

TESTIMONY IN SUPPORT OF HOUSE BILL 409
February 12, 2026
**COMMISSION ON JUVENILE JUSTICE REFORM
AND EMERGING AND BEST PRACTICES**

The Commission on Juvenile Justice Reform and Emerging and Best Practices was established by statute to evaluate Maryland's juvenile justice system, identify emerging and best practices, and make recommendations to improve outcomes for youth while promoting public safety and system accountability.

In carrying out this charge, the Commission convened a multi-agency Processes and System Coordination Workgroup to examine Maryland's growing noncompliance with the Juvenile Justice and Delinquency Prevention Act (JJDP), with a particular focus on the detention of children in adult facilities. That work included extensive review of data, statutory analysis, and consultation with the Department of Juvenile Services, the Judiciary, the Governor's Office of Crime Prevention and Policy, county detention officials, and other stakeholders. The resulting report, entitled [*Maryland's JJDP Compliance Crisis: Children in Adult Detention*](#),¹ was approved by the Workgroup and subsequently adopted by the full Commission as an official Commission position.

The Commission's analysis found that Maryland's automatic charging statute is a primary structural driver of the State's ongoing JJDP noncompliance and the prolonged detention of children in adult facilities. Under current law, children are automatically charged as adults based solely on age and charge, without an individualized judicial determination. As a result, youth are routinely placed in adult jails immediately following arrest.

In recent reports documented by the Commission, **upwards of 85 percent of youth automatically charged as adults ultimately have their cases dismissed or transferred back to juvenile court**, often after spending weeks or months in adult detention. Despite these outcomes, children charged as adults experience extended timelines, waiting an average of 125 days for a transfer hearing and often more than a year, and in some cases up to two years, for final disposition. Cases initiated in juvenile court move on much faster timelines, with detained youth required by statute to receive adjudication within 30 days and spending an average of 27 days in a pre-disposition facility. Because the daily cost of detention is \$1,174, the extended stays associated with adult charges result in an average cost of nearly \$147,000 per child.

During that time, they are deprived of developmentally appropriate services, educational continuity, and rehabilitative programming. The Commission found that these placements expose youth to unsafe and inappropriate conditions and contribute directly to Maryland's violations of federal requirements governing the removal of youth from adult facilities and sight-and-sound separation.

The Commission's report concludes that Maryland's current statutory framework is misaligned with federal law and modern juvenile justice best practices. The automatic charging statute casts an unnecessarily wide net, funneling hundreds of children into adult detention even though most do not remain in adult court. This structure delays access to juvenile services, lengthens case timelines, and compounds federal violations.

¹ Commission on Juvenile Justice Reform and Emerging and Best Practices, Prepared by the Processes and System Coordination Workgroup (2025). *Maryland's JJDP Compliance Crisis: Children in Adult Detention*. <https://gocpp.maryland.gov/wp-content/uploads/Marylands-JJDP-Compliance-Crisis-Children-in-Adult-Detention-COMMISSION-APPROVED-.docx.pdf>

The Commission further found that these practices do not advance public safety. Children held in adult facilities are more likely to experience trauma, educational disruption, and disconnection from family and community supports. These outcomes undermine accountability and rehabilitation, particularly when cases are later dismissed or returned to juvenile court.

From a systems perspective, the Commission determined that incremental administrative fixes are insufficient. As long as automatic charging remains in place, Maryland will continue to face compliance challenges, operational inefficiencies, and avoidable harm to youth. The issue is structural, not procedural.

Maryland faces a significant risk of federal funding loss due to ongoing noncompliance with the Juvenile Justice and Delinquency Prevention Act following its 2018 reauthorization. Even under an optimistic scenario in which the State moves toward alignment with federal requirements, the Commission recently found that this represents an **estimated loss of roughly \$2 million in total federal funding over the next three years that would otherwise support community-based youth programs.**²

Based on its findings, the Commission formally recommended **ending the practice of automatic charging while retaining judicial discretion to waive appropriate cases to adult criminal court.** The Commission emphasized that this approach reflects national best practice, aligns with federal law, and restores individualized judicial decision-making to the most consequential jurisdictional determinations.

The Commission's recommendation does not eliminate adult court as an option for serious cases. Rather, it restores juvenile court as the default starting point and ensures that decisions to prosecute a child as an adult are deliberate, evidence-based, and made by a judge.

The Commission's work makes clear that Maryland's automatic charging statute is a central driver of prolonged youth detention in adult facilities, federal noncompliance, and outcomes that the system itself later reverses. Replacing automatic charging with a framework that begins cases in juvenile court, while preserving judicial discretion, directly addresses the structural failures identified in the Commission's report.

For these reasons, the Commission on Juvenile Justice Reform and Emerging and Best Practices supports legislation to reform Maryland's automatic charging statute as a necessary step toward a more compliant, effective, and developmentally appropriate juvenile justice system.

The Commission on Juvenile Justice Reform and Emerging and Best Practices urges the Senate Judicial Proceedings Committee to report favorably on HB 409.

² Governor's Office of Crime Prevention and Policy (2025). *Maryland's Compliance with the Juvenile Justice and Delinquency Prevention Act (JJDP)*.
<https://gocpp.maryland.gov/wp-content/uploads/MACo-Compliance-Presentation-8-2025-1.pdf>