



OUT FOR JUSTICE

Testimony in Support of House Bill 409 Youth Charging Reform Act

Committee Name: Judiciary

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Submitted by: Neka Duckett-Randolph, Membership, Advocacy, & Strategic Partnership Coordinator, Out For Justice

Good afternoon, Chair Barlett, Vice Chair, and Members of the Committee,

My name is Neka Duckett-Randolph, and I am a proud native Chicagoan and current Baltimore City resident. I am the Membership, Advocacy, and Strategic Partnerships Coordinator at Out For Justice, a member-led criminal justice reform organization with the mission to engage, educate, and empower individuals impacted by the legal system to build collective power for dismantling systemic oppression and harmful policies. We strive to humanize marginalized communities, prevent criminalization, reduce recidivism and promote second chances and successful reintegration through advocacy, education and supportive programming. I am writing today to urge this committee to issue a favorable report for HB409.

The truth is plain as day: **We are throwing kids away here in Maryland.** HB409 is a crucial **FIRST** step in the right direction to change that. The idea that a child, no matter their mistake, should be forced into an adult system before anyone takes a real look at who they are and what they've been through is a harmful system in practice, not justice.

Currently, most autocharge cases are transferred down to the youth court system after waiting four to five months. Youth are detained while they wait for a judge's waiver decision. **During this time -- nearly a semester of high school -- they receive no education.** If they were in a youth facility, they would have access to both educational and mental health resources that are unavailable to them in the adult system. **Research shows that putting kids in adult court makes them more likely to commit a [new and worse crime](#) compared to keeping them in the youth court system. Additionally, youth who spend time in adult prisons are more likely to be physically and sexually assaulted and held in solitary confinement.**

Starting all cases in the youth court and requiring prosecutors to waive the most serious cases up into adult court, would result in fewer kids losing valuable developmental time and wasting taxpayer resources in pretrial facilities. **This bill would free \$20 million annually,** which could be used to expand community-based services that get best results for increasing public safety. **Maryland youth charged as adults are sent to adult jails, putting the state out of compliance with federal law (the Juvenile Justice and Delinquency Prevention Act).**

The science is clear. The research is overwhelming. **Kids' brains are not fully developed, and their decision-making is impulsive, emotional, and influenced by their environments**



in ways that adults' aren't. And yet, we still choose a justice system that ignores that reality.

A report from Human Rights for Kids found that **90% of kids in the justice system have experienced serious trauma—homelessness, violence, abuse, losing a parent to prison.** Instead of addressing that, we put them in an adult system that further traumatizes them and increases the chances they will never recover. **Maryland can do better. Maryland must do better.**

And it's not just any kids that this happens to. We know exactly which kids this system swallows up. **Black kids. Brown kids. Foster kids. Poor kids. Kids without someone to fight for them.** I don't have to wonder why—it's the same reason the world has failed so many generations before them.

Passing this bill is a necessary **FIRST** step for Maryland to start treating kids as kids and undo the harm of this law. We must continue putting forth legislation until it is codified in our state law that **no child should automatically be sent to adult court, no matter the charge.** Let's trust our judges and professionals to make individualized decisions. Let's put kids in systems designed to help them, not break them. We cannot in good conscience continue to automate a deliberate process. It's inefficient, a violation of these children and our duty to protect them, and a gross misstep in our pursuit of public safety.

We don't have to be a state that sacrifices children to laws that were written before we knew what we know now. We don't have to be a state that waits for another generation to suffer before we act.

We can do better. We must do better.

And if we don't, I hope every single one of us is ready to answer when history asks why.

Thank you.