implemented reforms similar to SB 1433, resulting in better youth outcomes and reduced recidivism.<sup>8</sup> Maryland can follow their lead and adopt practical, evidence-based reforms that work. Judicial discretion allows courts to assess individual cases and determine the most appropriate course of action rather than relying on automatic processes that often lead to overly punitive outcomes.

### **Conclusion**

Automatically charging youth as adults has proven ineffective and costly, leading to worse outcomes for children and the broader community. SB 1433 presents an opportunity for reducing crime by ensuring that children can participate in programs that address their developmental needs and facilitate future criminal behavior. Investing in solutions that work—such as rehabilitation programs, education, and community support—will benefit both the children involved and the communities to which they return. By limiting automatic charges and expanding judicial discretion, Maryland can ensure that the unique circumstances of each child offender are considered, allowing for tailored interventions that promote rehabilitation and reduce recidivism. Furthermore, SB 1433 will also yield economic benefits by reducing the financial burden of long-term incarceration and reallocating resources to community-based services, education, and mental health programs—all of which contribute to safer and healthier communities.

We urge the Committee to consider this testimony and support the development of a juvenile court system that reflects Maryland's commitment to child well-being and opportunity for all.

---

**Submitted by: Maryland Equitable Justice Collaborative**

**Anthony Brown, Co-Chair  
Maryland Attorney General**

**Natasha Dartigue, Co-Chair  
Maryland Public Defender**

---

<sup>6</sup> Youth Charged as Adults data from Maryland Department of Public Safety and Correctional Services via Governor's Office of Crime Prevention and Policy (GOCPP) dashboard, pulled August 2024.

<sup>7</sup> Campaign for Youth Justice., "State Trends: Legislative Victories from 2005 to 2020 Removing Youth from the Adult Criminal legal system." Washington, DC: Campaign for Youth Justice, 2020.  
[https://www.campaignforyouthjustice.org/images/state\\_trends\\_2020\\_final.pdf](https://www.campaignforyouthjustice.org/images/state_trends_2020_final.pdf).

<sup>8</sup> National Governors Association. "Age Boundaries in Juvenile Justice Systems." [https://www.nga.org/wp-content/uploads/2021/08/Raise-the-Age-Brief\\_5Aug2021.pdf](https://www.nga.org/wp-content/uploads/2021/08/Raise-the-Age-Brief_5Aug2021.pdf)