



## Testimony for the House Judiciary Committee

March 31st, 2026

### SB 323: Jurisdiction (Youth Charging Reform Act)

#### Favorable with Amendments

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The ACLU of Maryland urges a favorable report on SB 323 with the amendments outlined below. Initially, SB 323 removed 17 charges for which children can automatically be charged as adults. However, the bill was watered down and now removes only 7 charges, leaving several charges that continue to subject children to automatic adult prosecution. To reduce the number of children exposed to the harsh adult system, SB 323 must be amended to remove crimes under Criminal Law § 3-403 and 3-405 from eligibility for automatic adult prosecution.

Currently, the law defines children as individuals under the age of 18. Yet in Maryland, children as young as 14 can be automatically charged as adults for certain offenses, and 16- and 17-year-olds are automatically charged as adults for 33 different criminal offenses. Due to this long list of automatic charges, Maryland sends more kids people per capita to adult court based on offense type than any other state except for Alabama.<sup>1</sup> Maryland also ranks 4th highest in the country for the number of people convicted as adults when they were children, according to a [2024 report](#) from Human Rights for Kids<sup>2</sup>.

#### **“Tough on Crime” laws criminalize Black and Brown kids and undermine public safety.**

The practice of automatically charging children as adults stems from the debunked “superpredator” myth of the 1990s, which falsely predicted a surge in youth crime led largely by young Black boys.<sup>3</sup> These laws were fueled by high-profile criminal cases and sensationalized media coverage, alongside a broad, unfounded belief that rehabilitation did not work. More importantly,

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<sup>1</sup> 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/>

<sup>2</sup> <https://humanrightsforkids.org/wp-content/uploads/Disposable-Children-The-Prevalence-of-Child-Abuse-and-Trauma-Among-Children-Prosecuted-As-Adults-in-Maryland.pdf>

<sup>3</sup> The Superpredator Myth, 25 Years Later. April 2014. Equal Justice Initiative. <https://eji.org/news/superpredator-myth-20-years-later/>

this narrative reflects a deeper societal disregard for Black children—particularly Black boys—denying them the same recognition of childhood and presumption of innocence afforded to white children.

Even when controlling for the type and severity of an offense, Black and Latinx children routinely receive harsher treatment than white children, in part because prosecutors and judges are influenced by implicit and explicit biases.<sup>4,5</sup> These biases stem from harmful, false assumptions that Black children and other children of color are inherently more dangerous, older, or more mature than they actually are. As a result, they are “adultified” and held to harsher standards of accountability than their white peers. These disparities show up at every stage of the legal process, from the initial police encounter to prosecutorial decisions and courtroom proceedings, to jury deliberations, correctional practices, and parole determinations. In Maryland, over 80% of children charged as adults are Black, despite Black children comprising only 30% of Maryland’s child population.<sup>6</sup>

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### **SB 323 must be amended to remove offenses under Criminal Law §§ 3-403 and 3-405 from eligibility for automatic adult prosecution.**

If Maryland really wants to make a significant impact in the lives of children who are encountering the criminal legal system, we cannot let preconceived notions about crime or title of charges stop us from creating strong policies. While crimes under Criminal Law § 3-403 and 3-405, which includes armed robbery, attempted robbery, and armed and unarmed carjacking are serious offenses, the initial charge of these offenses often overstate conduct, especially in the juvenile context.

#### Examples:

- A 16 year old was charged with armed robbery for allegedly stealing a Nike ski mask and was automatically charged as an adult. The case was transferred to Juvenile court after the child spent seven months in the adult system. The child was ultimately sentenced to a period of probation.
- A 16 year old was standing in a boy's bathroom when a codefendant robbed another child of a watch. They were charged and detained in the adult system for six months. The case was ultimately transferred to Juvenile court and placed on the STET docket.

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<sup>4</sup> 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/>

<sup>5</sup> Vera Institute, Preliminary Findings: Youth Charged as Adults in Maryland, Dec. 10, 2020. <http://dls.maryland.gov/pubs/prod/NoPblTabMtg/CmsnJuvRefCncl/Preliminary-Findings-Youth-Charged-as-Adults.pdf>.

<sup>6</sup> Juveniles Charged as Adults. June 30, 2024. Governor’s Office of Crime Prevention and Policy. State of Maryland. <https://app.powerbigov.us/view?r=eyJrIjoibmZzYTZhYmMtNzVmOC00OGE2LWFkNzktZDliYzg5NzEyODU2liwidCI6IjYwYWZlOWUyLTQ5Y2QtNDIiMS04ODUxLTY0ZGYwMjc2YTJlOCJ9>

- A 17 year old was charged in connection with a group assault. They were alleged to have struck the victim with a tree branch. After seven months of detention in the adult system, the case was transferred back to Juvenile court, resulting in a Juvenile placement.

Additionally, the data is clear, even for these charges, most children do not ultimately receive an adult sentence. According to 2025 data from the Department of Juvenile Services, many cases are dismissed, waived back to the juvenile system after several months or years in the adult system, or result in convictions for lesser offenses.

#### 2025 Juvenile Armed Robbery Outcomes:

- 20% of children had their cases dismissed before a transfer hearing
- 61% of children had their case transferred to Juvenile court
- 50% of children who had their case transferred to Juvenile court had their case dismissed or reduced
- Only 6% of children whose top count was armed robbery ultimately received an adult prison sentence

#### 2025 Juvenile Armed Carjacking Outcomes

- 19% of children had their dismissed before a transfer hearing
- 48% of children had their cases transferred to Juvenile court
- Only 8% of children whose top count was armed carjacking ultimately received an adult prison sentence

Furthermore, just because a case begins in juvenile court does not mean it cannot be waived to adult court. Passage of SB 323 would simply place the burden on the prosecutor to demonstrate why a case should be transferred.

### **Automatic-charging Harms Youth Wellbeing and Safety**

Research shows that treating kids as if they were adults, in the adult criminal legal system, puts them at far greater physical, emotional, and psychological risk, and leads to higher rates of recidivism. Children sentenced in adult court are less likely to receive rehabilitative services, which makes them more likely to reoffend than similarly situated kids charged in juvenile court.<sup>7</sup> Children charged as adults, even if their case is eventually transferred down to juvenile court spend months and sometimes years in the adult in system-awaiting their court date. On average, children automatically charged as adults wait 125+ days in detention—some wait 2 years for trial.

For the forgoing reasons, ACLU of Maryland urges a favorable report on SB

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<sup>7</sup> <https://www.cdc.gov/mmwr/PDF/tr/rr5609.pdf>

323 with the aforementioned amendments.

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