

TESTIMONY IN SUPPORT OF HB 409

Juvenile Court - Jurisdiction (Youth Charging Reform Act)

TO: Members of the Senate Judicial Proceedings Committee

FROM: Center for Criminal Justice Reform, University of Baltimore School of Law

DATE: February 10, 2026

The University of Baltimore School of Law’s Center for Criminal Justice Reform (“Center”) is dedicated to supporting community-driven efforts to improve public safety and address the harm and inequities caused by the criminal legal system. **The Center strongly supports House Bill 409.**

Maryland is a national outlier in its practice of automatically charging children in adult court. Maryland sends more young people per capita to be tried as adults than every other state but Alabama.¹ This extreme and outdated practice has endured for so long that Maryland is increasingly known for this shameful outlier status, particularly given its extreme racial disparities. Nearly 80% of the youth charged in adult court in Maryland are Black.²

This policy is not only inequitable; it is inefficient, costly, and bad for public safety, which is particularly troubling in these fiscally challenging times. The status quo costs the state over \$20 million annually, and a significant portion of this is spent unnecessarily burdening the legal system and exacerbating the trauma experienced by impacted youth and their families. 85% percent of these cases do not end up staying in adult court.³ The majority return to juvenile court or are dismissed, but only after lengthy delays and burdensome processes that undermine desired outcomes for public safety, recidivism and for youth.⁴

¹ Marcy Mistrett, *National Trends in Charging Children as Adults*, The Sentencing Project, (July 20, 2021)

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

² Human Rights for Kids, *Disposable Children: The Prevalence of Child Abuse and Trauma Among Children Prosecuted and Incarcerated As Adults in Maryland*, (Nov. 20, 2024)

<https://humanrightsforkids.org/wp-content/uploads/Disposable-Children-The-Prevalence-of-Child-Abuse-and-Trauma-Among-Children-Prosecuted-As-Adults-in-Maryland.pdf>

³ Commission on Juvenile Justice Reform, Emerging & Best Practices, *Maryland’s JJDPA Compliance Crisis: Children in Adult Detention*, (Oct. 23, 2025)

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

⁴ *Id.*

The current autocharging policy worsens outcomes in a number of ways. Often this process creates extended periods of pretrial incarceration of youth in adult facilities and extended periods of uncertainty for everyone involved. Research shows that youth charged as adults are at increased risk of physical assault, sexual assault and isolation, which heightens the risk of future offending. Of those charged as adults, 80% are placed in solitary confinement at some point, and over 80% report abuse from staff or other incarcerated individuals. Adult charging results in increased physical violence and sexual violence in a system well known for its poor conditions and insufficiency of resources for even the adult population, much less the youth it is not designed for. Notwithstanding the well-documented trauma histories of nearly all children automatically charged in adult courts, and the well-documented additional traumas caused and compounded by this process, only 28.2% of youth received trauma treatment.⁵

Research also demonstrates directly that this practice fuels youth recidivism. A meta-analysis published by the Center for Disease Control within the U.S. Department of Health and Human Services showed that adult courts have a 34% increase in youth recidivism versus juvenile courts.⁶

We can and must do better. Since 2000, half of all states have narrowed or eliminated the automatic charging of children in adult court; among these, eight states now mandate that all youth cases begin in juvenile court.⁷ For 14 years in Maryland, youth justice advocates, researchers, criminal justice reformers, judges, public defenders and many other constituencies have come to the Maryland General Assembly calling for change. Over a decade of study and recommendations on this issue specifically in Maryland, across three gubernatorial commissions and now the Commission on Juvenile Justice Reform, Emerging & Best Practices established by law in 2024, have recommended that the state reform its approach to autocharging. In its recent report, *Maryland's JJDP A Compliance Crisis: Children in Adult Detention*, yet another bipartisan and diverse commission highlighted the urgent necessity of addressing this issue.⁸

Unlike some of the prior efforts to end or severely limit this extreme practice in Maryland, HB 409 is a compromise bill. It leaves the most serious offenses automatically subject to adult court jurisdiction, including first-degree murder, rape and carjacking. It values judicial discretion and individualized assessment, allowing a judge to determine if and when cases should be tried in adult court.

This is not just about correcting a persistent injustice in Maryland's system and advancing the public safety interests of our state. It is also important to note the ways in which it

⁵ *Supra* note 2, at 19.

⁶ Centers for Disease Control and Prevention., *Effects on Violence of Laws and Policies Facilitating the Transfer of Youth from Juvenile to the Adult Justice System*, MMWR Nov. 30, 2007; 56(No. RR-9):[9].

⁷ Olivia Naugle, *Automatically Charging Youth As Adults*, The Sentencing Project, Dec. 11, 2025, <https://www.sentencingproject.org/app/uploads/2025/12/Automatically-Charging-Youth-as-Adults.pdf>.

⁸ *Supra* note 3.

specifically supports the interests of crime victims. Unnecessarily subjecting this huge percentage of children and cases that do not belong there to the adult system worsens outcomes and rates of recidivism, driving future victimization and harm. It also delays outcomes for victims in these cases, and deprives resources from crime victims' services. The millions of dollars wasted as a result of autocharging 33 offenses is a missed opportunity to invest these resources elsewhere to advance the interests of victims and communities. This includes critically under-funded areas spanning crime victim services and support, youth programming, treatment and education, and community violence intervention programs, including street outreach, hospital based violence intervention programs (HVIPS), and other violence prevention work.

Our work at the Center devoted to supporting crime victims lays these realities and misalignment of resources bare. We recently launched the Crime Survivor Voices Project, dedicated to elevating the data, perspectives and lived experiences of diverse crime victims in order to inform more effective and thoughtful public safety policy. This project, among many other aspects of our work, seeks to challenge the oversimplification and politicization of survivor narratives which too often distracts policymakers, media and the public from effective public safety strategies, and from what many crime victims themselves are asking for, especially those in marginalized communities bearing the brunt of crime.

All crime victims deserve accountability for the harm done to them, but that does not mean that all victims see accountability and justice in the same way, or have the same priorities. Research demonstrates this diversity of victim and survivor perspectives, including the large percentage of crime victims interested in more than punishment, and for whom healing and accountability require much more. For example, survey data from the Alliance for Safety and Justice shed light on the diversity of views of victims' needs and views. Their recent report found that victims overwhelmingly prefer justice approaches that prioritize rehabilitation over punishment, and strongly prefer investments in crime prevention and treatment to more spending on prisons. Most victims who were surveyed prefer more spending on prevention and rehabilitation to prison sentences that keep people incarcerated as long as possible.⁹

In 2021, the Public Safety Partnership (PSP), a U.S. Department of Justice initiative providing data-driven support and technical assistance to cities to strengthen public safety and improve their responses to violence, conducted an assessment for the City of Baltimore on their capacity to provide victim services. A 90+ page report resulting from this assessment detailed numerous barriers to services and discrimination faced by victims throughout the city, and in particular Black youth victims and victims of gun violence.¹⁰ Many victims experience being stigmatized, ignored, and retraumatized by a fragmented and overly punitive system incapable of meeting their needs. Many service providers feel unequipped to advance healing and prevention and to more holistically address harm. Our center director co-authored this report detailing these failures of the system to provide needed services and dignity for victims, and to interrupt cycles of harm. These realities also increased risk of that victim carrying a gun for protection, harming

⁹ Just Safe, *Beyond the Headlines: A Decade of Listening to Crime Survivors*, Oct. 1, 2025, <https://justsafe.org/news/beyond-headlines-decade-listening-crime-survivors/>

¹⁰ Warnken et al., Victim Services Capacity Assessment Report, USDOJ National Public Safety Partnership, July 2021.

someone else, or otherwise ending up as a defendant in adult court - and part of why we so strongly support needed reforms through HB 409.

To further emphasize this connection, a significant portion of youth automatically charged as adults in Maryland are there because they are charged with carrying a firearm. In FY 2024, nearly 45% of those charges in the city involved gun possession.¹¹ According to the GOCPP dashboard, statewide firearm possession of youth autocharged in adult court has increased by 160% since 2015.¹² This statistic is troubling, but it is most important to try to understand *why* youths are carrying guns, and what to do about it. A 2023 report on these issues among NYC youth points to “fear of one’s own death” or “the death of a family member” are the main drivers for why young people choose to carry firearms.¹³

These findings, like much of the other sources of data and reasoning above, further underscore why HB 409 is necessary, and why addressing these challenges with humanity, trauma treatment and youth-appropriate services is far more effective than criminalizing kids as adults. Peer reviewed research recently published also emphasizes the prevalence of extensive trauma histories of justice-involved youth, and that trauma-informed approaches improve justice and mental health outcomes.¹⁴

Maryland can take a huge step forward this session in advancing these goals, and the healing, dignity and fairness that all victims, young people and communities deserve. Keeping youth in juvenile court ensures that trauma and developmental considerations are applied consistently, creating a more fair and effective system for all. **For these reasons, we urge a favorable report on HB 409.**

¹¹ Robin Campbell, *Better Data, Better Policies, Better Outcomes for Kids and Safety*, Maryland Matters, (Jan. 02, 2026).

<https://marylandmatters.org/2026/01/02/better-data-better-policies-better-outcomes-for-kids-and-safety/>

¹² Dept. of Public Safety and Correctional Services, *Dashboard: Juveniles Charged as Adults*, Jun. 30, 2025,

<https://www.google.com/url?q=https://app.powerbigov.us/view?r%3DeyJrIjoiNTZmYzZIN2MtNjcyNC00OGRjLTkwYjktYTYzNGVmNzc0M2UzIiwidCI6IjYwYWZlOWUyLTQ5Y2QtNDliMS04ODUxLTY0ZGYwMjc2YTJlOCJ9&sa=D&source=docs&ust=1770767177902785&usg=AOvVaw2iyUdy9Rzhd2lhEK3PnA-a>

¹³ Elise White et al., “Two Battlefields” Opps, Cops, and NYC Gun Culture, The Center for Justice Innovation, (July 12, 2023),

https://www.innovatingjustice.org/wp-content/uploads/2023/07/Summary_CJI_TwoBattlefields_07142023.pdf

¹⁴ Carolyn M. Boyd, Andrew Day, Catia G. Malvaso, *The Outcomes of Trauma-Informed Practice in Youth Justice: An Umbrella Review*, (Apr. 22, 2024)

<https://link.springer.com/content/pdf/10.1007/s40653-024-00634-5.pdf>