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CIRCUIT COURT  
JUDGE  
BALTIMORE COUNTY  
CHAIR

HON. RICHARD SANDY  
CIRCUIT COURT  
JUDGE  
FREDERICK COUNTY  
VICE-CHAIR



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## MARYLAND JUDICIAL COUNCIL LEGISLATIVE COMMITTEE

### MEMORANDUM

**TO:** House Judiciary Committee  
**FROM:** Legislative Committee  
Suzanne D. Pelz, Esq.  
410-260-1523  
**RE:** House Bill 389  
Juveniles – Detention and Confinement – Limitations on Juvenile  
Contact with Incarcerated Adults  
**DATE:** January 28, 2026  
(2/5)

### INFORMATIONAL COMMENT PAPER

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The Judiciary respects the separation of powers doctrine and acknowledges the policy-making authority of the legislative branch. As such, the Judiciary has no position on the policy aims of this legislation.

This bill appears to be an effort to bring the State into compliance with certain provisions of the federal Juvenile Justice Reform Act (JJRA) of 2018 and the Judiciary is generally supportive of that goal. Staff have been advised by the Governor's Office of Crime Prevention and Policy, which monitors compliance with the JJRA, that the federal government will begin withholding certain grant funds from Maryland for failure to comply with the act. The Judiciary is further advised that the funds at issues are primarily used for community services for juveniles, an area that is greatly in need of funding.

The bill does raise some concerns though which is the reason for this information paper. First, there seems to be a lack of judicial discretion. The JJRA permits a child to be held in a facility for adults, or within sight and sound of adults, if the court finds that such a

placement is in the interest of justice and the court holds certain hearings to review that determination. This bill does not include similar provisions allowing for judicial discretion.

In addition, the Judiciary is concerned with the lack of available placements. There are limited available resources for holding children and limited resources for the treatment and rehabilitation of juvenile. Perhaps more critically, there is a lack of trained available staff needed for expansion of placements. This is an increased concern because the children addressed by this bill may be more likely to be in need of skilled supervision and specialized placements.

cc. Hon. J. Sandy Bartlett  
Judicial Council  
Legislative Committee  
Kelley O'Connor