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TESTIMONY ON HB 409 (Cross-filed with SB 323)
Juvenile Court – Jurisdiction
Youth Charging Reform Act
February 4, 2026

The University of Maryland, Baltimore Center for Violence Prevention (CVP) strongly supports HB 409, 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 for this bill is aligned 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 demonstrates 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 youth placed in the adult criminal justice system will allow them to be more likely to receive the services needed to better meet their needs. Everyone benefits when kids accused of breaking the law begin in the juvenile justice system, and a judge decides if they should be tried as an adult.

For these reasons, the UMB Center for Violence Prevention supports HB 409 and respectfully encourages a favorable report.