



**House Judiciary Committee
House Bill 409 – Juvenile Court - Jurisdiction (Youth Charging
Reform Act)**

Favorable

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AMERICAN CIVIL
LIBERTIES UNION
OF MARYLAND

FRANK PATINELLA
SENIOR POLICY
ADVOCATE

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ACLU of Maryland urges a favorable report on House Bill 409, which seeks to take a step toward correcting Maryland’s outdated "automatic charging" policy. Currently, children as young as 14 are automatically charged in adult court for 33 offenses in Maryland. HB 409 seeks to remove some of these charges to ensure that more children start their cases in juvenile court. Our position is aligned with the first recommendation of Maryland’s Commission on Juvenile Justice Reform and Emerging and Best Practices, released in December 2025.¹ Further, due to the practice of automatically charging children as adults, Maryland has been in noncompliance with the federal Juvenile Justice and Delinquency Prevention Act for decades.

Children have a right to be treated as children, and they should start their case, no matter the charge, in the juvenile court. If a prosecutor believes a young person should instead be tried as an adult, the bill allows them to petition the court to waive juvenile jurisdiction and make that argument before a judge.

Debunked “Super Predator” Narrative Lingers in Maryland, Still Ranked at the 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 excessive 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.”²

¹ Maryland's JJDP A Compliance Crisis: Children in Adult Detention. December 2025. Commission on Juvenile Justice RefOr m and Emerging and Best Practices. <https://gocpp.maryland.gov/wp-content/uploads/Marylands-JJDP A-Compliance-Crisis-Children-in-Adult-Detention-WG-DRAFT.docx-4.pdf>

² The Superpredator Myth, 25 Years Later. April 2014. Equal Justice Initiative. <https://eji.org/news/superpredator-myth-20-years-later/>

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, not enough has been done to reform our outdated and inequitable legal system for children. 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 found that only Alabama sends more children per capita to adult court each year than Maryland.³ Further, Maryland ranks fourth in the nation for the number of adults in prison who were convicted as children.⁴

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.^{5,6} These biases are based on the flawed notion that Black children and children of color are predisposed to criminality, and they are misperceived as being older and more mature than their age would indicate. As a result, they are adultified and held more accountable for their actions than their white peers. These biases exist in all aspects of the legal system, from the police officers who make the arrests, to the court room, and 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.⁷ 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

³ Disposable Children: The Prevalence of Child Abuse and Trauma Among Children Prosecuted and Incarcerated As Adults in Maryland. 2024. Human Rights for Kids. <https://humanrightsforkids.org/publication/disposable-children-the-prevalence-of-child-abuse-and-trauma-among-children-prosecuted-as-adults-in-maryland-2/>

⁴ National Trends in Charging Children as Adults. July 20, 2021. Maryland Juvenile Justice Reform Council. The Sentencing Project. <http://dls.maryland.gov/pubs/prod/NoPbITabMtg/CmsnJuvRefCncl/Sentencing-Project-National-Trends-in-Charging-Children.pdf>

⁵ 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/>

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

⁷ Juveniles Charged as Adults. June 30, 2024. Governor's Office of Crime Prevention and Policy. State of Maryland. <https://app.powerbigov.us/view?r=eyJrIjoiaNzQzYTZhYmMtNzVmOC00OGE2LWFkNzktZDIiYzg5NzEyODU2IiwidCI6IjYwYWZlOWUyLTQ5Y2QtNDIiMS04ODUxLTY0ZGYwMjc2YTJlOCJ9>

charged as adults.⁸ 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.

More recent data shows that between January 2025 and June 2025, Black children represent 76% of the 515 cases in which children were charged in adult court in Maryland⁹. The most common offenses were gun possession and assault. While much more work needs to be done to root out bias and discriminatory practices within the legal system for children, HB 409 represents a big a step in the right direction.

Eliminating Auto-charging will Improve Outcomes and Reduce Harm

The pursuit of harsh punitive measures to address youth crime – instead of improving upon a system focused on rehabilitation – has been ineffective and has created significant harm.¹⁰ The science of childhood and adolescent development shows that children are more likely than adults to engage in risky behavior, and that they do not fully understand the long-term consequences of their actions.¹¹

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.¹² 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.¹³

In Maryland, children charged as adults – even if their case is eventually waived down to juvenile court – spend weeks and sometimes months in adult

⁸ 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#>

⁹ Juveniles Charged as Adults in Maryland, 1/1/2025-6/30/2025. December 29, 2025. Governor's Office of Crime Prevention and Policy. https://gocpp.maryland.gov/wp-content/uploads/CP-§-10-219b6_-GOCPP_-Juveniles-Charged-as-Adults-in-Maryland-1_1_2025-6_30_2025.pdf

¹⁰ 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%20%20deviant%20and%20antisocial.>

¹¹ Teen Brain: Behavior, Problem Solving, and Decision Making. September 2017. American Academy of Child and Adolescent Psychiatry. https://www.aacap.org/AACAP/Families_and_Youth/Facts_for_Families/FFF-Guide/The-Teen-Brain-Behavior-Problem-Solving-and-Decision-Making-095.aspx

¹² 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%20%20deviant%20and%20antisocial.>

¹³ Effective Alternatives to Youth Incarceration. June 2023. The Sentencing Project. <https://www.sentencingproject.org/reports/effective-alternatives-to-youth-incarceration/>

detention facilities while awaiting their court date. Young people who have had the experience in adult detention have reported bullying and threats of violence from adult inmates.¹⁴ They are subjected to the environment of adult inmates and despite the federal separation requirement, children witness and hear violence happening with the facility. Unlike juvenile detention, they are not offered education services, which adds another significant barrier to these children's rehabilitation. Further, rehabilitative services, including mental health treatment, are largely absent in adult detention. While most children who are auto-charged eventually get waived down to juvenile court, their experience in the adult jail environment oftentimes results in their traumatization and significant setbacks towards getting on the right track.

Ending the Auto-charging will Save the State Money

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. This process is costly and unnecessary. Starting children in juvenile court could save the state an estimated \$20 million – money that can be invested in evidence-based programming to give these children the strongest chance at success.

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 409.

¹⁴ Maryland's JJDPA Compliance Crisis: Children in Adult Detention. December 2025. Commission on Juvenile Justice Reform and Emerging and Best Practices. <https://gocpp.maryland.gov/wp-content/uploads/Marylands-JJDPA-Compliance-Crisis-Children-in-Adult-Detention-WG-DRAFT.docx-4.pdf>