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February 5, 2026

TO: The Honorable J. Sandy Bartlett
Chair, Judiciary Committee

FROM: Tiffany Clark
Director, Legislative Affairs, Office of the Attorney General

RE: House Bill 389 – Juveniles – Detention and Confinement – Limitations on
Juvenile Contact with Incarcerated Adults (Support in Concept)

The Office of the Attorney General (OAG) supports **House Bill 389 - Juveniles – Detention and Confinement – Limitations on Juvenile Contact with Incarcerated Adults** in concept. House Bill 389 proposes to prohibit children subject to adult criminal court jurisdiction from being detained in adult facilities beyond a six-hour processing period, requiring their placement in juvenile facilities instead.

House Bill 389 addresses a critical federal compliance issue while protecting vulnerable youth in Maryland's criminal justice system. Maryland is significantly out of compliance with the federal Juvenile Justice and Delinquency Prevention Act (JJDP). In fiscal year 2024, the State's detention rate was 112.34 violations per 100,000 youth—seven times greater than the federal threshold of 14.68 violations per 100,000.¹ This noncompliance is expected to cost Maryland an estimated \$350,000 in federal formula grant funding over the next two years.

Maryland's own Compliance Monitoring Manual explicitly identifies this as a barrier requiring legislative action, stating: "Legislation at the state level is needed to ensure the requirements under section 223(a)(11)(b) can be adequately addressed." The Manual explains that because Maryland automatically charges juveniles as adults for certain offenses, youth charged under criminal court jurisdiction do not receive the required "interest of justice" hearing within six

¹ <https://www.wypr.org/wypr-news/2025-03-03/a-national-outlier-marylands-jails-fail-to-protect-young-inmates>

hours under current state law. The Manual concludes: "The state will need a legislative change in order to comply with the Act."²

House Bill 389 provides this necessary legislative change. By prohibiting placement of youth in adult facilities beyond the six-hour processing window, the bill eliminates the compliance barrier while protecting youth from documented harms. Youth held in adult jails face serious risks: they spend up to 23 hours a day in isolation due to sight-and-sound separation requirements, lose access to education, and are cut off from rehabilitative services available in the juvenile system.

This legislation directly supports our efforts to advance equity and reform in Maryland's criminal justice system. Youth of color are disproportionately affected by Maryland's automatic charging statutes—nine out of ten children charged as adults are children of color, and eight of ten are Black.³ Ensuring these youth are held in age-appropriate facilities with access to rehabilitative services supports OAG's commitment to reducing racial disparities in the justice system and restoring Maryland's credibility as a leader in criminal justice reform.

While we strongly support the bill's policy objectives and its solution to Maryland's federal compliance crisis, we encourage the General Assembly to coordinate with the Department of Juvenile Services to ensure adequate capacity is available by the bill's October 2028 effective date. This may include requiring DJS to submit a capacity plan and cost estimate, and appropriating necessary funds for facility expansion.

House Bill 389 would be most effective as part of a comprehensive approach to juvenile justice reform. We encourage the General Assembly to consider this bill alongside complementary reforms, including those recommended by the Maryland Equity and Justice Commission. These include restricting automatic adult charging to more serious offenses, as addressed in Senate Bill 323, and expanding an Emerging Adults Program for individuals ages 18-25 that creates protocols geared toward community building and intensive services to improve post-release success and prevent future system involvement. Together, these reforms ensure that young people are properly rehabilitated and reintegrated into society, reducing recidivism through age-appropriate, evidence-based interventions.⁴

We appreciate the General Assembly's work on this important policy and welcome the opportunity to share our perspective. For the foregoing reasons, the Office of the Attorney General respectfully urges the Committee to give House Bill 389 a favorable report.

Cc: Members of the Committee

² <https://gocpp.maryland.gov/wp-content/uploads/maryland-compliance-monitoring-manual.pdf>

³

⁴ https://oag.maryland.gov/News/Documents/pdfs/MEJC_Report.pdf