



THE SENATE OF MARYLAND  
ANNAPOLIS, MARYLAND 21401

**SB 296 - Juveniles - Detention and Confinement - Limitations on Juvenile Contact With Incarcerated Adults**

Chair Smith, Vice Chair Waldstreicher, Members of JPR: We have a serious problem with children in adult detention facilities. Maryland houses too many kids in adult facilities and they are held too long. SB 296 is part of the solution and will bring us into compliance with federal law.

Federal Law

The federal Juvenile Justice and Delinquency Prevention Act (JJDP), was enacted in 1974 and reauthorized in 2018. The reauthorization required that children housed in adult facilities:

- Must be removed within 6 hours unless there is a court order to keep the child longer, and
- They must be out of sight and sound of adults.

Maryland has not updated its law since the authorization. Because we house so many children in adult facilities well beyond the 6 hours, and because they are not separated by sight and sound, we are out of compliance with federal law. The federal standard is 14.68 violations per 100,000 youth: in FY23 Maryland had 93.26 violations per 100,000 youth and in FY 24, that number was 119.59 per 100,000. Not only are we out of compliance, we are so far out of compliance the federal data *excludes* Maryland because we are such an outlier.

In October 2025, the Maryland Commission on Juvenile Justice Reform and Emerging Best Practices released a report, “*Maryland’s JJDP Compliance Crisis: Children in Adult Detention*” (the “Report”).<sup>1</sup> That report noted several things: first and foremost, Maryland’s auto-charging of children as adults needs to end. This is Chair Smith’s SB 323. Additionally, the report detailed the problems with housing children in adult facilities. This is where SB 296 comes in.

The Harm of Having Kids in Adult Facilities

The Report was very clear about the harm to children by housing them in adult facilities:

*The Enduring Harm of Adult Detention on Kids*

Children whose cases are ultimately dismissed or transferred to juvenile court spend weeks or even months in adult facilities, enduring conditions that were never designed for children. These children lose entire semesters of school and critical instruction, fall behind in education, and are cut off from the rehabilitative services and supports that exist in the juvenile system but are largely absent in adult settings. Community-based programs cannot reach them, and family contact is sharply limited by restrictive visitation policies and the remote locations of many facilities.

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<sup>1</sup> <https://gocpp.maryland.gov/wp-content/uploads/Marylands-JJDP-Compliance-Crisis-Children-in-Adult-Detention-COMMISSION-APPROVED-.docx.pdf>



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Inside adult jails, the federal requirement for “sight-and-sound separation” often breaks down. Young people report hearing the adult inmates shouting at them through the walls, feeling the weight of fear every day. Some describe bullying and threats of sexual violence from the adult inmates. Even when physical barriers exist, the constant auditory exposure to adult incarceration creates a climate of trauma and hypervigilance that no child is developmentally equipped to manage. For many, this becomes a crash course in adult prison culture, where kids are forced to learn survival strategies in an environment that is harsh, violent, and punitive.

The harm does not stop at immediate fear and lost instruction and programming. These experiences fracture family bonds, erode trust, and leave scars that reverberate long after release. Children return to their communities more disconnected and more traumatized; often carrying a sense that the system values punishment over growth. For those whose cases are dismissed or transferred back to juvenile court, the damage feels even more senseless: months in isolation, exposure to adult jail culture, and the deep disruption of their lives, all for charges the state ultimately chose not to pursue.”

Because adult facilities were not built to house kids, the requirement of sight and sound separation often results in children being held in restricted housing (and they still may see or hear the adults given the facility’s construction). Children spend up to 23 hours a day in isolation, have no school or other programming, and often forgo showers out of fear of being raped.<sup>2</sup> The harms of restrictive housing are well known to this Committee. Those harms are compounded when we put them on children.

### The Financial Impact on the State

In addition to harming the children, their families, and communities, putting kids in adult facilities is harming the state. These ongoing violations will cost the state an estimated \$2 million over the next 3 years.<sup>3</sup>

### What SB 296 will do

SB 296 would put us in compliance with federal law. It requires that a child may not be detained or confined in any institution in which the child has contact with or comes within sight or sound of an incarcerated adult. Additionally, it prohibits the detaining or confining of children in adult facilities for longer than 6 hours without a court order.

For the foregoing reasons, I ask for a favorable report on SB 296.

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<sup>2</sup> <https://www.wypr.org/wypr-news/2025-03-03/a-national-outlier-marylands-jails-fail-to-protect-young-inmates>

<sup>3</sup> <https://gocpp.maryland.gov/wp-content/uploads/MACo-Compliance-Presentation-8-2025-1.pdf>