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BILL NUMBER: HB 409

POSITION: Unfavorable

While the ideology behind House Bill 409 is one many people seem to understand, there are deep faults that lie within that could potentially cause catastrophic consequences for everyone it aims to protect. By eliminating automatic charging of youth aged 14 and 15 and also reducing the list of charges for youth 16 and 17 years of age, it will flood an already burdened and broken juvenile justice system, leaving those who were intended to benefit from the change, with uncertain futures.

Under the current Juvenile system, the three pillars that guide the system are as follows:

- 1) to provide accountability to youth so that they can truly understand that their actions have consequences;
- 2) rehabilitation so that youth can benefit from service programming that could potentially change the trajectory of their lives, and;
- 3) to account for public safety.

The Department of Juvenile Services (DJS) is tasked with providing rehabilitative services to youth to ensure that youth receive programming that can curb negative behaviors to ensure that public safety is addressed. Without appropriate services, the youth who are being serviced cannot receive the treatment they need to succeed in the future. Currently, there are massive wait lists for programs through DJS and a severe lack of services to reach all the youth currently in the system. The Courts themselves are backlogged with cases, and the Office of the Public Defender (OPD) cannot provide counsel for all of the youth currently in the juvenile system.

Acting Secretary Betsy Tolentino has stated publicly that there is a lot of work that needs to be done and that she needs time. She has also stated that DJS does have a staffing issue and that they are working on this as well. A great example of this is referenced in the most recent Ombudsman's report. DJS has received funding for more programming; however, they are not

there yet with regard to the additional programming. Those in favor of this new bill stand behind the idea that all that is needed is services and programming and that all will be well. This utopian view lacks the actual backing of what reality is actually showing. There seems to be this mad dash to the finish line in trying to pass this bill without really understanding what the long-term consequences may be.

The Courts currently lack the time to schedule the cases before it now, cases are being postponed an inordinate number of times, as outlined in the juvenile booklet by the Baltimore City State's Attorney's Office that will be provided, because the Office of the Public Defender (OPD) is having issues in finding attorneys to represent all of the youth. Now with an influx of even more cases, if this bill were to pass, the youth are the ones who will suffer from the backlog, the public will see a lack of accountability from youth because their cases aren't being resolved in a timely manner, and what we all will come to see is an even more broken system.

Give DJS the time they need to get the services and programming in place before making such a drastic change in the law. Next, see how those services/programming fare for the youth: is it working, is it not working, what needs to be added/changed. Having an idea without safeguards or boundaries in place, because of personal beliefs, is a dangerous thing and will lead to unfortunate consequences for all. We ask you to review the actual case examples that have been submitted from the various State's Attorney's Offices across the State to see real examples of the current state of the Juvenile system and what will come in the future if House Bill 409 is passed.

MSAA is asking for an unfavorable report.