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March 31, 2026

The Honorable J. Sandy Bartlett
Chair, Judiciary Committee
6 Bladen Street, 100 House Office Building
Annapolis, Maryland 21401

Re: Senate Bill 323 – Juvenile Court - Jurisdiction, Detention, and Confinement (Youth Charging Reform Act)(Support)

Dear Chair Bartlett,

The Office of the Attorney General (OAG) supports Senate Bill 323 – Juvenile Court – Jurisdiction, Detention, and Confinement (Youth Charging Reform Act), as amended. The bill, as amended, meaningfully narrows the offenses for which children are automatically charged as adults in Maryland's criminal justice system, strengthens protections against housing juveniles with adults, and establishes important new accountability and reporting measures.

Senate Bill 323 implements Recommendation #17 from the Maryland Equitable Justice Collaborative (MEJC), which calls for limiting the automatic adult charging of children to more serious felonies or providing more opportunities for judicial review before transferring children to adult court. This recommendation reflects the need to address systemic inequities in Maryland's juvenile justice system.

As we noted in our earlier testimony, the current system allows children as young as 16 to be automatically charged as adults for as many as 33 offenses, without any consideration of the individual circumstances of the child's involvement, prior history, or amenability to treatment. The impact of these policies falls disproportionately on Black children, who make up only 31% of Maryland's youth population but represented 81% of those charged as adults between 2021 and 2023 — making them over seven times more likely to be charged as adults than their White peers. Moreover, roughly 85% of youth automatically sent to the adult justice system either have their cases dismissed or are returned to the juvenile system, representing a significant system

failure that exposes children to adult court proceedings and the harmful effects of adult incarceration without ultimate adult prosecution.

The amended bill represents meaningful progress on these concerns. By significantly narrowing the list of offenses that exclude 16- and 17-year-olds from juvenile court jurisdiction, the bill ensures that automatic adult charging is reserved for the most serious offenses, while restoring juvenile court jurisdiction over a substantial number of charges for which it was previously unavailable. The OAG also supports the amended bill's new mandatory detention provision, which requires an intake officer to authorize detention for a child who is at least 16 years old and accused of a crime of violence or a handgun violation under § 4-203 of the Criminal Law Article. This provision appropriately addresses public safety considerations for the most serious cases within the reformed framework.

The amended bill also significantly strengthens protections against housing juveniles with adults. The bill prohibits any child — including those subject to adult criminal court jurisdiction — from being detained or confined in any institution where they have contact with, or come within sight or sound of, incarcerated adults. A narrow exception permits temporary holding for up to six hours in an adult facility where no secure juvenile area is available, but only with strict sight-and-sound separation. These protections reflect both sound correctional policy and federal law requirements, and the OAG strongly supports their inclusion.

In our prior testimony, the OAG recommended an amendment to add a "pattern of violent crime" exception that would have excluded from juvenile court jurisdiction a child at least 16 years old alleged to have engaged in two or more serious violent offenses within a six-month period, charged in the same charging document and not arising from the same incident. While that specific amendment was not adopted, the amended bill's restructured exclusions list and mandatory detention provision address many of the public safety concerns that motivated our recommendation. The OAG is satisfied that, on balance, the bill as amended strikes an appropriate balance between rehabilitative goals and public safety.

Finally, the amended bill's new reporting requirements — including annual reports from the Department of Juvenile Services and the Governor's Office of Crime Prevention and Policy on outcomes, detention lengths, and the treatment of youth in adult facilities — will provide the General Assembly and the public with the data necessary to assess whether this reformed framework is operating equitably and as intended.

Senate Bill 323, as amended, aligns Maryland with national best practices. More than half of all states have recently narrowed eligibility for automatic adult charging of children, and eight states now require all juvenile cases to start in juvenile court. This legislation represents a critical step toward ensuring that Maryland's juvenile justice system prioritizes rehabilitation over punishment and provides children with appropriate opportunities for treatment and reform.

For the foregoing reasons, the Office of the Attorney General respectfully urges the Committee to give **Senate Bill 323** a favorable report.

Sincerely,

A handwritten signature in black ink, appearing to read 'AG Brown'.

Anthony G. Brown