



OFFICE OF THE STATE'S ATTORNEY FOR BALTIMORE CITY

February 12, 2026

Chair, Judiciary Committee
House Office Building
6 Bladen Street
Annapolis, MD 21401

RE: Opposition – HB 409 – Juvenile Court - Jurisdiction (Youth Charging Reform Act)

Dear Chairwoman Bartlett, Vice Chair Davis, and Honorable Members of the Committee,

HB409 as introduced would simply alter the jurisdiction for juvenile crimes and while the ideology behind the bill is one many people seem to understand, there are deep faults that lie within that could potentially cause catastrophic consequences for everyone it aims to protect. By eliminating automatic charging of youth aged 14 and 15 and also reducing the list of charges for youth 16 and 17 years of age, it will flood an already burdened and broken juvenile justice system, leaving those who were intended to benefit from the change, with uncertain futures.

Under the current juvenile system, the three pillars that guide the system are as follows:

- 1) to provide accountability to youth so that they can truly understand that their actions have consequences;
- 2) rehabilitation so that youth can benefit from service programming that could potentially change the trajectory of their lives, and;
- 3) to account for public safety.

The Department of Juvenile Services (DJS) is tasked with providing rehabilitative services to youth to ensure that youth receive programming that can curb negative behaviors to ensure that public safety is addressed. Without appropriate services, the youth who are being served cannot receive the treatment they need to succeed in the future. Currently, there are massive wait lists for programs through DJS and a severe lack of services to reach all the youth currently in the system. The Courts themselves are backlogged with cases, and the Office of the Public Defender (OPD) cannot provide counsel for all of the youth currently in the juvenile system.



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Acting Secretary Betsy Tolentino has stated publicly that there is a lot of work that needs to be done and that she needs time. She has also stated that DJS does have a staffing issue and that they are working on this as well. I think a great example of this is referenced in the most recent Ombudsman's report. DJS has received funding for more programming; however, they are not there yet with regards to the additional programming.

Those in favor of this new bill stand behind the idea that all that is needed is services and programming and that all will be well. This utopian view lacks the actual backing of what reality is actually showing. There seems to be this mad dash to the finish line in trying to pass this bill without really understanding what the long-term consequences may be.

The Courts currently lack the time to schedule the cases before it now, cases are being postponed an inordinate number of times, as outlined in the juvenile booklet by the Baltimore City State's Attorney's Office, because OPD is having issues in finding attorneys to represent all of the youth. Now with an influx of even more cases, if this bill were to pass, the youth are the ones who will suffer from the backlog, the public will see a lack of accountability from youth because their cases aren't being resolved in a timely manner, and what we all will come to see is an even more broken system.

Give DJS the time they need to get the services and programming in place before making such a drastic change in the law. And then see how those services/programming fare for the youth: is it working, is it not working, what needs to be added/changed, etc.? Having an idea without safeguards or boundaries in place, because that is your own personal belief, is a dangerous thing and will lead to unfortunate consequences for all.

The Offices of State's Attorneys throughout the State remain committed to a juvenile system that is just, fair and effective and capable of delivering accountability while supporting rehabilitation where appropriate. Collectively, we are opposed to this bill due to the pandoras box this has the potential to open if it is decided to not charge juveniles in certain felony cases as is currently decided by the nature of the crime committed.

For instance, in cases of attempted murder, or first or second-degree assault, if you allow juveniles to remain in the juvenile system without fear of serious consequences, the older criminals will start preying on them and having them commit these heinous crimes, which will cause shootings and homicides to explode across the state.



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In closing, I suggest the following:

- 1) Implementation of a 3-year moratorium.
- 2) Creation of a Juvenile Jurisdiction Workgroup.
- 3) Collaboration in the development of the juvenile jurisdiction policies that are best for our state that enables us to consider costs, staffing, state of Department of Juvenile Services facilities as referenced in the Ombudsman Report and timelines.

This is an extremely complex bill that would be awful for addressing juvenile crime in our state if not done right. For these reasons and more, I oppose HB409, not on its merits but based on where we are as a state and the current state of our juvenile system. I believe we deserve it to our youth and to Secretary Tolentino to give them a fair chance at success by getting it right the first time, and giving as many resources as possible to the juvenile system to ensure that these young men and women don't become statistics or wind up in the adult system where we have nothing for them but a jail sentence and a jumpsuit.

Yours in service,

Ivan J. Bates

Ivan J. Bates
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