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Bill Number: HB 921

Position: Informational

The Maryland State's Attorneys' Association (MSAA) submits the following for the consideration of this Committee as it reviews and deliberates House Bill 921 Juvenile Law - Confinement and Restrictive Housing - Limitations

HB 921 refines the conditions under which a juvenile may be placed in restrictive housing. The restrictions proposed in the bill are grounded in the idea that restrictive housing should be used only as a final resort – these measures are important, and supported by a growing body of scientific evidence that establishes that juveniles are particularly susceptible to the devastating psychological and developmental effects of restrictive housing.¹

The bill also prohibits juveniles from being detained in adult facilities. Current Maryland law requires that juveniles charged in adult court that are eligible for transfer – which, with the exception of juveniles aged 16 or 17 charged with murder in the first degree or juveniles previously convicted in adult court, is all juveniles charged in adult court – be held in juvenile facilities pursuant to MD. CODE ANN., CRIM. PROC. § 4-202(h), unless one of three exceptions exists: (1) the juvenile is released prior to trial, (2) there is not available space for the juvenile in a juvenile facility, or (3) detaining the juvenile in a juvenile facility would pose a risk of harm to the juvenile or others. This third exception is important in the event a juvenile would pose a danger to other detained juveniles.

Maryland's prosecutors see cases involving violence between detained juveniles in Department of Juvenile Services facilities – no one should be subject to such violence while in the custody of the State. Preserving this exception is important in the event a court finds that danger posed by a juvenile to other detained juveniles is outside the capacity of the Department of Juvenile Services to address.

1 See, e.g., Position Statement: Restrictive Housing in Juvenile Correctional Settings, National Commission on Correctional Health Care (Feb. 2021), available at https://www.ncchc.org/wp-content/uploads/Restrictive-Housing-in-Juvenile-Correctional-Settings-2021_endorsements.pdf.