

Date of Hearing: Thursday 2/12/26

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TESTIMONY ON HB0409 - POSITION: FAVORABLE
Juvenile Court – Jurisdiction (Youth Charging Reform Act)

TO: Chair Bartlett, Vice Chair Davis, and members of the Judiciary Committee

FROM: Andrew J. Miller

My name is Andrew Miller. I am a resident of District 11B. I am submitting this testimony in support of SB0409, Juvenile Court – Jurisdiction (Youth Charging Reform Act)

I am a long-time member and a Past President of Chizuk Amuno Congregation in Stevenson, MD. I am the chair of the Synagogue Social Justice Roundtable, which works with Jews United for Justice and includes representatives from 11 congregations in Baltimore City, Baltimore County, and Howard County.

As a person of faith I believe in what our sacred texts tell us about pursuing justice. As a scientist I believe in looking at the facts, and not at false assertions that are disseminated to create fear. The “superpredator” myth that led to mass incarceration targeting Black youth in this country still persists in Maryland. Last year I heard it myself coming out of the mouth of one of our States’ Attorneys during a Senate committee hearing.

Maryland sends more youth ages 14 to 17 to adult court per capita than any state in the U.S. other than Alabama, and current law requires automatic charging of youth in adult court for 33 offenses. To “protect” them from the adult prisoners, we often place them in solitary confinement for 23 hours a day. Overuse of solitary confinement in Maryland prisons violates international standards against torture. And there are enormous racial disparities in who experiences this treatment. We are the only state other than Louisiana where more than 80% of the incarcerated youth are Black and where more than 6% of the adult prison population have been incarcerated since they were children. Statistics also show that Black children receive longer sentences for the same crime by comparison with other groups. This is unacceptable.

On Sunday January 18, the Synagogue Social Justice Roundtable sponsored a program on Youth Justice, hosted by Har Sinai Oheb Shalom Congregation, featuring a panel of speakers including Judge Andre Davis, Chair of the Commission on Juvenile Justice Reform and Emerging and Best Practices; Natasha Dartigue, Maryland Public Defender; and Delmont Player, author, youth mentor, and conflict mediator, who served more than 25 years in adult prison for a crime committed when he was 17 years old.

Judge Davis spoke to us about the report issued by the Commission last November, titled “[Maryland’s JJDPa Compliance Crisis: Children in Adult Detention](#).” After careful analysis of statistical trends on youth incarceration and outcomes of current policy, the Commission concluded: “Maryland’s practice of automatically charging children as adults does not improve public safety. In fact, each year 85% of these cases are eventually dismissed or sent back to juvenile court after youth have spent weeks or months in adult detention without access to rehabilitative services shown to reduce reoffending. This practice fails to protect communities... For this workgroup, the clearest and most effective path to JJDPa compliance and to a more just system is to end the practice of automatic charging while retaining the option for judges to waive children’s cases to adult criminal court, when appropriate.”

For me the most shocking among many shocking statistics about Maryland’s approach to youth justice was

this: **“Maryland is significantly out of compliance with federal standards** governing the pretrial detention of children charged as adults...In FY 2023, Maryland’s detention rate was 93.26 per 100,000 children, **over six times the federal standard of 14.68. That number rose to 119.59 in FY 2024, a 27% increase. The state reported roughly 1,600 violations, more than any other state, prompting OJJDP to exclude Maryland’s data from national averages due to its extreme outlier status.”**

In 2022, all 871 teens automatically charged as adults faced lengthy and expensive processes to decide if their cases would stay in adult court, with average wait times 103 days longer than those in the juvenile system. **In FY2024, children whose cases were transferred back to juvenile court spent 90-180 days in adult court before being transferred.** This is not only inefficient and wasteful of public resources; it also causes an extended period of trauma for many of these youth who do not have access to services they need, including counseling and education. How does our state repay them for the damage done? It doesn’t.

Prosecutors can have a case moved from juvenile to adult court if they can demonstrate that the crime itself and the circumstances warrant making that change. Nothing in HB0409 prevents them from making that argument. This should be a universal standard.

Many people living in Maryland think of this as a progressive state. Yet our practice with regard to Youth Justice, and in particular charging of youth as adults, is so far out of alignment with national policy that the Department of Justice had to exclude Maryland from the statistical summary of state practices so that we would not skew the entire national average. Let that sink in for a moment and ask yourselves whether there is any valid justification for our current policy.

As a Maryland voter and as a Jewish voter who believes in the pursuit of justice, I am deeply ashamed of our state’s record. As legislators I hope you would be equally ashamed and that you would support a more humane and equitable approach.

Therefore I respectfully ask this committee to return a favorable report on HB0409.