

TO: Vice Chair Davis and Members of the Judiciary Committee

FROM: Delegate J. Sandy Bartlett, Esq.

**FAVORABLE – HB 389 – DETENTION AND CONFINEMENT – LIMITATIONS ON JUVENILE CONTACT WITH INCARCERATED ADULTS**

Good afternoon, Vice Chair Davis and distinguished members of the House Judiciary Committee. I'm writing in support of House Bill 389 – Limitations on Juvenile Contact with Incarcerated Adults

HB 389 prohibits any child, who has been arrested, convicted, or is awaiting trial, *including those who are charged as an adult*, from being detained or confined in any facility in which the child has contact or comes within sight or sound of an incarcerated adult. This bill creates an exception that allows a child to be temporarily held in a facility with incarcerated adults, *but only if* the child is fully separated by sight and sound from other adults in the facility for a maximum of six hours prior to transport to a juvenile facility.

HB 389 codifies the requirements of the federal Juvenile Justice and Delinquency Protection Act (known as the "JJDP A"), reauthorized in 2018 to establish protections to juveniles in custody. Among other requirements, the JJDP A requires that children do not have any contact by sight or sound with adult inmates and may not be held in an adult correctional facility for more than 6 hours, known as the Juveniles Charged as Adults (or the "JCA Requirement").

The JJDP A provides formula funding to states for implementation programs. But, for each requirement that a state does not meet, JJDP A reduces that state's funding by 20%. In January of this year, the Office of Juvenile Justice and Delinquency Protection issued notice that the State of Maryland is not in compliance with the JCA Requirement of the JJDP A. As a result, Maryland is subject to a 20% reduction of federal FY 2025 funding, and half of the remaining funds will be used to bring Maryland back into compliance.

By remaining in noncompliance, the State of Maryland will lose approximately \$2 million dollars of funding over the next three years. However, HB 389's codification of the JJDP A requirements will ensure this funding will be available to Maryland in the future.

The Department of Juvenile Services ("DJS") has expressed concerns of their operational capacity to implement the provisions of HB 389. Notably, the implementation date of HB 389 is October 1, 2028, which gives agencies three years to come into compliance with the JJDP A. This delayed implantation period is ample time to operationalize compliance in a sufficient manner. What the state cannot afford, however, is continued noncompliance. Maryland awards approximately \$662,288 per year to community providers from JJDP A funding, which are critical in our efforts to promoting juvenile justice

Most importantly, HB 389 promotes the safety, well-being, and humane treatment of children in custody. Although it is not DJS policy to confine children in adult facilities, the reality is that, depending on the facility, children are currently being held in solitary confinement, are separated

from their peers, and in some situations, are confined in close proximity to older offenders. Such exposure to adult detention conditions can normalize incarceration, increase trauma, and reinforce a trajectory toward future criminal involvement. These facilities are simply not equipped to meet the health and developmental needs of children. At its core, HB 389 reflects Maryland's obligation to protect children from avoidable harm, which will ultimately promote better long-term outcomes for both our youth and public safety.

For these reasons, I urge a favorable report on HB 83 and thank you for your time and consideration.