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**House Bill 409: Juvenile Court – Jurisdiction (Youth Charging Reform Act)
Hearing before the Judiciary Committee - February 12, 2026
Position: FAVORABLE**

The Public Justice Center (PJC) is a not-for-profit civil rights and anti-poverty law firm that advances social justice, economic and racial equity, and human rights in Maryland. The PJC provides free legal education and representation to clients with low-income, collaborates with community and advocacy organizations, and advocates before legislatures and government agencies. The PJC's Education Stability Project protects Maryland children's fundamental right to public education by challenging exclusionary school discipline and criminalization practices that disproportionately harm Black and brown students and students with disabilities.

HB409 (Youth Charging Reform Act) improves access to education and interrupts the systemic racial inequities of the school-to-prison pipeline by reducing the number of criminal offenses for which 16 and 17-year-olds in Maryland are automatically charged as adults and ending automatic charging of 14- and 15-year-olds as adults.

The Public Justice Center strongly urges a favorable report on HB409.

Maryland's current practice of charging youth as adults, which resulted in more than 1,000 youth under age 18 being charged in adult courts in FY 25, is inhumane, racially biased, fiscally irresponsible, and fails to increase safety or reduce recidivism. Most youth charged as adults in Maryland are Black, and the vast majority are sent to juvenile court after a judge reviews their case, but at that point they have already been subjected to significant harm in the adult system and deprived of education and rehabilitative services available in the juvenile system. The PJC supports ending the practice of automatically charging youth as adults entirely and starting all cases for people under 18 in juvenile court, but we recognize HB409 as a critical step forward. By ensuring that more cases start in juvenile court, HB409 will bring Maryland in line with other states, increase safety, reduce racial inequity, save money, and improve education access and long-term outcomes for youth.

HB409 will improve access to education and rehabilitative services for youth with legal systems involvement.

Not surprisingly, research shows that educational access and achievement is significantly related to lower recidivism for youth with legal systems involvement, and is a key predictor of positive post-release outcomes.¹ Youth charged in juvenile court have access to education and rehabilitative services through the Maryland Department of Juvenile Services (DJS), while youth charged as if they are adults do not. DJS operates the Juvenile Services Education Program (JSEP), an independent program that provides comprehensive education

¹ See, e.g., Development Services Group, Inc. (2019). "Education for Youth Under Formal Supervision of the Juvenile Justice System." Literature review. Washington, D.C.: Office of Juvenile Justice and Delinquency Prevention, *available at* <https://www.ojjdp.gov/mpg/litreviews/Education-for-Youth-in-the-Juvenile-Justice-System.pdf>; Bond, M., & Davidson, K. M. (2025). "Juvenile Justice Contact, Educational Trajectories, and Recidivism: A Mixed Method Evaluation". *American Journal of Criminal Justice*, 50(3), 446-471.

services to all students in DJS detention and residential facilities, including instruction in coursework aligned with state graduation requirements and special education services.² For youth who are charged but not detained, local school districts are likely to exclude youth charged as adults from their regular school program for longer periods than youth charged in juvenile court.

The PJC sees these disparities in access to education and services firsthand through our individual legal cases. In one particularly germane case, the PJC represented two teenage brothers who lived in the same family home, attended the same high school, and were charged with the same offense, but due to a slight difference in age one brother was charged in juvenile court while the other was automatically charged as an adult. The local school district excluded both brothers from school due to their criminal charges, but their parallel trajectories diverged at this point. The brother who was charged in juvenile court was assigned a DJS case manager, received counseling, and participated in community service activities. As a result, he was able to demonstrate positive progress, which DJS reported to the school, and he was allowed to return to high school where he is on track to graduate and plays football. His brother, who was automatically charged in adult court, did not have access to any of these services. Although a judge deemed him safe to be in the community, he was removed from school for a much longer period until the adult court ultimately transferred his case to juvenile court. The school district ultimately allowed him to return to his high school, but only after a harmful period of exclusion.

Maryland’s current approach to “automatic charging” entrenches systemic racial bias by channeling youth from the school-to-prison pipeline directly into the adult criminal justice system.

Almost 80 percent of youth charged as adults in Maryland are Black³ although only about 30 percent of Maryland youth are Black, and crime rates do not justify this racial disparity. Maryland’s current approach to “automatic charging” further institutionalizes and compounds the racial biases of the school-to-prison pipeline. Racial bias and systemic racism play a central role in driving exclusionary school discipline and fueling the school-to-prison pipeline, with well-documented disparities showing that Black and brown students are disciplined more harshly and more frequently than their white peers for similar behavior. Once excluded from school, youth are more likely to experience academic disengagement, increased surveillance, and law enforcement involvement, all of which heighten the risk of adult court involvement, which in turn is associated with greater punishment, fewer rehabilitative services and educational opportunities, and lasting collateral consequences. HB409 takes an important step towards disrupting these racial inequities.

The General Assembly must take decisive action now to reform Maryland’s “automatic charging” law.

The General Assembly must move Maryland away from being a national outlier—ranking second only to Alabama in automatically charging youth under 18 as adults—by prioritizing judicial discretion and evidence-based rehabilitative justice. Both the Maryland Equitable Justice Collaborative (MEJC), a partnership led by the Office of the Attorney General and the Office of the Public Defender, and the Commission on Juvenile Justice Reform and Emerging and Best Practices, issued formal recommendations in 2025 urging an end to Maryland’s current practice of automatically charging youth as adults.⁴ The PJC joins a large number of community and advocacy organizations in urging the Judiciary Committee to act now on these calls for reform.

For these reasons, the Public Justice Center urges a favorable report on HB409.

² See MD Dept. of Juvenile Serv., “Juvenile Services Education Program (JSEP)”, <https://djs.maryland.gov/Pages/JSEP/JSEP.aspx>.

³ Maryland Governor’s Office of Crime Prevention and Policy. *Juveniles charged as adults*.

<https://app.powerbigov.us/view?r=eyJrIjoiaNzQzYTBlYmMtNzVmOC00OGE2LWFKNzktZDIiYzgzNzE5eYODU2liwidCI6IjYwYWZlOWUyLTQ5Y2QtNDliMS04ODUxLTY0ZGYwMjc2YTJlOCJ9>.

⁴ See Maryland Equitable Justice Collaborative. (2025, March). *Breaking the 71%: A path toward racial equity in the criminal legal system (Executive Summary)*. Maryland Office of the Attorney General; Governor’s Office of Crime Control & Prevention, “Juvenile Justice Reform and Emerging and Best Practices Commission 2025 Report”, available at https://gocpp.maryland.gov/wp-content/uploads/SG9-3502h_2025.pdf.

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