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JUDGE
BALTIMORE COUNTY
CHAIR

HON. RICHARD SANDY
CIRCUIT COURT
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MARYLAND JUDICIAL COUNCIL LEGISLATIVE COMMITTEE

MEMORANDUM

TO: Senate Judicial Proceedings Committee
FROM: Legislative Committee
Suzanne D. Pelz, Esq.
410-260-1523
RE: Senate Bill 436
Minors Convicted as Adults – Sentencing – Transfer to Juvenile
Court
DATE: February 4, 2026
(2/12)
POSITION: Oppose, as drafted

The Judiciary recognizes that the subject of this bill is within the legislature's prerogative and takes no position as to the policy aims of the legislation. Additionally, as expressed in this Judiciary's position on last year's version of this bill, we recognize and support the intent of this bill in recognizing issues presented by children victimized through sexual crimes or human trafficking. However, the drafting of the bill causes concern.

The bill does not amend § 4-202.2 of the Criminal Procedure Article, which governs the transfer of jurisdiction to juvenile court. Instead, the bill only amends § 6-235, addressing the sentencing of a minor who is convicted as an adult. This would result in statutory inconsistency, if passed as currently drafted. This inconsistency could be addressed by replacing the proposed § 6-235(b)(2) with the language contained in CP § 4-202.2(e)(1): "If the court transfers its jurisdiction to the juvenile court, the court shall conduct a disposition under the regular procedures of the juvenile court."

Unlike current law addressing transfer of a case from criminal to juvenile court (Criminal Law Article, §§ 4-202 and 4-202.2), this bill provides no criteria for the transfer decision. Most importantly, neither the acts committed by the child nor the child's amenability to treatment are addressed. There is thus, for example, no requirement that ability of the juvenile justice system to provide the child with needed care or services be considered in the transfer decision. Since the juvenile court would be required to make a juvenile disposition, this bill could leave the juvenile court within with a child who is not willing to avail themselves of offered services or, equally likely, a child for whom the juvenile court does not have appropriate services to offer.

In addition, the Judiciary notes that the child in this scenario likely already had two prior attempts to transfer the case to juvenile court (the processes available under the aforementioned §§ 4-202 and 4-202.2). This bill would afford certain children with a third chance to seek transfer, again, under a process that lacks guidelines or consideration of the amenability to treatment.

It should also be noted that existing law provides a vehicle for taking into account the circumstances provided by the legislation. If the court finds the circumstances provided by the bill, the court could consider it as a mitigating factor at sentencing.

cc. Hon. William Folden
Judicial Council
Legislative Committee
Kelley O'Connor