

**MAJR-2026-HB389-FAV.pdf**

Uploaded by: Bill Carlson

Position: FAV

# Maryland Alliance for Justice Reform

Working together for a criminal justice system that better serves our communities



To: Chair Sandy Bartlett and Judiciary Committee members  
From: Bill Carlson and Jenny Zito, MAJR Executive Committee  
Subject: **FAV - HB0389 - Juveniles - Detention and Confinement - Limitations on Juvenile Contact with Inarcerated Adults**

February 5, 2026

The Maryland Alliance for Justice Reform (MAJR - [www.ma4jr.org](http://www.ma4jr.org)) supports HB0389, a bill to limit the contact between juveniles and incarcerated adults in all Maryland detention and confinement institutions. This bill would help correct the existing policy that puts Maryland out of alignment with best practices for public safety and national laws.

National awareness of the adverse impacts of holding juveniles in adult jails and prisons has led to changing policies and laws in most states. These changes have produced a steady decline in the total number of juveniles held within adult facilities across the U.S. from a high of 10,420 (2008) to 2,250 (2021) according to a report on [2002-2021 statistics](#) by the Bureau of Justice Statistics of the U.S. Department of Justice. However, Maryland has been one of the slowest states to make changes in its policies to align with evidence-based best practices.

Some of the most detrimental consequences of putting juveniles in adult jails and prisons (while they are awaiting trial or serving time) is the lack of access to services that juvenile facilities provide.. These services include education, drug abuse programs, and mental health services.

In the juvenile system, a youth will be provided with continuing education, whereas in the adult system they typically go months without education. These young people are much more likely to drop out of school before completing their high school education. A [study](#) found that the lack of educational programs in adult facilities leads to increased recidivism rates, and that minors who serve sentences in adult facilities are 34% more likely to reoffend than their counterparts in the juvenile justice system.

Adolescent offending and substance use [are strongly connected](#). A majority of court-involved adolescents report recent use of illegal substances, and more serious and chronic adolescent offenders report using more substances and are more likely to qualify for a diagnosis of a substance use disorder ([Teplin, et.al.](#); [Wilson, et.al.](#)). Also, studies of community youth show a strong association between reported serious offending and substance use ([Johnston, et.al.](#)). The Maryland juvenile justice system drug treatment programs are significantly better than those provided in adult facilities. Untreated drug abuse leads to a cycle of crime for many youthful offenders.

This [study](#) found that the suicide rate of juveniles in adult jails is 7.7 times higher than that of juvenile detention centers. In stark contrast, the survey also found that the juvenile institution suicide rate was lower than that of the general population. Close to [ten percent](#) of the youth interviewed reported they had been sexually assaulted or raped in the adult prisons, while only about one percent reported the same in the juvenile institution.

**Maryland Alliance for Justice Reform, Inc.**

351 Dubois Rd., Annapolis, MD 21401  
Organization

[www.ma4jr.org](http://www.ma4jr.org)

A 501c(4) Non-profit Advocacy

Federal standards require that juveniles in adult facilities be kept from the “sight and sound” of incarcerated adults. The construction of facilities make this hard to achieve, so in many cases juveniles are kept in “restrictive housing,” which means they are locked in a cell, usually all but one hour per day. This is not punishment for violating a prison rule, which is a normal use of “restrictive housing.” Instead, this is the only way the prison can achieve the “sight and sound” standard.

Another important aspect of HB0389 is that it brings Maryland law into compliance with US national standards. As the 2025 [Commission on Juvenile Justice Reform and Emerging and Best Practices](#) points out, Maryland is the worst in the nation in the number of violations (over 1600) of the Juvenile Justice and Delinquency Prevention Act. As the commission points out, most of these violations are due to the provisions of Maryland law that force jurisdictions to violate the federal standards. These provisions are precisely the ones that HB0389 brings up-to-date. Many other states have adopted these standards. Maryland should too.

The Maryland Alliance for Justice Reform is a nonpartisan, all-volunteer organization of nearly 2000 Marylanders who advocate for sensible, evidence-based legislative and policy changes in Maryland's correctional practices. MAJR thanks you for the opportunity to provide input on this important legislation and urges the committee to give HB0389 a favorable report.

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# **LWVMD\_HB 0389\_02.05.2026\_Testimony in Support of J**

Uploaded by: Cynthia Boddie-Willis

Position: FAV



## TESTIMONY TO THE HOUSE JUDICIARY COMMITTEE

### HB 0389 – Juveniles – Detention and Confinement – Limitations on Juvenile Contact With Incarcerated Adults

**POSITION: FAVORABLE**

**By: Linda T. Kohn, President**

**Date: February 5, 2026**

The League of Women Voters of Maryland strongly supports HB 0389. The League of Women supports a criminal justice system that is just, effective, equitable, transparent and that fosters public trust at all stages, including pre-trial and incarceration. The League has long maintained that community-based alternatives to confinement in correctional facilities is preferred and that detention of any juvenile in an adult correctional facility before trial or after conviction is in no way acceptable. As detailed by the [Equal Justice Initiative](#), juveniles confined to adult jails and prisons are at increased risk for sexual and physical violence, increased psychological trauma, and suicide compared to those who are confined to juvenile correctional facilities.

HB 0389 prohibits the detention or confinement of a juvenile who has been arrested, been convicted or is awaiting trial in any institution where the juvenile has contact with or comes within sight or sound of an incarcerated adult. This interdiction applies equally to juveniles deemed subject to adult criminal court jurisdiction and to those who are not.

HB 0389 further stipulates that juveniles may not be confined in an adult correctional facility, with one exception. Juveniles may be held temporarily for processing in an adult jail, or a correction or detention facility that does not have a restricted area dedicated to juvenile detention or confinement if they are separated by sight and sound from incarcerated adults and if they are held for a period not exceeding six hours, including time in the adult facility and time in transport to the nearest juvenile facility. This stipulation will hopefully decrease the chances that juveniles will be held in prolonged solitary confinement, a procedure too often followed by jurisdictions in their attempts to separate juveniles by sight and sound from incarcerated adults as noted by [The Sentencing Project](#).

Therefore, **the League of Women Voters of Maryland**, representing nearly 2,000 citizens throughout Maryland, **strongly urges you to issue a FAVORABLE report.**

# **HB0389 CPMC FAV JUD**

Uploaded by: Diana Philip

Position: FAV

## THE COALITION TO PROTECT MARYLAND'S CHILDREN

*Our Mission: To combine and amplify the power of organizations and citizens working together to keep children safe from abuse and neglect. We strive to secure budgetary and public policy resources to make meaningful and measurable improvements in safety, permanence, and wellbeing.*



### **HB0389 Juveniles - Detention and Confinement - Limitations on Juvenile Contact with Incarcerated Adults House Judiciary Committee February 5, 2026**

#### **Position: SUPPORT**

The Coalition to Protect Maryland's Children is a consortium of organizations and individuals formed in 1992 who are concerned about the care of Maryland's most vulnerable children and work together to educate and promote meaningful child welfare reform. **CPMC urges a favorable report on HB0389 - Juveniles - Detention and Confinement - Limitations on Juvenile Contact with Incarcerated Adults.**

Over 50% of youth in foster care encounter the juvenile justice system by age 17, with up to 90% interacting with it before leaving care, often termed the "foster care -to-prison pipeline"<sup>1</sup>. Placing these youth in settings where they are confined alongside or in contact with incarcerated adults compounds that trauma, and undermines the rehabilitative purpose of the juvenile system. HB0389 reinforces a basic child welfare principle: children, regardless of system involvement, deserve developmentally appropriate, safe environments that do not expose them to additional harm.

HB0389 seeks to severely limit, if not fully prohibit, children being placed with adult incarcerated individuals in correctional facility spaces. Instead, youth 17 years old and younger will remain in juvenile facilities. Youth may temporarily be held at an adult correctional facility for not more than 6 hours in order for them to be transferred to the nearest youth center. This bill has a two-year delayed effective date in order to allow state Department of Juvenile Services and Maryland local jurisdictions to implement these changes.

HB0389 aligns with child welfare goals of prevention, healing, and long-term stability. Research and lived experience consistently show that exposure to adult incarceration environments increases the risk of physical harm, emotional distress, and future system involvement. For youth who have already been failed by multiple systems, this kind of exposure can deepen mistrust, worsen mental health outcomes, and disrupt efforts toward permanency and wellbeing. By limiting juvenile contact with incarcerated adults, HB0389 helps promote trauma-informed practice, reduce the likelihood of recidivism, and ensure that system-involved youth are treated first and foremost as children in need of

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<sup>1</sup> [Jaxzia Perez, "The foster care-to-prison pipeline: A road to incarceration" \*The Criminal Law Practitioner – American University Washington College of Law\* February 24, 2024](#)

support. As child welfare advocates, we support this bill as a way to advance cross-system responses and protect some of Maryland's most vulnerable young people.

It is for these reasons that the Coalition to Protect Maryland's Children **urges a favorable report on HB0389 - Juveniles - Detention and Confinement - Limitations on Juvenile Contact with Incarcerated Adults.**<sup>2</sup>

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<sup>2</sup> Members of CPMC represented by this written testimony include Center for Hope, Child Justice, Court Appointed Special Advocates (MD CASA), Court Appointed Special Advocates (Baltimore County), Everstand, The Family Tree, Maryland Association of Resources for Families and Youth (MARFY), Maryland Children's Alliance, Maryland Coalition Against Sexual Assault, Maryland Network Against Domestic Violence, National Association of Social Workers - MD, TurnAround, Inc, and individual members of the coalition.

## **Late testimony**

Uploaded by: Diana Phillip

Position: FAV

Aruna Miller  
Lt. GovernorWes Moore  
GovernorBetsy Fox Tolentino  
Acting Secretary

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**Date:** February 5, 2025  
**Bill Number/Title:** House Bill 389 Juveniles – Detention and Confinement – Limitations on Juvenile Contact With Incarcerated Adults  
**Committee:** Judiciary  
**DJS Position:** Letter of Information

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The Department of Juvenile Services (DJS) submits this letter for informational purposes regarding House Bill 389. The Department shares the goal of protecting youth from contact with incarcerated adults and offers the following information to clarify how the bill interacts with existing Maryland law, federal requirements, and current operational practices.

House Bill 389 seeks to prevent youth under 18 from being detained in facilities where they have contact with incarcerated adults. This aligns with, but is more expansive than the federal Juvenile Justice and Delinquency Prevention Act (JJDP) requirements for jail removal and sight-and-sound separation. Maryland’s current statutory framework prioritizes holding all youth in juvenile facilities, however, it still results in some youth being held in adult jails while awaiting adult transfer determinations due to juvenile capacity limitations. Statutory reforms—such as changes to automatic charging—are necessary to relieve existing pressure and create the capacity needed to implement the provisions of hb 389. Until these reforms are in place and operational adjustments are fully implemented, DJS does not have capacity to safely accommodate additional populations under the proposed bill.

### **Current Maryland Law**

When a youth is charged as an adult, and a transfer determination is pending, the court must order the youth to be held in a secure juvenile facility. The statute provides limited and clearly defined exceptions, including:

- Release on bail, recognizance, or other conditions of pretrial release;
- Lack of available capacity in a secure juvenile facility as determined by the Department of Juvenile Services; or
- A judicial finding that placement in a secure juvenile facility would pose a risk of harm to the youth or others, with the reasons stated on the record.

This framework establishes clear court oversight, defined decision-making authority, and narrowly tailored, documented exceptions. Youth remain in DJS custody unless and until the court denies a transfer hearing. If a youth pending transfer turns 18, the youth remains in a DJS facility while the court process is ongoing. It is important to note that 16- and 17-year-olds charged with capital offenses are not eligible for transfer to juvenile court.

Aruna Miller  
Lt. GovernorWes Moore  
GovernorBetsy Fox Tolentino  
Acting Secretary**Federal JJDP / OJJDP Requirements**

The Juvenile Justice and Delinquency Prevention Act (JJDP) establishes federal protections applicable to juveniles in custody. The jail removal requirement states that juveniles may not be securely detained in adult jails or lockups except for limited exceptions, such as brief processing or transfer.

Federal regulations allow a youth charged as an adult to be held in an adult jail or lockup beyond normal jail-removal limits if the court determines that it is in the interest of justice and makes specific findings, which may include:

- The nature of the offense;
- Public safety considerations;
- Risk of flight;
- Inability to safely transport the youth; and
- Distance to the nearest juvenile facility.

The exception provides limited, case-specific judicial discretion, subject to strict statutory timeframes that limit the duration of adult detention and require explicit judicial findings and ongoing court review, while maintaining federal compliance.

Importantly, the JJDP does not address the placement of convicted youth.

**House Bill 389**

House Bill 389 prohibits a *child*—defined under Maryland law as an individual under the age of 18—from being detained or confined in any facility where the child has contact with, or is within sight or sound of, an incarcerated adult. The bill further provides that a child under 18 who has been arrested, convicted, or is awaiting trial may not be held in an adult correctional facility.

HB 389 allows for a limited exception for temporary processing. A child under 18 may be held briefly in a jail or detention center that lacks a secure juvenile area if the child is separated by sight and sound from adults and is held for fewer than six hours prior to transport to a juvenile facility.

Aruna Miller  
Lt. Governor

Wes Moore  
Governor

Betsy Fox Tolentino  
Acting Secretary

### Key Policy Considerations

- **Definition of “child.”**  
The bill relies exclusively on an under-18 definition. As written, a youth who turns 18 while awaiting a transfer determination would be required to move to an adult facility, even though the juvenile court process remains ongoing.
- **Absence of an “interest of justice” exception.**  
The bill does not incorporate the federal “interest of justice” exception or establish a comparable state-level framework allowing courts to make individualized, documented findings when adult placement is deemed necessary.
- **Operational and judicial clarity.**  
The bill uses permissive language (“may not be held”) without clearly identifying decision-making authority, required judicial findings, or standards governing placement decisions.
- **Facility scope.**  
It is unclear whether the prohibition applies to the Youth Detention Center operated by the Department of Public Safety and Correctional Services, creating uncertainty regarding implementation and compliance.
- **Population and capacity impact.**  
The bill would expand the populations required to be served in DJS detention centers—including youth who are convicted or awaiting trial in adult court—without a corresponding reduction in DJS’s existing detention population, raising significant capacity and operational concerns.

DJS appreciates the intent of HB 389 and shares the goal of reducing youth placements in adult correctional facilities. DJS continues to work collaboratively with judges, state’s attorney’s, public defenders, local detention facilities, and other system partners to fully utilize existing statutory authority to reduce both the number of youth held in adult facilities and the length of time youth remain there. These efforts reflect a shared commitment across the system to protect youth while maintaining public safety and accountability.

DJS also appreciates the delayed implementation contemplated in HB 389. However, without understanding how other necessary statutory reforms - particularly those affecting automatic charging and transfer timelines - will impact the current population, it is not possible for DJS to fully assess its ability to implement the provisions of HB 389 safely and effectively. These statutory changes are critical to creating the capacity required to serve additional populations within the juvenile justice system framework.



DEPARTMENT OF  
JUVENILE SERVICES

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Baltimore, MD 21202

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Aruna Miller  
Lt. Governor

Wes Moore  
Governor

Betsy Fox Tolentino  
Acting Secretary

DJS remains committed to work with the Committee to strike the appropriate balance between implementing youth removal from adult jails and operational feasibility. During the delayed implementation period, DJS respectfully requests the opportunity to study the population impact of related statutory changes and provide data and analysis to the General Assembly. This approach will ensure that any implementation of HB 389 is informed, deliberate, and aligned with the DJS' ability to safely and securely accommodate additional youth in its care.

DJS appreciates the Committee's consideration of this letter of information.

**MD Catholic Conference\_HB 389\_FAV.pdf**

Uploaded by: Garrett O'Day

Position: FAV



**MARYLAND  
CATHOLIC  
CONFERENCE**

**February 5, 2026**

**HB 389**

**Juveniles - Detention and Confinement - Limitations on Juvenile Contact With  
Incarcerated Adults**

**House Judiciary Committee**

**Position: FAVORABLE**

The Maryland Catholic Conference offers this testimony in support of House Bill 389. The Catholic Conference is the public policy representative of the three (arch)dioceses serving Maryland, which together encompass over one million Marylanders. Statewide, their parishes, schools, hospitals and numerous charities combine to form our state's second largest social service provider network, behind only our state government.

House Bill 389 would allow prohibit all youth held in detention from being housed with adult inmates in all circumstances. This legislation requires complete sight and sound separation and removes capacity exceptions.

In 2015, this legislative body passed and unanimously overrode a gubernatorial veto on Senate Bill 172 which prohibited youth from being held with adult inmates, but for in very limited circumstances, such as lack of space, transport or, at times, being charged as an adult. This practice is also prohibited federally. However, this still happens in Maryland. Moreover, where separation is possible, youth are at risk of being placed to the detriment of their health in solitary confinement isolation. This practice must end with House Bill 389 once and for all.

Aside from the fact that youth placed in adult jails are more likely to be repeat offenders or recidivate, they are subject to violence, sexual assault and possibly gang initiation. Youth placed in adult jails are 36 times more likely to commit suicide than those held in youth facilities and 19 times more likely to commit suicide than the general population. Additionally, although youth inmates only make up less than one percent of the jail population, they make up twenty-one percent of the total victim pool of inmate-on-inmate sexual violence.

The United States Conference of Catholic Bishops has stated that “society must never respond to children who have committed crimes as though they are somehow equal to adults fully formed in conscience and fully aware of their actions. Placing children in adult jails is a sign of failure, not a solution. In many instances, such terrible behavior points to our own negligence in raising children with a respect for life, providing a nurturing and loving

environment, or addressing serious mental or emotional illnesses.” (*Responsibility, Rehabilitation, and Restoration: A Catholic Perspective on Crime and Criminal Justice*, USCCB, 2000)

Placing youth in adult jails, rather than the more nurturing, rehabilitative venue of juvenile detention facilities, poses several developmental issues. For example, in fiscal 2024, Maryland youth spent 90 to 180 days in adult jails before being transferred to juvenile court, resulting in significant setbacks in their education. Considering that some 87% of youth held in adult jails have their cases dismissed entirely or remanded to the juvenile system, mixing youth and adult populations is overwhelmingly unwarranted.

House Bill 389 would alleviate the aforementioned exposure to violence, health and personal dignities and provide incarcerated youth the access to educational opportunities afforded by the juvenile system. It is time for Maryland to end this practice for good. Thus, we urge your support and favorable report of House Bill 389.

**HB389 - Gordon Pack - 2.3.26.pdf**

Uploaded by: Gordon Pack, Jr.

Position: FAV

Gordon Pack

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410-456-7034

***HB 389 - Juveniles - Detention and Confinement - Limitations on Juvenile Contact With Incarcerated Adults – Support – February 3, 2026***

Dear Members of the Judiciary Committee:

As a youth adjudicated as an adult and having spent several years engaged in counseling at-risk and delinquent youth as well as being currently engaged in reentry services for returning citizens, I feel compelled to share the irreparable harm of juvenile offenders being in contact with adult offenders.

I entered the infamous Baltimore City Jail in January of 1980 a week after my 16<sup>th</sup> birthday. Assuming that I would be separated from the adults, I did not worry until I was ordered to follow the men onto a tier and instructed to enter a darkened cell with an adult stranger. He only spoke after another adult managed to take my wristwatch from the other side of the bars. He said, “I would have warned you, but there are some things you have to learn on your own.”

I whimpered that first night of 42 consecutive years with the realization that I would not fare well in that environment. I was not yet big and seasoned as my so-called peers. I experienced and witnessed the worst that juveniles face in adult facilities. How could I be expected to defend myself from the influences, fears, alienation, humiliation, preying, and harshness of the perverse grown-up world? Why should any juvenile be subject to such fates.

I was stolen from, robbed, beaten up, ostracized, humiliated, preyed upon, propositioned for sex in exchange for safety. I barely escaped from being raped. I have held and served drugs and kept stashes of weapons for older detainees who I believed cared about me.

I have witnessed the aftermath of children having their manhood taken, being taught to attack stitching codefendants, attempting suicide, learning how to be better criminals, etc. I have had friends, juveniles like me, who became gang leaders, drug addicts, and boytoys. I know kids who eventually grow up in prison to die horrible deaths, who have become institutionalized, whose records are so bad that they have no chance of early release.

I believe that -if implemented properly- SB0296 can prevent some of the harms juvenile offenders face when exposed to incarcerated adults. Thus, I support SB0296 and urge this honorable committee to vote favorably.

## **Sponsor testimony**

Uploaded by: J. Sandy Bartlett

Position: FAV

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.

# **Joint Testimony in Support of HB 389 (House).pdf**

Uploaded by: James Dold

Position: FAV



**HUMAN RIGHTS**  
*for KIDS*



MARYLAND YOUTH  
JUSTICE COALITION



UNIVERSITY OF  
**BALTIMORE**

Sayra and Neil Meyerhoff  
Center for Families,  
Children and the Courts



UNIVERSITY OF  
**BALTIMORE**

Center for Criminal  
Justice Reform

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**TESTIMONY SUBMITTED BY HUMAN RIGHTS FOR KIDS, THE MARYLAND YOUTH JUSTICE COALITION, THE CENTER FOR CRIMINAL JUSTICE REFORM AND THE MEYERHOFF CENTER FOR FAMILIES, CHILDREN AND THE COURTS AT THE UNIVERSITY OF BALTIMORE SCHOOL OF LAW IN SUPPORT OF HB 389 BEFORE THE MARYLAND HOUSE JUDICIARY COMMITTEE**

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*February 5, 2026*

Dear Chairwoman Bartlett and Members of the Maryland House Judiciary Committee:

The above referenced groups respectfully request a favorable report on HB 389. We are grateful to Chairwoman Bartlett for her leadership in introducing this bill and we appreciate the opportunity to express our support.

We support HB 389 because it will end the shameful practice of housing children in adult correctional facilities – a severe and rampant human rights violation that occurs every day across the state of Maryland. Youth who are placed in adult jails or lock-ups often experience physical, sexual, and emotional abuse by older adult prisoners. In an attempt to protect these vulnerable children, adult correctional facilities typically place them in the only place they can – restrictive housing. Those protections, while well-intentioned, mean that children are housed in solitary confinement for days, weeks, months, or sometimes even years on end. This legislation will fully protect children charged as adults against potential abuse and torture through solitary confinement by prohibiting the placement of children in adult detention facilities. Instead, youth will be placed in age-appropriate settings through the Department of Juvenile Services (DJS).

**Children in Adult Jails and Prisons**

In the late 1980's and early 1990's states began passing laws to make it easier to transfer children into the adult criminal justice system which exposed them to the same treatment as adults, including being housed in the same facilities. Between 1993 and 1997 the number of

children housed in adult jails more than doubled. On any given night in America there are more than 2,200 children in our jails and prisons. Approximately 87% of these youth are in local jails, while the other 13% are in state prisons.

Policymakers were driven by the now-debunked “Super-Predator Theory” which stated that a new generation of child predators were coming of age who were more violent and less remorseful than ever before. These children, the authors said, were “Godless, jobless, and fatherless” monsters and urged states to respond by treating them as adults and thereby exposing them to these inhumane, degrading, and cruel conditions. Maryland was no exception. Today, there are 33 offenses that automatically land children in adult courts and jails across the state.

The severe harms that children face when placed in adult jails and prisons have been well documented. They include physical and sexual violence, solitary confinement, lack of mental health treatment, lack of educational programming, and isolation from family which are discussed in more detail below.

#### *Physical and Sexual Violence*

Children in adult prisons are five times more likely to be assaulted, and are nine times more likely to die of suicide than those in facilities for children. Abuse of children in prison is so pervasive that they intentionally commit infractions in order to be moved to solitary confinement to escape their abusers.

Recently published research in Maryland also underscores the tragic reality for children held in adult correctional facilities. Approximately 75% of children prosecuted as adults experienced abuse at the hands of older adult prisoners or staff as a minor.<sup>1</sup> Of those who indicated experiencing abuse, 88% were victims of physical abuse, 57% were victims of emotional abuse, and 15% were victims of sexual abuse or rape as children in Maryland’s jails.<sup>2</sup>

#### *Solitary Confinement*

Some adult facilities preemptively move children into permanent solitary or restrictive housing as a “protective” policy. The result is that indefinite solitary confinement becomes the norm for many children in adult jails and prisons. Solitary confinement has long been recognized as a form of torture under the CRC and the UN Convention Against Torture. Such treatment holds unique harm for children whose normative maturation process takes place in the context of family, peers and community.

Children placed in solitary confinement can experience profound negative physical, emotional and psychological effects, including but not limited to psychosis, depression, increased aggression and increased risk of suicide. The use of solitary confinement on children can also lead to their failure to develop positive social skills, limited their access to developmental and

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<sup>1</sup> Disposable Children, Human Rights for Kids (November 2024) (<https://humanrightsforkids.org/wp-content/uploads/Disposable-Children-The-Prevalence-of-Child-Abuse-and-Trauma-Among-Children-Prosecuted-As-Adults-in-Maryland.pdf>).

<sup>2</sup> Id.

educational resources, and can cause stunted physical growth due to inadequate diet and exercise.<sup>3</sup> For children who have experienced trauma and abuse prior to their detention, the harmful effects can be even more profound.

Because of its well-documented negative effects of the use of solitary confinement on children, in 2012, the American Academy of Child and Adolescent Psychiatry (AACAP) issued a policy statement stating its concurrence with the United Nations standards and opposing the use of solitary confinement on minors.<sup>4</sup>

### *Mental Health Risks & Suicide*

When children are held in adult jails and prisons, their mental health suffers due to isolation and increased risk to their physical wellbeing. Children who are held in adult facilities are 36 times more likely to commit suicide than children who are held in juvenile detention facilities.<sup>5</sup>

There are tragic stories across the country of children held in adult facilities who face life long detrimental effects. Perhaps the most high-profile is that of Kalief Browder, a 16-year-old New Yorker who was held at Rikers Island for three years, spending two of those years in solitary confinement.<sup>6</sup> After he was released from incarceration, Mr. Browder died by suicide, never recovering from the effects of solitary confinement.

In January of 2024, 16-year-old Kayelyn Gwen Drake died by suicide in the Harrison County Adult Detention Center in Mississippi, just one day after she was booked into the facility which also held adults.<sup>7</sup> After her death, Kayelyn's family's attorney stated "She was made to believe that her life was over . . . That she was unable to get out and scared half to death. Unable to talk to her family and her mother . . . and it was more than she could bear."<sup>8</sup>

It is not a question of IF, but a question of WHEN a child in Maryland will die under similar circumstances, and if the legislature will act in time to prevent such a tragedy from happening.

### *Lack of Educational Programming*

The educational programs that adult prisons provide – mostly geared towards GEDs or professional training, are not designed for a child seeking a high school diploma, so much so that their time in class may not even be credited as progress. There are no individualized programs or accommodations for special needs, and if the prison imposes a period of isolation on or takes

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<sup>3</sup> James, K., & Vanko, E. (2021, April). The Impacts of Solitary Confinement. Brooklyn, New York: Vera Institute of Justice, 1-3.

<sup>4</sup> [https://www.aacap.org/aacap/Policy\\_Statements/2012/Solitary\\_Confinement\\_of\\_Juvenile\\_Offenders.aspx](https://www.aacap.org/aacap/Policy_Statements/2012/Solitary_Confinement_of_Juvenile_Offenders.aspx)

<sup>5</sup> Arya, Neelum. Getting to Zero: A 50-State Study of Strategies to Remove Youth from Adult Jails. Los Angeles, CA: UCLA School of Law, 2018.

[https://drive.google.com/file/d/1LLSF8uBlrcqDaFW3ZKo\\_k3xpk\\_DTmItV/view](https://drive.google.com/file/d/1LLSF8uBlrcqDaFW3ZKo_k3xpk_DTmItV/view)

<sup>6</sup> <https://www.nytimes.com/2015/06/09/nyregion/kalief-browder-held-at-rikers-island-for-3-years-without-trial-commits-suicide.html>

<sup>7</sup> <https://www.wxxv25.com/familylawsuit/>

<sup>8</sup> Id.

disciplinary action against a child, then what little educational programming that is provided may grind to a halt. Children are often unable to participate in educational programming within jails or prisons due to ‘sight and sound’ restrictions that are meant to protect them from physical or sexual violence at the hands of older adults in prison. Children who were given lengthy prison terms, like life or de facto life sentences, are often prohibited from participating in programming.

### *Isolation from Family*

By removing children from naturally occurring supports, such as connections to family, school and community mentors, children are denied pathways to build their resiliency and address the trauma at the root of their behavior. Furthermore, such removal inhibits the development of important familial connections, hindering development and negatively impacting children’s mental health.

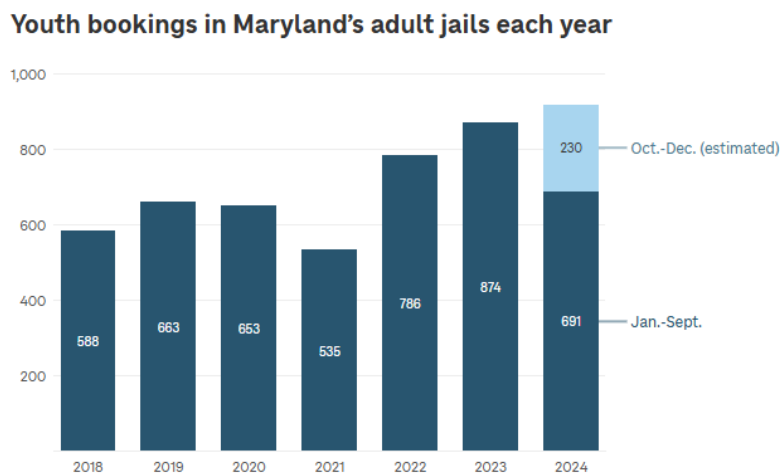
### **Congressional Response**

As a result of the severe trauma and abuse that accompanies the placement of children in adult correctional facilities as detailed above, Congress enacted the Prison Rape Elimination Act and incorporated unique protections for children charged as adults in the Juvenile Justice Delinquency and Prevention Reauthorization Act of 2018.

Those protections include: (1) requiring children to have “sight and sound” separation if they are placed in adult correctional facilities, and (2) requiring a judge or commissioner to review their placement within 6 hours of being admitted into an adult facility and every 30 days thereafter. Compliance with these protections are essential in order for states to receive federal funding to support their juvenile justice programming.

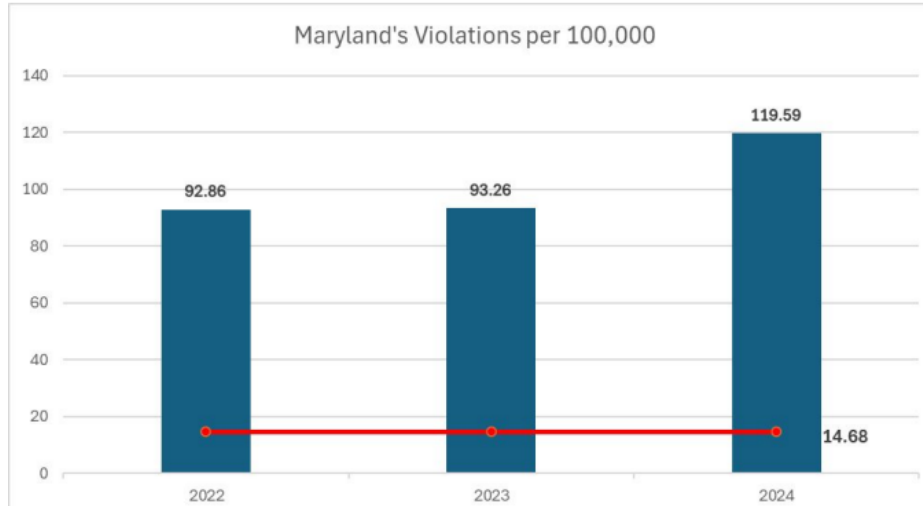
### **Maryland is a National Outlier & One of the Worst Human Rights Offenders**

<sup>9</sup>Despite these mandates and calls from human rights advocates to change the way youth are treated in the state, Maryland has flouted federal law.



<sup>9</sup> Maryland fails to protect young inmates in adult jails, Rachel Baye, June 5, 2025 (<https://www.npr.org/2025/06/05/nx-s1-5416801/maryland-fails-to-protect-young-inmates-in-adult-jails>).

<sup>10</sup>Since the latest reauthorization of the JJDPA in 2018, Maryland has booked between 500 and 1,000 children in adult jails or lock-ups every year. Most of these youth are Black.



The sheer volume of the number of children placed in adult facilities and the state's inability to safely house them in accordance with federal law has resulted in Maryland accruing nearly 10 times the number of acceptable violations to maintain federal funding.

### **Fiscal Impact of Noncompliance with Federal Law**

While the human cost of placing a child in an adult jail cannot be overstated, committee members should consider the fiscal impact of this legislation as well. On January 6, 2026, the U.S. Department of Justice sent a letter to state leaders informing them that the state had lost 20% of its federal grant allocation under the JJDPA, because of the violations described above. This is due to the number of children who are currently held in adult jails and lockups across the state who regularly come into contact with older adult prisoners and/or are not seen by a judge or commissioner within 6 hours of their detention.

Over the next 3 years, the Governor's Office on Crime Control and Prevention estimates that Maryland will lose approximately \$2 million dollars. The amount of money lost will increase every year the legislature fails to act.

### **Racial Disparities**

National estimates show that 88% of youth held in adult jails are youth of color.<sup>11</sup> In Maryland, because 87% of youth who are automatically tried as adults are Black, we can assume that the national estimate is accurate for state facilities since the youth held in adult facilities are those who are tried in adult court.

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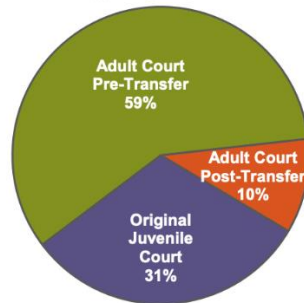
<sup>10</sup> Presentation by GOCCP (<https://gocpp.maryland.gov/wp-content/uploads/MACo-Compliance-Presentation-8-2025-1.pdf>).

<sup>11</sup> Arya, Neelum. Getting to Zero: A 50-State Study of Strategies to Remove Youth from Adult Jails. Los Angeles, CA: UCLA School of Law, 2018.

## **The Solution: HB 389**

The population who would be most affected by HB 389 are children charged as adults, who would be held in juvenile facilities instead of the horrific conditions in an adult detention center. Many children charged as adults, but not all of them, are already held in juvenile facilities run by the Department of Juvenile Services (DJS). From May 2023 to April 2024, approximately 59% of the children held in DJS facilities were children who were charged as adults and awaiting the outcome of their transfer hearing. Another 10% were children being held post-transfer hearings.

Maryland Juvenile Detention Center Population  
(May 2023 – April 2024)  
Avg. Daily Pop = 257



Over the last year, an average of 7 in 10 youth in detention were either being held on adult cases or had been transferred down to juvenile court

12

Thus, DJS is already safely housing children who are charged in adult court. On any given day, approximately 30-35 children are left in adult jails across the state – a population that can easily be absorbed by existing DJS facilities. Under HB 389, these children would be housed alongside the other children charged as adults who are already placed in DJS facilities.

## **Conclusion**

Nelson Mandela once said, *“There is no keener revelation of a society’s soul than the way in which it treats its children.”* Children can and do commit serious crimes. While they must be held responsible, we cannot sanction the use of torture or cruelty as a means to hold them accountable which is what happens when children are placed in adult correctional facilities.

HB 389 will end this human rights abuse by ensuring that all children are held in juvenile detention facilities regardless of their offense or whether they were tried as an adult. The legislation will have the added benefit of bringing Maryland back into compliance with federal law and putting the state on a path to have its federal funding restored.

Submitted on behalf of HRFK, MYJC, the Center for Criminal Justice Reform and the Meyerhoff Center for Children, Families and the Courts at UB Law School by:

James Dold, Human Rights for Kids

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<sup>12</sup> Chart from Nate Balis, presentation at Attorney General’s Maryland Equitable Justice Coalition. Figures in chart: juvenile detention data from Maryland Department of Juvenile Services Research and Evaluation Unit and the DJS Data Resource Guide.

# **NASW Maryland - 2026 HB 389 FAV - Limitations on J**

Uploaded by: Karessa Proctor

Position: FAV



**Testimony before the House Judiciary Committee  
February 5, 2026**

**House Bill 389 - Juveniles - Detention and Confinement - Limitations on  
Juvenile Contact With Incarcerated Adults**

**SUPPORT**

On behalf of the National Association of Social Workers, Maryland Chapter (NASW-MD), we would like to express our support for House Bill 389 - Juveniles - Detention and Confinement - Limitations on Juvenile Contact With Incarcerated Adults.

We oppose the practice of housing or transporting juveniles alongside adult offenders. Research consistently confirms that youth placed in adult correctional environments experience significantly worse outcomes related to safety, mental health, rehabilitation, and long-term public safety. Maryland data, national justice statistics, and child development research collectively show that youth require developmentally appropriate systems designed to rehabilitate rather than punish.

**Statistical Evidence**

There is increased risk of physical harm, abuse, and suicide. Juveniles placed in adult facilities face significantly higher safety risks.

- Juveniles incarcerated in adult prisons are **36 times more likely to die by suicide** than those placed in juvenile facilities.
- Youth who were detained in adult facilities have approximately a **70% higher probability of experiencing violent victimization later in adulthood** compared to youth who never entered the justice system.
- National research highlights persistent concerns about whether adult prisons can adequately protect youth from **physical, sexual, and psychological abuse**, identifying safety as a primary institutional concern.

From a child welfare perspective, placing minors in environments where they are substantially more vulnerable to harm violates core protective mandates embedded in social work and child protection ethics.

It also puts them at risk for higher recidivism and worse public safety outcomes. More specifically, it increases:

- Youth prosecuted and treated as adults are **34% more likely to commit future felony offenses** compared to those kept in the juvenile system.

(over)



- Within three years of release, approximately **55% of justice-involved youth are rearrested or reconvicted**, indicating the need for rehabilitative interventions rather than punitive placement.
- Evidence-based family and community treatment models reduce recidivism by **25% to over 50%**, demonstrating that rehabilitative approaches produce stronger public safety outcomes than adult incarceration.

This evidence suggests that placing juveniles in adult environments increases long-term criminal behavior rather than reducing it. Social work is grounded in the understanding of adolescent development and trauma exposure.

Yet, Maryland continues to house or process youth within adult systems at concerning levels. Maryland's detention rate for youth in adult facilities reached **119.5 per 100,000 children**, which is more than six times higher than federal standards. The number of Maryland youth charged as adults increased by **12% between 2015 and 2023**, despite an overall decrease in juvenile referrals. These findings demonstrate inefficiency, increased harm, and wasted public resources.

Social Workers focus on what is in the best interest of the child, apply trauma-informed practices and prefer rehabilitation over punishment. We ask that the state of Maryland does not pass this law, so we can move in the direction of protecting our youth, protecting public safety and saving taxpayer dollars.

**We urge you to vote YES on House Bill 389.**

Respectfully,

Karessa Proctor, BSW, MSW  
Executive Director, NASW-MD

# **OPD Written Testimony\_HB389 Detention and Confinem**

Uploaded by: Krystal Williams

Position: FAV



**NATASHA DARTIGUE**  
PUBLIC DEFENDER

**KEITH LOTRIDGE**  
DEPUTY PUBLIC DEFENDER

**HANNIBAL KEMERER**  
CHIEF OF STAFF

**ELIZABETH HILLIARD**  
DIRECTOR OF GOVERNMENT RELATIONS

### POSITION ON PROPOSED LEGISLATION

**BILL:** HB0389 – Juveniles - Detention and Confinement - Limitations on Juvenile Contact With Incarcerated Adults

**FROM:** Maryland Office of the Public Defender

**POSITION:** FAVORABLE

**DATE:** February 3, 2026

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The Maryland Office of the Public Defender respectfully requests that the Committee issue a favorable report on HB0389. This bill is a necessary step to ensure that Maryland is in compliance with federal law regarding the detention of children, whereas we are currently an extreme national outlier in allowing children to be detained in close contact with adults throughout the State. The bill requires children who are arrested and charged as adults to immediately be transported to a juvenile detention facility and limits temporary detention in adult jails to six hours.

This bill complements the Youth Charging Reform Act (“YCRA”), SB0323. The two must be considered in tandem in order to achieve their desired result. To pass this bill without the YCRA would increase demands on the Maryland Department of Juvenile Services (“DJS”) secure detention facilities without the corresponding gains in efficiency and case-processing speed which are inherent in the YCRA. Passed with the YCRA, HB0389 will guarantee that children charged in the adult criminal justice system are protected from the myriad harms of adult incarceration. The Department of Justice reported in 2010 that “[a]s compared with those in juvenile facilities, juveniles incarcerated in adult prison are eight times more likely to commit suicide, five times more likely to be sexually assaulted, and almost twice as likely to be attacked with a weapon by inmates or beaten by staff.”<sup>1</sup>

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<sup>1</sup> Redding, Richard. *Juvenile Transfer Laws: An Effective Deterrent to Delinquency?* Office of Juvenile Justice and Delinquency Prevention, U.S. Department of Justice, Office of Justice Programs (June 2010). Available online at <https://www.ncjrs.gov/pdffiles1/ojjdp/220595.pdf>



**NATASHA DARTIGUE**  
PUBLIC DEFENDER

**KEITH LOTRIDGE**  
DEPUTY PUBLIC DEFENDER

**HANNIBAL KEMERER**  
CHIEF OF STAFF

**ELIZABETH HILLIARD**  
DIRECTOR OF GOVERNMENT RELATIONS

House Bill 389 adjusts detention procedures for children charged as adults in Maryland to ensure compliance with federal law. The federal Juvenile Justice and Delinquency Prevention Act<sup>2</sup> and the Prison Rape Elimination Act<sup>3</sup> both require that children not be held in any jail or lockup for adults, or have any sight and sound contact with adults, while detained. As recently reported by the Maryland Commission on Juvenile Justice Reform and Emerging and Best Practices, “Maryland is significantly out of compliance with federal standards governing the pretrial detention of children charged as adults. In 2025, the United States Department of Justice’s Office of Juvenile Justice and Delinquency Prevention (OJJDP) began enforcing thresholds on length of stay and sight and sound separation in adult facilities, using new data formulas to assess state performance. In FY 2023, Maryland’s detention rate was 93.26 per 100,000 children, over six times the federal standard of 14.68. That number rose to 119.59 in FY 2024, a 27% increase. The state reported roughly 1,600 violations, more than any other state, prompting OJJDP to exclude Maryland’s data from national averages due to its extreme outlier status (emphasis added).”<sup>4</sup>

Under current Maryland law, every child who is charged as an adult passes through an adult lockup or jail, for time periods ranging from a few days to several months.<sup>5</sup> Children may be exposed to adult inmates during processing, while moving through the facility, while eating, while receiving medical care, and in the units on which they are housed. Oftentimes, children are held in solitary confinement, deprived of human contact for as many as 23 hours per day, for their own “protection.” Mental health professionals have long known that solitary confinement causes significant harm. The American Psychological Association opposes the use of prolonged solitary confinement for children.<sup>6</sup> As has the American Academy of Child and Adolescent Psychiatry, noting “the potential psychiatric consequences of prolonged solitary confinement are well recognized and include depression, anxiety and psychosis. Due to their developmental vulnerability, juvenile offenders are at particular risk of such adverse reactions. Furthermore, the

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<sup>2</sup> 34 U.S.C.A. § 11133(a)(11)(B) (West 2026).

<sup>3</sup> 34 U.S.C.A. § 30307 (West 2026); 28 CFR § 115.14.

<sup>4</sup> <https://gocpp.maryland.gov/wp-content/uploads/Marylands-JJDP-Compliance-Crisis-Children-in-Adult-Detention-COMMISSION-APPROVED-.docx.pdf>

<sup>5</sup> Refer to OPD’s written testimony on the Youth Charging Reform Act for more background on how Maryland law results in hundreds of youth being automatically charged as adults, even for non-violent crimes, every year.

<sup>6</sup> APA Position Statement on Solitary Confinement (Restricted Housing) of Juveniles <https://www.psychiatry.org/getattachment/7bc96d18-1e73-4ac1-b6b5-f0f52ed4595a/Position-2018-Solitary-Confinement-Restricted-Housing-of-Juveniles.pdf>



**NATASHA DARTIGUE**  
PUBLIC DEFENDER

**KEITH LOTRIDGE**  
DEPUTY PUBLIC DEFENDER

**HANNIBAL KEMERER**  
CHIEF OF STAFF

**ELIZABETH HILLIARD**  
DIRECTOR OF GOVERNMENT RELATIONS

majority of suicides in juvenile correctional facilities occur when the individual is isolated or in solitary confinement.”<sup>7</sup>

Maryland law already requires most youth to be transferred from adult jails to juvenile detention facilities while awaiting their transfer hearings.<sup>8</sup> If youth are granted the option to be held in a juvenile facility pending their transfer proceeding, depending on a host of factors not related to the child or case, the delay in being moved to a juvenile detention facility varies from a few days to several months. This Bill would eliminate this inefficient and pointless practice of having youth waiting in adult jail to be inevitably moved to juvenile detention and streamline the process while protecting youth from harm along the way.

For all of the foregoing reasons, the Office of Public Defender urges a favorable report on HB0389.

Submitted by: Maryland Office of the Public Defender, Government Relations Division.  
Authored by: Ian Augarten, Supervising Attorney, [ian.augarten@maryland.gov](mailto:ian.augarten@maryland.gov)

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<sup>7</sup> American Academy of Child and Adolescent Psychiatry, Juvenile Justice Reform Committee. Solitary Confinement of Juvenile Offenders (2012). [https://www.aacap.org/aacap/Policy\\_Statements/2012/Solitary\\_Confinement\\_of\\_Juvenile\\_Offenders.aspx](https://www.aacap.org/aacap/Policy_Statements/2012/Solitary_Confinement_of_Juvenile_Offenders.aspx)

<sup>8</sup> Md. Crim. Proc. 4-202(h) (West 2026).

# **Letter in Support HB 389.pdf**

Uploaded by: Laura Wilt

Position: FAV



Maryland Crime Victims' Resource Center, Inc.

Continuing the Missions of the Stephanie Roper Committee and Foundation, Inc.

☎ 877-VICTIM-1 (877-842-8461) ✉ [mail@mdcrimevictims.org](mailto:mail@mdcrimevictims.org) 🌐 [mdcrimevictims.org](http://mdcrimevictims.org)

**LETTER IN SUPPORT OF HOUSE BILL 389:**

Limitations on Juvenile Contact with Incarcerated Adults

February 3, 2026

On behalf of the Maryland Crime Victims' Resource Center (MCVRC), I write to express strong support for House Bill 389. MCVRC provides legal services to crime victims statewide and is the nation's largest nonprofit of its kind. We represent many clients devastated by the actions of juvenile offenders. We advocate for balanced reforms that also protect the safety of Marylanders.

HB 389 directly addresses a critical problem with our court system: the holding of arrested juveniles in adult jails before judicial review.

Currently, if a commissioner orders a youth charged with serious crime to be detained, they are held in adult facility until the next business day when a judge reviews this detention. At that point, the law requires that youth be moved to a juvenile detention facility except for a few very narrow exceptions. In reality, youth stay in the adult facilities after the judge's order until the Department of Juvenile Services is prepared to accept the youth. This delay by DJS is unacceptable and can be eliminated by HB389. This Bill gives DJS no option but to provide for these youth, just as the adult jails must at this time. The current practice is unsafe and inappropriate.

Passage of HB 389 would provide that:

- Juveniles avoid adult jails entirely post-arrest, moving directly to age-appropriate facilities.

And HB 389 would allow these key protections that are part of the current charging system to continue:

- Judicial oversight remains intact: the law still provides that judges review cases next business day to determine if detention or release is appropriate.
- Courts retain authority and supervision over serious cases like armed robbery, assault, and firearms offenses, and the victims of crime have more protection.
- HB 389 is a targeted fix preserving the adult-start process for violent crimes, where transfer hearings ensure amenability to treatment before putting the juvenile into the voluntary, benefits-based juvenile system.
- Victims benefit from the thoughtful, safer processes that are in place in the transfer system. The revolving door of crime in the juvenile system should not be where the most serious crimes start. Only after determining that the youth is amenable to treatment should a court move a serious offender into a voluntary juvenile system that has no power to enforce its rules.

With the current system of laws, the most serious juvenile offenders start in adult court—they are given one or two attorneys from the state, state-funded psychological evaluations, and judicial review of extensive evidence.

**Headquarters**

1001 Prince George's Boulevard  
Suite 750  
Upper Marlboro, MD 20774  
301-952-0063  
877-842-8461 (toll free)  
240-929-0526 (fax)

**Baltimore**

1 North Charles Street  
Suite 700  
Baltimore, MD 21201

**Carroll, Howard, &  
Baltimore Counties**

Oakland Manor  
5430 Vantage Point Road  
Columbia, MD 21044  
240-335-4032

**Eastern Shore**

240-335-4012

**Frederick &  
Montgomery Counties**

240-335-4021

**Southern Maryland**

301-952-0063

**Western Maryland**

59 Prospect Square  
Suite 6  
Cumberland, MD 21502  
240-335-4013

Most youth have their cases transfer to juvenile court, but only after in-depth analysis, which maximizes success for youth, victims, and community alike. **HB 389 complements this framework without undermining it, it removes the possibility of juveniles in an adult jail and allows for considered decision-making by a court of law before a serious juvenile offender is moved into an impotent and weak juvenile court system.**

Maryland's communities deserve reforms that prioritize youth welfare and safety. HB 389 solves the jail problem cleanly: No adult contact, no new risks. Year after year, this bill has been pushed to the side, hurting our juveniles and our communities; now is the time to pass it. HB 389 advances second chances in juvenile court while safeguarding our communities.

Thank you for considering a favorable report on HB 389 and your commitment to all Marylanders—juveniles and victims alike.

Sincerely,



Laura Corbett Wilt, Senior Supervising Attorney

240-335-4004; [lwilt@mdcrimevictims.org](mailto:lwilt@mdcrimevictims.org)

Joined by: Joanna Mupanduki, Deputy Director & Kurt Wolfgang, Executive Director

# **HB389 MALMB Testimony.docx.pdf**

Uploaded by: Lisa Kovacs

Position: FAV



**Local power, collective voice  
for Maryland's children, youth and families**

February 5, 2025

**SUPPORT – HB389 - Juveniles - Detention and Confinement - Limitations on Juvenile Contact With Incarcerated Adults**

Dear Delegates:

On behalf of the Maryland Association of Local Management Boards, I am writing in support of **HB 389 Juveniles - Detention and Confinement - Limitations on Juvenile Contact With Incarcerated Adults**. This bill helps keep youth separated from incarcerated adults within the criminal justice system. Mixing youth with adults creates severe, life-threatening dangers for minors, including significantly higher rates of sexual assault, physical violence, and suicide. Adult facilities fail to address the developmental needs of adolescents, often leading to increased recidivism, reduced access to education, and profound psychological trauma.

Local Management Boards in each county and jurisdiction in the State of Maryland conduct community needs assessments and address the needs of children and families in their respective jurisdiction. We work at the prevention and intervention stages of programming to ensure our youth are developing protective factors that will keep them free of the adult criminal justice system. They need youth centered interventions at all stages of care, including within any sort of residential care..

**We urge you to support HB389 - Juveniles - Detention and Confinement - Limitations on Juvenile Contact With Incarcerated Adults** to ensure our youth are not housed with adults in any part of the adult criminal justice system, including when they are being transported. .

Sincerely,

Pamela M. Brown, PhD  
Chair, Legislative Committee  
Maryland Association of Local Management Boards

**PREA and Juveniles - testimony - 2026 - HB389 FAV.**

Uploaded by: Lisae C Jordan

Position: FAV



**Working to end sexual violence in Maryland**

P.O. Box 8782  
Silver Spring, MD 20907  
Phone: 301-565-2277  
www.mcasa.org

For more information contact:  
Lisae C. Jordan, Esquire  
443-995-5544

**Testimony Supporting House Bill 389**  
**Lisae C. Jordan, Executive Director & Counsel**  
February 5, 2026

The Maryland Coalition Against Sexual Assault (MCASA) is a non-profit membership organization that includes the State's seventeen rape crisis centers, law enforcement, mental health and health care providers, attorneys, educators, survivors of sexual violence and other concerned individuals. MCASA includes the Sexual Assault Legal Institute which provides direct legal services for survivors across the State of Maryland. We urge the Judiciary Committee to report favorably on House Bill 295.

**House Bill 389 – Sexual Abuse Prevention**  
**Prohibiting Juveniles from Contact with Adult Inmates**

House Bill 389 would ensure juveniles are separated from incarcerated adults by sight, sound, and location.

The federal Prison Rape Elimination Act (PREA) was passed unanimously by Congress in 2003 and sought to document and curtail the incidence and effects of prison rape in federal, state, and local institutions. Important to this effort was the recognition that juveniles are at higher risk of sexual assault and that this risk increases when they are housed with adult inmates. PREA standard § 115.14 regarding youthful inmates, juveniles and youthful detainees seeks to reduce this risk. The purpose of the standard is described as:

To protect inmates who are under the age of 18 (“youthful inmates”) and living in adult correctional facilities from sexual abuse or sexual harassment they might experience from adults by:

- Prohibiting agencies from placing youthful inmates in housing units where they may have sight, sound, or physical contact with adult inmates
- Limiting opportunities for youthful inmates to interact with adult inmates in unmonitored ways by requiring agencies to keep young people and adults “sight and sound” separated outside of housing areas or employing direct staff supervision in instances where youthful and adult inmates are co-mingled (e.g., during a group program)

HB389 seeks to codify and enhance these provisions in an effort to strengthen protections against sexual abuse for detained juveniles.

**The Maryland Coalition Against Sexual Assault urges the  
Judiciary Committee to  
report favorably on House Bill 389**

# **Testimony in support of HB0389 - Juveniles - Deten**

Uploaded by: Richard KAP Kaplowitz

Position: FAV

HB0389\_RichardKaplowitz\_FAV  
02/05/2026  
Richard Keith Kaplowitz  
Frederick, MD 21703-7134

**TESTIMONY ON HB#0389 - POSITION: FAVORABLE**  
**Juveniles - Detention and Confinement - Limitations on Juvenile Contact With**  
**Incarcerated Adults**

**TO:** Chair Bartlett, Vice Chair Davis, and members of the Judiciary Committee  
**FROM:** Richard Keith Kaplowitz

My name is Richard Kaplowitz. I am a resident of District 3, Frederick County. I am submitting this testimony in support of HB#/0389, **Juveniles - Detention and Confinement - Limitations on Juvenile Contact With Incarcerated Adults**

The Center on Juvenile Justice & Criminal Justice has studied how placement of juveniles in contact with adult convicts is dangerous to them and society at large. Their report *The Risks Juveniles Face When They Are Incarcerated With Adults*<sup>1</sup>

Close to a century ago, the juvenile justice system was developed because children were subjected to unspeakable atrocities in adult jails, and were returned to society as hardened criminals. As the system developed, it became clear that housing young offenders and adult prisoners together was self-destructive and self-defeating.

... Child advocates, law enforcement officials, and criminologists have urged [legislative bodies] to consider the destructive effects of placing youth in adult jails and prisons. A substantial body of research shows that placing youth in adult institutions accentuates criminal behavior after release.

This bill recognizes the problem chronicled in multiple studies and works towards a solution. The bill will take positive action by altering and establishing certain provisions relating to the detention, confinement, and transportation of children arrested, convicted, or awaiting trial for certain offenses.

We can and must prevent juveniles from having contact that teaches them lessons in crime and work towards rehabilitation solutions instead.

**I respectfully urge this committee to return a favorable report on HB0389.**

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<sup>1</sup> [https://www.cjcj.org/media/import/documents/the\\_risks.pdf](https://www.cjcj.org/media/import/documents/the_risks.pdf)

**HB0389-JUD\_MACo\_SUP.pdf**

Uploaded by: Sarah Sample

Position: FAV



## House Bill 389

### *Juveniles - Detention and Confinement - Limitations on Juvenile Contact With Incarcerated Adults*

MACo Position: **SUPPORT**

To: Judiciary Committee

Date: February 5, 2026

From: Sarah Sample

The Maryland Association of Counties (MACo) **SUPPORTS** HB 389. The bill would limit the long-term holding of a juvenile in an adult detention center, including all local detention centers.

This bill wisely recognizes that adult detention centers operated by both the State and counties are not suitable for the holding of minors under any circumstances. In prohibiting the long-term holding of minors in these facilities, not only are local detention centers relieved of a substantial operational burden, but the minors in question will also be placed in an environment better suited to manage their needs and vulnerabilities.

“Sight and sound separation” mandates were signed into federal law as The Juvenile Justice Reform Act of 2018. This standard requires an incarcerated juvenile to be shielded from visual or audible exposure to any incarcerated adult within a detention center. In local facilities – typically far smaller in physical space than state facilities – such segregation options may simply be unavailable, in the instances of longer-term detention, due to the simple logistics of smaller buildings. Local detention centers have gone to great lengths to comply with the mandate in the rare instances when they have juveniles in custody, but adjusting physical structures and procedures to account for these standards has been inconsistent and sometimes impossible. The resulting incomplete care and liability exposure in those instances should be avoided.

An even more worrisome challenge arises when a local detention center has only one juvenile in custody, and their means of confinement are necessarily restrictive housing. To avoid the individual being safely separated but not alone, local detention centers have regularly coordinated with one another, and devised strategies to find alternative local facilities where other juveniles are being held. Despite this being a complicated process, local facilities have gone to these lengths to ensure the minor can feel safe but also not isolated. While an honorable task, HB 389 relieves facilities of this unintended challenge and the juvenile from the potential fear of unwarranted isolation, particularly while they experience what is likely great personal and emotional hardship.

This bill rightly considers the impractical effects of having juveniles housed in smaller facilities in each county and additionally recognizes that adult facilities are simply inappropriate for juvenile placement. For these reasons, MACo urges a **FAVORABLE** report for HB 389.

**HB0389 – MSBA Support Letter (2026.02.03).pdf**

Uploaded by: Shaoli Sarkar

Position: FAV



**MSBA Mailing Address**  
520 West Fayette Street  
Baltimore, MD 21201

**Canton Office**  
3700 O'Donnell Street  
Baltimore, MD 21224

**Annapolis Office**  
200 Duke of Gloucester Street  
Annapolis, MD 21401

**Bill:** HB 389 – Juveniles – Detention and Confinement – Limitations on Juvenile Contact with Incarcerated Adults

**Committee:** House Judiciary

**Position:** Favorable

**Date:** February 3, 2026

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The Maryland State Bar Association (MSBA) **supports** House Bill 389 – Juveniles – Detention and Confinement – Limitations on Juvenile Contact with Incarcerated Adults, altering and establishing certain provisions relating to the detention, confinement, and transportation of children arrested, convicted, or awaiting trial for certain offenses. MSBA represents more attorneys than any other organization across the state in all practice areas. Through its advocacy committees and various practice-specific sections, MSBA monitors and takes positions on legislation that protects the legal profession, preserves the integrity of the judicial system, and ensures access to justice for Marylanders.

MSBA supports this legislation as it continues much-needed substantive reforms in Maryland's juvenile justice system through a statewide standard of care and important safeguards: 1) preventing children in detention from coming within sight or sound of incarcerated adults, 2) barring the joint transport of children with adults charged with or convicted of crimes, and 3) time-limiting holding youth in an adult correctional facility, with limited exceptions. HB 389 preserves the physical and psychological safety of the state's vulnerable youth and reduces the trauma that comes from contact with incarcerated adults. The bill improves the operation of the courts and detention facilities, while providing fair and compassionate treatment to youth with a focus on rehabilitation. The bill safeguards the process through on-the-record judicial findings for any exceptions to the protocol, thereby preserving the integrity of judicial orders and reducing administrative burdens on the state for harms suffered by juveniles held in adult facilities.

MSBA supports HB 389 and urges a favorable report.

*Contact: Shaoli Sarkar, Advocacy Director ([shaoli@msba.org](mailto:shaoli@msba.org), 410-387-5606)*

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President

**Natasha Dartigue**  
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**Randolph S. Sergent**  
Secretary

**Natasha M. Nazareth**  
Treasurer

**Anna S. Sholl**  
Executive Director

# **HB 389 - LBCMD 2026 Priority Support Letter.pdf**

Uploaded by: Ufuoma Agarin

Position: FAV



# LEGISLATIVE BLACK CAUCUS OF MARYLAND, INC.

The Maryland House of Delegates, 6 Bladen Street, Room 300, Annapolis, Maryland 21401  
410-841-3185 • 800-492-7122 Ext. 3185 • Black.Caucus@house.state.md.us

February 05, 2026

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Chair Delegate J. Sandy Bartlett  
Judiciary Committee  
100 Taylor House Office Building  
Annapolis, Maryland 21401

Dear Chair Bartlett and Members of the Committee,

**The Legislative Black Caucus of Maryland offers its strong and favorable support for House Bill 389 - Juveniles - Detention and Confinement - Limitations on Juvenile Contact With Incarcerated Adults.** This important legislation advances juvenile justice reform, protects the safety and well-being of children in state custody, and reinforces Maryland's commitment to trauma-informed, developmentally appropriate public safety practices. **This bill is a 2026 legislative priority for the Black Caucus.**

House Bill 389 addresses a critical issue within the juvenile justice system: the harmful impact of placing children in direct contact with incarcerated adults. Extensive research and best practices demonstrate that exposure to adult detention environments increases the risk of physical harm, psychological trauma, and long-term negative outcomes for youth. For Black children, who are disproportionately represented at every stage of the justice system, these risks are even more pronounced. HB 389 takes a necessary step to ensure that children are treated as children, not as adults, within Maryland's detention and confinement systems.

By limiting contact between juveniles and incarcerated adults during detention, confinement, and transportation, House Bill 389 promotes safer environments that support rehabilitation rather than punishment. The bill aligns with evidence-based approaches that emphasize youth development, accountability, and successful reintegration into school, family, and community life. These protections are essential to reducing recidivism and improving long-term public safety outcomes.

For these reasons, the Legislative Black Caucus of Maryland urges favorable consideration of House Bill 389.

Legislative Black Caucus of Maryland

# **HB389 Limit Youth Contact With Adults**

Uploaded by: Zainab Chaudry

Position: FAV



## Council on American-Islamic Relations

CAIR Office in Maryland

6120 Baltimore National Pike, Suite 2D

Baltimore, MD 21228

E-mail: [mdoutreach@cair.com](mailto:mdoutreach@cair.com) URL [www.cair.com](http://www.cair.com)

Tele 410-971-6062 Fax 202-488-0833

February 5, 2026

Chair Sandy Bartlett  
House Judiciary Committee  
100 Taylor House Office Building  
Annapolis, MD 21401

### **Re: Testimony Supporting HB 389 Juveniles - Detention and Confinement - Limitations on Juvenile Contact With Incarcerated Adults**

Dear Chair Bartlett and Members of the House Judiciary Committee:

On behalf of the Maryland office of the Council on American-Islamic Relations Maryland (CAIR), we respectfully urge a favorable report on House Bill 389. CAIR is the nation's largest Muslim civil rights and advocacy organization. Our mission includes protecting civil rights, promoting justice and advancing policies that ensure Maryland's justice system treats children in a developmentally appropriate manner, protects them from harm, and supports rehabilitation and successful reintegration.

#### **HB 389 advances a clear, common-sense principle: children should not be placed in situations where they are within sight or sound of incarcerated adults.**

**This legislation protects our youth from harm and trauma.** Children who are detained - whether in the juvenile system or under adult criminal court jurisdiction - are uniquely vulnerable to intimidation, coercion, exploitation, and physical harm when housed in proximity to incarcerated adults. Even brief exposure can be traumatic and can worsen mental health outcomes. HB 389 protects youth by prohibiting detention or confinement in any institution where the child has contact with, or is within sight or sound of, incarcerated adults.

This is not about excusing misconduct. It is about recognizing that safety and basic human dignity must remain non-negotiable, particularly when the State deprives a child of liberty.

HB 389 sets a strong baseline rule: children generally may not be held in adult correctional facilities. At the same time, the bill acknowledges real-world constraints by allowing a limited exception for processing when a secure juvenile area is unavailable - only if the youth is separated by sight and sound from adults and held no more than six hours, including transportation time to the nearest juvenile facility.

That balance protects youth while providing a workable standard for law enforcement and detention facilities.

Maryland's long-term public safety is strengthened when youth are handled in settings designed for youth - settings with age-appropriate supervision, services, and safeguards. Housing children near adults increases the likelihood of trauma, negative outcomes, and future system involvement. By keeping youth separated, HB 389 supports safer facilities, better youth outcomes, and ultimately safer communities.

HB 389 also ensures that children are not transported together with adults charged with or convicted of crimes. This closes a dangerous gap and ensures the protections of separation extend beyond the facility itself.

#### **Washington D.C.**

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[Texas](#) [Washington](#)

House Bill 389 is a measured, humane, and safety-focused reform that protects children from contact with incarcerated adults, sets clear statewide standards, and preserves a narrow processing exception to address operational realities.

CAIR respectfully urges a favorable report. Thank you for your time and consideration.

Sincerely,

Zainab Chaudry, Pharm.D.  
Director, CAIR Maryland  
Council on American-Islamic Relations  
[zchaudry@cair.com](mailto:zchaudry@cair.com)

**Washington D.C.**

Alabama Arizona California Colorado Connecticut Florida Georgia Illinois Kansas Kentucky Maryland  
Massachusetts Michigan Minnesota Missouri New Jersey New York North Carolina Ohio Oklahoma Pennsylvania  
Texas Washington

# **HB 389 Testimony.pdf**

Uploaded by: John Sexton

Position: FWA

**House Bill 389** (Juveniles – Detention and Confinement – Limitations on Juvenile Contact with Incarcerated Adults)

**House Judiciary Committee**

Position: **FAVORABLE WITH AMENDMENTS**

February 5, 2026

Submitted by: **John Sexton**

Greetings and good day to each of you.

I would like to share a perspective with you regarding HB 389 as someone who was charged as an adult for a crime committed at 16 years of age and who spent 37 years in the Maryland prison system.

HB 389 is incredibly well intentioned, and there is certainly a desire among its sponsors and supporters to do the right thing for Maryland children that have lost their way. However, there is going to be a vast difference between what the creators of the Bill envision and what the practical effects the specific language of the Bill will produce.

There will invariably be a subset of juveniles that will either be charged as adults or that will be waived from the juvenile system into the adult system because of their demonstrated propensity towards errant behaviors. Under the proposed Bill, a facility housing such a juvenile will have no choice but to put that juvenile in complete seclusion and totally deny that juvenile of any meaningful opportunities to develop and grow as a human being. It seems that the intent of this bill would be to require all juveniles go to a juvenile facility until they turn 18. Even if that were the case (the legislation does not exactly require that) - the juvenile system will treat these 'adult' designated offenders as potential security threats because they are simply there awaiting the day they return to adult prison. They will be the 'others' - they will not be integrated as many have convinced themselves they would be.

The intent of HB389 is great - its purported way of achieving the ends of the intent are wishful thinking. The language should be changed.

Additionally, it has to be noted that yes indeed, juveniles in hard core adult environments can be overwhelmingly destructive and traumatizing. I can attest to that. But this Bill also dismisses the positive influences that older adults that have been down the same road so to speak can have on young people. I have had the privilege and honor of running a multitude of groups designed to put youth on a positive and life changing trajectory. The success is amazing when said youth can be given focus and an opportunity to achieve their potential. And that's the critical point here - not where they are housed - but putting them in

a position to succeed. As it stands, this HB 389 will deprive them of that opportunity because in both systems, they will be designated as liabilities and treated accordingly.

I implore this committee to reconstruct the language of this Bill and not unwittingly doom a whole subset of juveniles to the worst situation possible for them.

Thank you,

John Sexton

# **MCAA HB0389 Written Testimony FAVORABLE with AMEND**

Uploaded by: Ryan Ross

Position: FWA



## **HB 0389 Juveniles – Detention and Confinement – Limitations on Juvenile Contact with Incarcerated Adults**

MCAA Position: **SUPPORT W/ AMENDMENT** TO: Judiciary Committee

DATE: January 30, 2026

FROM: Christopher Klein, President  
Lamonte Cooke, Legislative Committee  
Mary Ann Thompson, Legislative Committee

The Maryland Correctional Administrator’s Association (MCAA), an organization comprised of our statewide jail wardens and administrators for the promotion and improvements of best correctional practices **SUPPORTS Senate Bill 0296 WITH AMENDMENT** to remove the temporary holding exception for youth in adult jails and to require a DJS action plan.

The bill’s intent to ensure juveniles, even those charged as adults, are not housed in adult facilities, where they may come into contact with incarcerated adults, is vital for their specific management needs. However, the bill’s current temporary holding exception allowing up to six hours of processing in an adult facility is not operationally feasible in Maryland’s local adult detention facilities.

Adult intake and processing areas are unable to provide sight-and-sound separation. Moreover, the six-hour time frame is not attainable state-wide because not all counties have 24/7 access to a judicial officer for initial appearances, and those that do have no control over when a person is seen. Many jurisdictions also lack sufficient transport capacity, and high volume or geographic constraints can impede timely transfer, particularly on weekends and during off-hours when transportation resources are limited.

To ensure SB 0296 is enforceable and protective, we request that the Committee remove the temporary holding exception and require the Department of Juvenile Services (DJS) to submit an action plan by October 1, 2027. The action plan should outline how DJS will meet the requirements of this legislation, including ensuring 24/7 judicial access for initial appearances (including video or telephonic options), adequate intake capacity, and convenient access for law enforcement officers. Specifically, the plan should ensure that officers may present juvenile arrestees at the juvenile facility that is geographically closest to them, without creating a major burden on their time or delaying their return to other duties, in a manner consistent with current adult facility booking practices.

The MCAA respectfully urges the committee to issue a **FAVORABLE report on Senate Bill 0296, with the requested amendment.**

# **MCPA MSA HB 389 - Limitations on Juvenile Contact**

Uploaded by: Samira Jackson

Position: FWA



# Maryland Chiefs of Police Association Maryland Sheriffs' Association



## MEMORANDUM

TO: The Honorable Sandy Bartlett, Chair and  
Members of the Judiciary Committee

FROM: Darren Popkin, Executive Director, MCPA-MSA Joint Legislative Committee  
Andrea Mansfield, Representative, MCPA-MSA Joint Legislative Committee  
Samira Jackson, Representative, MCPA-MSA Joint Legislative Committee

DATE: February 5, 2026

RE: **HB 389 - Limitations on Juvenile Contact with Incarcerated Adults**

POSITION: **SUPPORT WITH AMENDMENTS**

The Maryland Chiefs of Police Association (MCPA) and the Maryland Sheriffs' Association (MSA) **SUPPORT HB 389 WITH AMENDMENTS**. This bill seeks to prohibit children arrested, convicted, or awaiting trial from being detained or confined where they can see or hear incarcerated adults. Additionally, the bill generally seeks to keep juveniles out of adult jail settings.

There are ten sheriffs overseeing detention centers in Maryland. The Maryland Correctional Administrators Association (MCAA) is working with the sponsor on amendments to this bill and changes to Maryland Rules to create a feasible timeline for detainers to be acted upon. There is also a proposed new rule, MD. RULE 4-220 – Initial Appearance- Detainers, which would require prompt action on detainers and guarantee a timely hearing for defendants within 30 days of the initial appearance.

MCPA/MSA support those efforts by MCAA. For these reasons, MCPA and MSA **SUPPORT HB 389 WITH AMENDMENTS** and urge a **FAVORABLE** committee report.

# **HB 123- School Systems - Reportable Offenses - AI**

Uploaded by: Betsy Fox Tolentino

Position: INFO



Aruna Miller  
Lt. Governor

Wes Moore  
Governor

Betsy Fox Tolentino  
Acting Secretary

**Date:** February 5, 2025  
**Bill Number/Title:** HB 123- School Systems - Reportable Offenses - Alterations  
**Committee:** Judiciary  
**DJS Position:** Oppose

The Department of Juvenile Services (DJS) opposes HB 123. DJS shares the commitment to school safety and to ensuring that schools have appropriate information to respond to serious incidents involving students. Maryland has long recognized the importance of a carefully balanced reportable offense framework—one that protects public safety while also safeguarding students’ rights and continued access to education. Any changes to this framework must be thoughtfully designed to ensure consistency, protect confidentiality, and support the needs of both students and school communities.

To achieve this balance, DJS supports a collaborative, multi-stakeholder approach that brings together schools, law enforcement, prosecutors, juvenile justice partners, and community voices. Involving all stakeholders ensures development of a framework that is fair, equitable, and evidence-based, ensuring that information is shared responsibly while supporting both public safety and positive youth outcomes.

Currently, the Commission on Juvenile Justice Reform and Emerging Best Practices is leading a collaborative process through its system process workgroup, that is focused on:

- Establishing a standardized statewide process for law enforcement to notify Local Education Agencies (LEAs) of arrests for reportable offenses, including cases where the arrest occurs outside the student’s home school district;
- Creating a uniform protocol for State’s Attorney notifications to LEAs regarding case dispositions across jurisdictions;
- Addressing information gaps when students transfer between LEAs or transition between the Juvenile Services Education Program or DJS programs and community schools; and
- Standardizing the overall flow of information from arrest through disposition in a way that protects confidentiality while supporting school safety, coordination, and appropriate student services.

DJS believes that allowing the Commission’s work to continue will result in a more thoughtful, evidence-based, and equitable approach to the reportable offenses framework.

For these reasons, the Department of Juvenile Services respectfully requests an unfavorable report on HB 123 and encourages consideration of the Commission-led process to guide any future changes to Maryland’s Reportable Offenses framework.

**HB 389 INF GOCPP.pdf**

Uploaded by: Dorothy Lennig

Position: INFO

WES MOORE  
*Governor*

ARUNA MILLER  
*Lieutenant Governor*



DOROTHY LENNIG  
*Executive Director*

## **LETTER OF INFORMATION FOR HOUSE BILL 389**

February 5, 2026

**DOROTHY J. LENNIG, GOCPP EXECUTIVE DIRECTOR**

The Governor's Office of Crime Prevention and Policy (GOCPP) serves as Maryland's central coordinating agency for criminal and juvenile justice policy, federal grant administration, and compliance with the Juvenile Justice and Delinquency Prevention Act (JJDP).

House Bill 389 seeks to prohibit the detention and confinement of youth in any facility that also holds adult inmates, with very limited exceptions. The bill applies to youth in a pretrial status as well as those who have been convicted of adult charges. Additionally, the proposed changes would remove the exception that currently allows for the denial or delay of a youth's transfer due to a lack of capacity within DJS facilities.

GOCPP administers the Title II Juvenile Justice Delinquency Prevention Formula Grant (JJAC). The federal Title II Formula Grants Program is authorized under Sections 221–223 of the Juvenile Justice and Delinquency Prevention Act of 1974, as amended in 2002, 42 U.S.C. §§ 5631–5633 (JJDP). Among other conditions, states must comply with the Act's core requirements. Those requirements are:

- Deinstitutionalization of Status Offenders
- Sight and Sound Separation of Juveniles from adults in institutions
- Removal of juveniles from adult jails and lockups
- Addressing Racial and Ethnic Disparities

The Office of Juvenile Justice and Delinquency Prevention (OJJDP) issued a letter to State Administering Agency Directors dated January 6, 2026, officially determining Maryland to be out of compliance with 223(a)(11)(b) by failing to remove youth from adult jails and lockups at a rate higher than the OJJDP calculated threshold (Attachment 1). This letter stated:

“Pursuant to section 223(c) of the JJDP (34 U.S.C. § 11133(c)), each eligible state receives 20 percent of its total FY 2025 allocation and an additional 20 percent for compliance with each of the requirements in sections 223(a)(11)(A) and (B), (12), (13), and (15). OJJDP has, therefore, determined that Maryland is eligible to receive 80 percent of its FY 2025 allocation related to participation in the Title II Formula Grants Program and compliance with sections 223(a)(11)(A), (12), (13), and (15) of the JJDP (34 U.S.C. § 11133(a)(11)(A), (12), (13), and (15)). Pursuant to section 223(c)(1)(B) of the JJDP (34 U.S.C. § 11133(c)(1)(B)), a state is ineligible to receive any award for the fiscal year unless the state agrees to expend 50 percent of the amount allocated to the state to achieve compliance

with any core requirement for which it has been found noncompliant. Thus, based on the state's noncompliance with section 223(a)(11)(B) of the JJDP (34 U.S.C. § 11133(a)(11)(B)) the JCA requirement, and pursuant to section 223(c)(1) of the JJDP, the state is ineligible to receive any award for FY 2025 unless it demonstrates in its budget that it will expend 50 percent of the amount awarded to achieve compliance with that requirement.”

Based on this letter, the state will lose 20% of the total federal fiscal year 2025 award and be required to utilize 50% of the remaining funds to achieve compliance. This will result in the loss of funding for community-based programs that provide diversion, positive youth development, and other early intervention services.

GOCPP has awarded approximately \$662,288 per year to community providers from JJDP funding on average. However, with the determination of noncompliance, those providers can expect an estimated \$2 million loss of federal dollars available over the next three years. (Attachment 2)

### **Maryland's Violation Data**

GOCPP submits an annual report to the Office of Juvenile Justice and Delinquency Prevention (OJJDP), citing the number of violations for each of the first three core requirements. The number of violations is collected from every applicable facility across the state.

In federal fiscal year (FFY) 2023, Maryland's violation rate for holding youth in adult jails was 93.26 per 100,000 youth, and 119.59 per 100,000 youth in FFY 2024. FFY 2025 data is still being verified. However, GOCPP does not expect the numbers to change significantly from the 2024 report. The federal compliance threshold is 14.68 per 100,000. Based on these figures, Maryland will need to reduce its number of violations by an estimated 87% across the state.

These violations exist in every jurisdiction and every adult jail. Adult jails are not built to house youth, although correctional administrators work tirelessly to keep this population safe and secure. However, county jails, both the physical structures and available services, were not designed with this role in mind. GOCPP's compliance monitoring analysis indicates that Maryland's current statutory framework of initial adult criminal court jurisdiction, for youth 16 and over, charged with any one of 33 specific charges, is a primary driver of these violations.

# Maryland's Compliance with the Juvenile Justice and Delinquency Prevention Act (JJDP A)

Aubrey Gerhardt  
Title II Compliance Monitor



# JJDPA Overview

The Juvenile Justice and Delinquency Prevention Act was signed into law in 1974 and created the Office of Juvenile Justice and Delinquency Prevention (OJJDP) within the DOJ and Title II Formula Grants program

OJJDP determines the award amount for each state based on the state's juvenile population and compliance with each core protection

- States report violations of the core protections to OJJDP on a yearly basis which determines eligibility for the following grant cycle
  - For a state or territory to receive its full allocation of Formula Grant program funds, they must first demonstrate compliance with the core requirements of the JJDPA
    - Achieved via State Monitor conducting site visits and reporting violations



# JJDPA Compliance Requirements

The JJDPA consists of four Core Protections

- Maryland is not compliant with the 223(a)(11)(B), Removal of juveniles charged as adults from adult facilities requirement

The 2018 Reauthorization of the JJDPA subjected juveniles charged as adults to the **Separation** and **Removal** core protections under the 223(a)(11)(B) requirement

- Prior to the reauthorization, Maryland did not have issues maintaining compliance with the core protections
- The state law regarding the process for juveniles once charged as adults has not been modified to reflect the changes made in the JJDPA 2018 reauthorization

# Noncompliance in Maryland

Maryland has 215 facilities in its monitoring universe\*

- Lockups: short-term holding facilities such as police departments, sheriff's office's for temporary detention/ processing
  - 77% of MD's monitoring universe, core protections achieved easily
- Jail/Detention Centers: Offenders are housed awaiting legal proceedings
  - 12% of MD's monitoring universe, violation incurred as soon as a juvenile enters the facility and every 30 days the juvenile remains housed in the facility

\* Where juveniles may be held, not including adult prisons

# Noncompliance in Maryland

In Maryland, juveniles are automatically charged as adults for 33 offenses and held in adult jails\* immediately after arrest and processing\*\* in most cases

- Most detention centers cannot accommodate sight and sound separation; so a violation could occur upon entry or after six hours, and every 30 days thereafter

\*Exception: in Baltimore City, juveniles charged as adults are held in the Baltimore City Youth Detention Center, a facility which ONLY houses juveniles charged as adults.

\*\*Processing may look different by county.

# Federal Law Versus Maryland Law: Requirements

## **Federal Law:**

- ✓ Sight and Sound Separation
- ✓ Removal after 6 hours
- ✓ Requires a court order to hold a juvenile in an adult facility for longer than 6 hours

## **Maryland Law:**

- ✗ Sight and Sound Separation
- ✗ Removal after 6 hours
- ✗ Requires a court order to hold a juvenile in an adult facility for longer than 6 hours

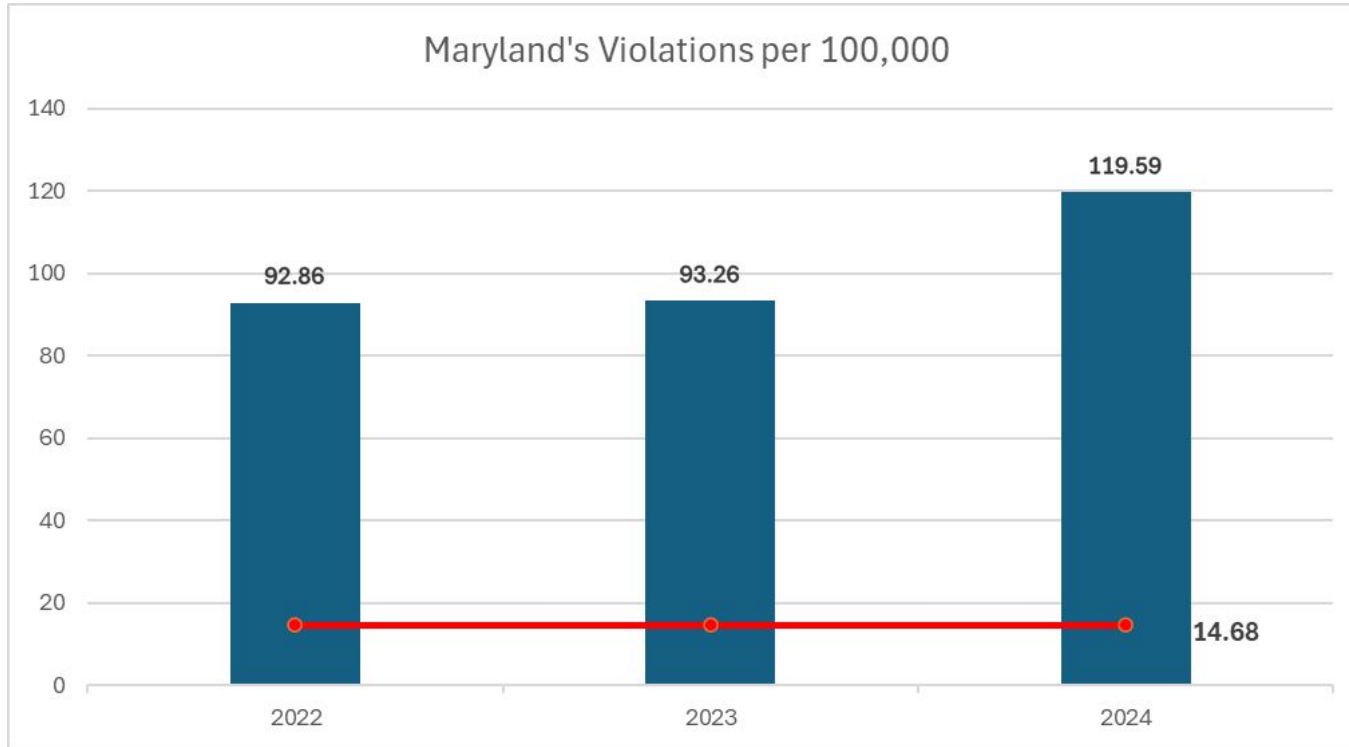
## Exception: Interest of Justice Order

An Interest of Justice (IOJ) order issued by the court would alleviate a violation on a detention center, but often is not issued within six hours of detention

- The court can make determinations such as transferring the case down to juvenile court, ordering the juvenile charged as an adult to be held in a juvenile facility pending trial, ordering home detention, etc. which would avoid further violations accumulated by that individual; however, these options do not occur within six hours

# 223(a)(11)(B) Violations

Issued threshold from  
OJJDP: 14.68 per 100,000



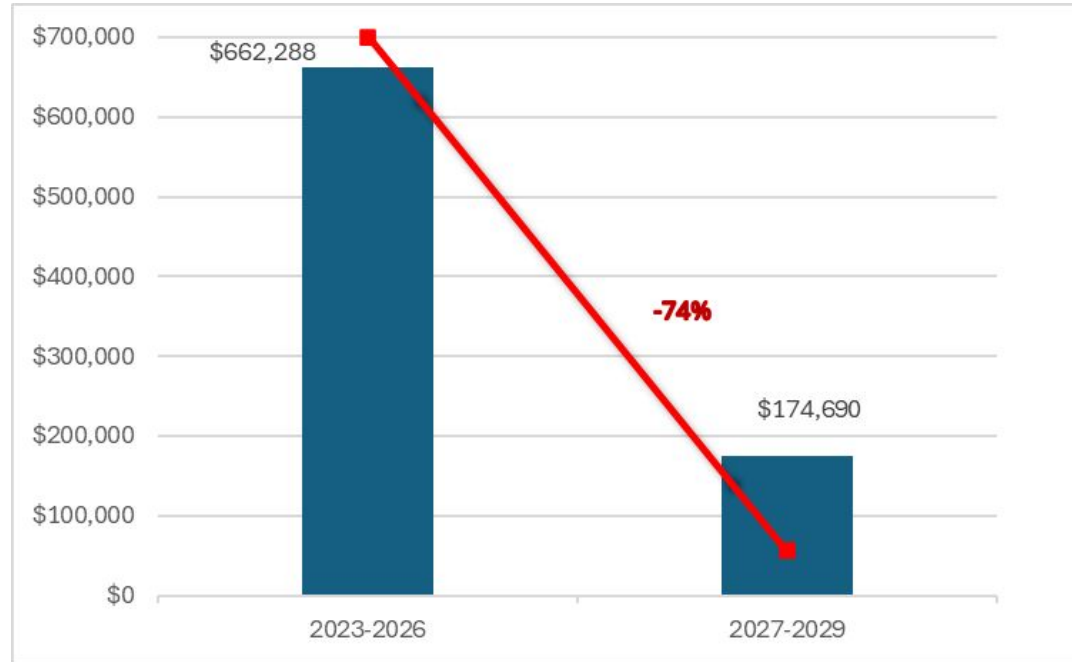
## Funding Impacts of Noncompliance

If a state is out of compliance with one or more core protections, its JJAC award amount is reduced by 20% for each core protection out of compliance

- Additionally, states must use 50% of the remaining funds to achieve compliance

# Funding Impacts of Noncompliance

- Average of \$662,288 awarded per year to community providers from JJDPAs funds.
- Vast majority of federal dollars received must be redirected to compliance efforts
- Estimated loss of \$2 million federal dollars over the next three years.



# Conclusion: Maryland's Compliance

Funding items that would be lowered due to the noncompliance finding:

- Evidence-based therapies and behavioral health services
- Job training and life skills
- Peer Mediation
- Mentorships
- Enrichment and Engagement programs during vulnerable times of the day

Maryland has been in compliance with the JJDPa but is facing issues with meeting requirements in the 2018 reauthorization

Maryland WILL be out of compliance with the 223(a)(11)(B) requirement until state law reflects federal requirements

- Optimistic estimate is a \$2 million loss, based on the hope that the state is able to align with requirements in the 2018 reauthorization of the JJDPa



# Contact Maryland's Title II Compliance Monitor

Governor's Office of Crime Prevention and Policy

Aubrey Gerhardt

[aubrey.gerhardt@maryland.gov](mailto:aubrey.gerhardt@maryland.gov)

Read more about the JJDPA  
in Maryland



Juveniles Charged as Adults  
Dashboard





**U.S. Department of Justice**

Office of Justice Programs

*Office of Juvenile Justice and Delinquency Prevention*

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*Office of the Administrator*

*Washington, D.C. 20531*

January 6, 2026

Dorothy J. Lennig  
Executive Director  
Governor's Office of Crime Prevention, Youth, and Victim Services  
100 Community Place,  
Crownsville, Maryland 21032

Dear Executive Director Lennig:

The Office of Juvenile Justice and Delinquency Prevention (OJJDP) has completed its review and analysis of Maryland's federal fiscal year (FFY) 2025 Title II Formula Grants Program compliance monitoring report, supporting documentation, its current Racial and Ethnic Disparities (R/ED) action plan and corresponding data covering the FFY 2024 reporting period. OJJDP conducted the review to determine (1) whether Maryland has described an effective system of monitoring, pursuant to section 223(a)(14) of the Juvenile Justice and Delinquency Prevention Act (JJDP A) (34 U.S.C. § 11133(a)(14)), and (2) the extent of Maryland's compliance with the core requirements pursuant to sections 223(a)(11)(A) and (B), (12), (13), and (15) of the JJDP A (34 U.S.C. §§ 11133(a)(11)(A) and (B), (12), (13), and (15)).

Based on our review and analysis, OJJDP has determined that Maryland has provided for an effective system of monitoring, as described in the state plan. This is not a determination that Maryland, in fact, has an effective system of monitoring, which can be determined only through an onsite audit. Rather it indicates that the state has described an effective system of monitoring, pursuant to section 223(a)(14) of the JJDP A (34 U.S.C. § 11133(a)(14)), which includes a description of how the state intends to submit compliance data for at least 85% of facilities in the State required to report data. (*See* 28 C.F.R. § 31.303(f)(5)).

Based on our review and analysis of the FFY 2025 compliance monitoring report, supporting documentation, the current R/ED action plan and corresponding FFY 2024 data, OJJDP has determined:

- Maryland is in compliance with section 223(a)(11)(A) of the JJDP A (the "deinstitutionalization of status offenders" or "DSO" requirement) (34 U.S.C. § 11133(a)(11)(A)).

- Maryland is not in compliance with section 223(a)(11)(B) of the JJDPa (the “juveniles charged as adults” or “JCA” requirement) (34 U.S.C. § 11133(a)(11)(B)).<sup>1</sup>
- Maryland is in compliance with section 223(a)(12) of the JJDPa (the “separation requirement”) (34 U.S.C. § 11133(a)(12)).
- Maryland is in compliance with section 223(a)(13) of the JJDPa (the “jail removal” requirement) (34 U.S.C. § 11133(a)(13)).
- Maryland is in compliance with section 223(a)(15) of the JJDPa (the “racial and ethnic disparities” or “R/ED” requirement) (34 U.S.C. § 11133(a)(15)).

Pursuant to section 223(c) of the JJDPa (34 U.S.C. § 11133(c)), each eligible state receives 20 percent of its total FY 2025 allocation and an additional 20 percent for compliance with each of the requirements in sections 223(a)(11)(A) and (B), (12), (13), and (15). OJJDP has, therefore, determined that Maryland is eligible to receive 80 percent of its FY 2025 allocation related to participation in the Title II Formula Grants Program and compliance with sections 223(a)(11)(A), (12), (13), and (15) of the JJDPa (34 U.S.C. § 11133(a)(11)(A), (12), (13), and (15)). Pursuant to section 223(c)(1)(B) of the JJDPa (34 U.S.C. § 11133(c)(1)(B)), a state is ineligible to receive any award for the fiscal year unless the state agrees to expend 50 percent of the amount allocated to the state to achieve compliance with any core requirement for which it has been found noncompliant. Thus, based on the state’s noncompliance with section 223(a)(11)(B) of the JJDPa (34 U.S.C. § 11133(a)(11)(B)) the JCA requirement, and pursuant to section 223(c)(1) of the JJDPa, the state is ineligible to receive any award for FY 2025 unless it demonstrates in its budget that it will expend 50 percent of the amount awarded to achieve compliance with that requirement.

The enclosure summarizes the basis for the final compliance determination for the DSO, JCA, separation, jail removal, and R/ED requirements.

Please be advised that you may appeal the determination of noncompliance with the juveniles charged as adults requirement to the Assistant Attorney General for the Office of Justice Programs, consonant with 28 C.F.R. Part 18. The appeal request must provide a sufficient factual or legal basis for overturning the determination made by OJJDP. The appeal request must be addressed to the Assistant Attorney General and sent to the Office of the General Counsel by email to [OJP.Appeals@usdoj.gov](mailto:OJP.Appeals@usdoj.gov) within 30 business days of receipt of this notice. In the subject line of the email, please clearly indicate the name of the jurisdiction, agency, or organization appealing the decision and specify “OJJDP.” Unless the Assistant Attorney General grants a waiver, an untimely appeal request may result in denial of the appeal.

We are available to help Maryland achieve and maintain compliance with all of the requirements of the Title II Formula Grants Program. If you have any questions, please contact your OJJDP

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<sup>1</sup> JCA is a provision under the DSO requirement. If a state is determined to be out of compliance with either Section 223(a)(11)(A) and/or (B) of the JJDPa the state’s total FY 2025 allocation will be reduced by 20 percent (34 U.S.C. § 11133(c)) .

State and Tribal Relations Assistance Division Program Manager, Ashley Washington, at 202-598-6516 or [ashley.washington@usdoj.gov](mailto:ashley.washington@usdoj.gov).

Sincerely,

**EILEEN  
GARRY** Digitally signed  
by EILEEN GARRY  
Date: 2026.01.15  
12:22:00 -05'00'

Eileen M. Garry  
Acting Administrator

cc: Fred Chavis  
State Advisory Group Chairperson

Jennifer Krabill  
Juvenile Justice Specialist

Aubrey Gerhardt  
R/ED Coordinator

Layomi Omolola  
Compliance Monitor

Attachment

## **STATUS OF COMPLIANCE**

Juvenile Justice and Delinquency Prevention Act (JJDP), as amended

### **Section 223(a)(11)(A)**

Pursuant to the requirements of Section 223(a)(11)(A) of the JJDP (34 U.S.C. § 11133(a)(11)(A)) (the “deinstitutionalization of status offenders” or “DSO” requirement), OJJDP has determined that Maryland has an institutionalization rate of 0.15 status offenders and nonoffenders held per 100,000 persons under the age of full criminal responsibility under state law (the state’s “juvenile population”). This is below the established standard of a rate not to exceed of 3.23 per 100,000 persons in the juvenile population. Based on FFY 2024 data that Maryland has provided, OJJDP has determined that Maryland is in compliance with the DSO requirement, which requires that states not place status offenders and nonoffenders in secure detention and correctional facilities (with certain exceptions).

### **Section 223(a)(11)(B)**

Pursuant to the requirements of Section 223(a)(11)(B) of the JJDP (34 U.S.C. § 11133(a)(11)(B)) (the “juveniles charged as adults” or “JCA” requirement), OJJDP has determined that Maryland has a rate of 119.59 juveniles per 100,000 persons in the juvenile population who were charged as adults and detained or confined in adult jails or lockups. This is above the established standard of a rate not to exceed 14.68 per 100,000 persons in the juvenile population. Based on FFY 2024 data that Maryland has provided, OJJDP has determined that Maryland is not in compliance with the JCA requirement, which requires that states not place juveniles charged as adults in adult jails or lockups (with certain exceptions).

### **Section 223(a)(12)**

Pursuant to the requirements of Section 223(a)(12) of the JJDP (34 U.S.C. § 11133(a)(12)) (the “separation” requirement), OJJDP has determined that Maryland has a rate of 0.00 juveniles per 100,000 persons in the juvenile population who were detained or confined in institutions in which they had sight or sound contact with adult inmates. This is below the established standard of a rate not to exceed .16 per 100,000 persons in the juvenile population. Based on FFY 2024 data that Maryland has provided, OJJDP has determined that Maryland is in compliance with the separation requirement, which requires that states not detain or confine juveniles in any institution in which they have sight or sound contact with adult inmates, and that the state has a policy in effect requiring individuals who work with both juvenile and adult inmates, including in collocated facilities, to be trained and certified to work with juveniles.

### **Section 223(a)(13)**

Pursuant to the requirements of Section 223(a)(13) of the JJDP (34 U.S.C. § 11133(a)(13)) (the “jail removal” requirement), OJJDP has determined that Maryland has a rate of 2.39 juveniles detained or confined in adult jails or lockups per 100,000 persons in the juvenile population. This is below the established standard of a rate not to exceed 15.13 per 100,000 persons in the juvenile population. Based on FFY 2024 data that Maryland has provided, OJJDP has

determined that Maryland is in compliance with the jail removal requirement, which requires that states not detain or confine juveniles in adult jails and lockups or in any institution in which they have sight or sound contact with adult inmates (with certain exceptions), and that the state has a policy in effect requiring individuals who work with both juvenile and adult inmates, in collocated facilities, to be trained and certified to work with juveniles.

**Section 223(a)(15)**

OJJDP has determined that Maryland is in compliance with section 223(a)(15) of the JJDPA (34 U.S.C. § 11133(a)(15)) (the “racial and ethnic disparities” or “R/ED” requirement). The activities described in its FFY 2025 state plan, current R/ED action plan, and corresponding data indicates that Maryland has met the criteria for compliance with the R/ED requirement.

**SAG LOI Bill 296 389 - signed.pdf**

Uploaded by: Jenny Krabill

Position: INFO



## Juvenile Grant Planning and Review Council Maryland's State Advisory Group

Mayor Lajan Cephas  
Chair

### LETTER OF INFORMATION FOR SENATE BILL 296 AND HOUSE BILL 389

#### **Background**

Maryland's State Advisory Group (SAG) is responsible for carrying out the statutory requirements of the Juvenile Justice and Delinquency Prevention Act (JJDP) as they pertain to state responsibilities under [Executive Order 01.01.2022.06](#). The JJDP provides formula funding to the state to issue grants to organizations that support reform in Maryland's juvenile justice system and focus on initiatives and strategies that support the hallmarks of the Developmental Approach to Juvenile Justice Reform.

To be eligible to receive this formula grant, Maryland must maintain a SAG, prepare a three-year strategic plan for juvenile justice system reform, and comply with the Act's core requirements. Those requirements are:

- Deinstitutionalization of Status Offenders
- Sight and Sound Separation of Juveniles from adults in institutions
- Removal of juveniles from adult jails and lockups
- Addressing Racial and Ethnic Disparities

The requirement to remove juveniles from adult jails and lock-ups includes juveniles charged as adults as of 2018. Currently, the law in Maryland allows juveniles charged as adults to be held in adult facilities if the Department of Juvenile Services determines there is not sufficient capacity in a secure juvenile facility, or if the court finds that detention in a juvenile facility would pose a risk of harm to the youth or others in the facility.<sup>1</sup> On January 6, 2026, the Office of Juvenile Justice and Delinquency Prevention (OJJDP) issued a letter to the State of Maryland stating that, **"Maryland is not in compliance with section 223(a)(11)(B) of the JJDP (the "juveniles charged as adults" or "JCA" requirement) (34 U.S.C. § 11133(a)(11)(B))."**<sup>2</sup>

Senate Bill 296 (cross-filed with HB 389) would codify the requirement in federal law that a youth may not have any sight and sound contact with adult inmates and may not be held in an adult correctional facility for more than 6 hours. Bills have been introduced in prior legislative sessions in an attempt to satisfy this federal requirement; however, no previous version has been successful.

On January 6, 2026, OJJDP issued its determination of non-compliance notice to Maryland. As a result, the state is subject to a 20% reduction in federal fiscal year 2025 funding and half of what remains will be required to fund proposals that will get the state back into compliance. SB 296 and HB 389 would be the start of bringing the state in line with federal law.

<sup>1</sup> [Crim. Pro. § 4-202. Transfer of criminal cases to juvenile court](#)

<sup>2</sup> [1-6-2026 OJJDP Non-Compliance Determination letter](#)

### **Impact of Non-Compliance with the Core Protections**

Maryland currently has thirty-three (33) offenses in statute that, when charged, automatically fall under the adult criminal court jurisdiction. This means that when a youth is charged with one of these offenses, he or she is automatically charged as an adult, processed, and taken to the county jail or detention center. All twenty-three (23) counties and Baltimore City have at least one adult jail/ detention center.

The number of youth entering the adult facilities and being held for a period of over 6 hours is dramatically high when compared to the threshold standard set by OJJDP. Federal thresholds are calculated every year, based on the compliance data reported by each state for every core protection. Federal fiscal year 2025 was the first year that a threshold was established for the rate of violations per 100,000 youth being held in adult facilities. The data collected and reported by Maryland was such an outlier, that it was excluded from the federal calculation for the national standard. The table below shows the federal threshold for each core requirement for the past 2 reporting periods and Maryland's violation rate.

Core Requirement	Federal Threshold (per 100,000 juveniles)		Maryland's Compliance Monitoring Rate (per 100,000 juveniles)	
	2023	2024	2023	2024
Deinstitutionalization of status offenders	3.08	3.23	0	0.15
<b>Removal of juveniles charged as adults</b>	<b>n/a</b>	<b>14.68</b>	<b>93.26</b>	<b>119.59</b>
Sight and sound separation	0.66	0.16	0	0
Removal of juveniles, alleged delinquent, from adult jails and lockups	8.81	15.13	0.66	2.39

OJJDP has not released a federal threshold for fiscal year 2025 at this time. However, Maryland's violation rate will not be very different from the 2024 number.

An additional concern is that county jails and detention centers were not made to hold children, so many are within sight and sound contact of adult offenders, or are held in solitary confinement to keep them separate from other offenders.

The primary purpose of the JJDPA grant program is to improve outcomes for children and youth within the juvenile justice system by increasing and strengthening community-based programs and services, expanding community-based diversion programs, and prioritizing programs focused on positive youth development. This program currently supports the funding of several community partners across the state of Maryland that may lose funding because of the cut in grant funding.

Maryland awards approximately \$662,288 per year to community providers from JJDP A funding on average. However, with the determination of noncompliance and the lack of a legislative solution, the vast majority of those funds will be required to be redirected to compliance efforts. This will result in an estimated \$2 million loss of federal dollars available to these community providers over the next three years.

SB296/HB389 attempts to ensure that this funding will be available for diversion and prevention programs and that youth would not be housed in an adult jail or lockup prior to the resolution of their legal case. This helps Maryland get back into compliance with the [34 USC 11133\(a\)\(1\)\(B\)](#) requirement of the Act, restoring the full federal grant award.

The information above shows the health and safety consequences for juveniles charged as adults and the fiscal impact of Maryland's noncompliance with the JJDP A, which Senate Bill 296/House Bill 389 intends to address.

Sincerely,

A handwritten signature in black ink, appearing to read "Lajan Cephah-Bey". The signature is written in a cursive, flowing style.

Mayor Lajan Cephah-Bey  
Chair, Maryland State Advisory Group

1. The first part of the document discusses the importance of maintaining accurate records of all transactions. It emphasizes that proper record-keeping is essential for ensuring the integrity and reliability of financial data. This section also highlights the role of internal controls in preventing errors and fraud.

2. The second part of the document focuses on the implementation of a robust risk management framework. It outlines the key components of such a framework, including the identification, assessment, and mitigation of risks. The document stresses the need for a proactive approach to risk management, where potential risks are identified and addressed before they become significant issues.

3. The third part of the document addresses the importance of effective communication and reporting. It discusses the need for clear and concise communication of financial information to stakeholders. This section also highlights the role of management in ensuring that financial reports are accurate and transparent.

4. The fourth part of the document discusses the importance of maintaining a strong relationship with external auditors. It emphasizes that external auditors play a crucial role in providing an independent opinion on the financial statements. The document outlines the key factors that contribute to a successful relationship with external auditors, including transparency, cooperation, and timely communication.

5. The fifth part of the document discusses the importance of staying up-to-date with the latest developments in financial reporting and risk management. It highlights the need for continuous learning and professional development. This section also discusses the role of industry associations and regulatory bodies in providing guidance and support.

1. The first part of the document discusses the importance of maintaining accurate records of all transactions. It emphasizes that proper record-keeping is essential for ensuring the integrity and reliability of financial data. This section also highlights the role of internal controls in preventing errors and fraud.

## **Late Information Only**

Uploaded by: Kara Aanenson

Position: INFO

Aruna Miller  
Lt. GovernorWes Moore  
GovernorBetsy Fox Tolentino  
Acting Secretary

---

**Date:** February 5, 2025  
**Bill Number/Title:** House Bill 389 Juveniles – Detention and Confinement – Limitations on Juvenile Contact With Incarcerated Adults  
**Committee:** Judiciary  
**DJS Position:** Letter of Information

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The Department of Juvenile Services (DJS) submits this letter for informational purposes regarding House Bill 389. The Department shares the goal of protecting youth from contact with incarcerated adults and offers the following information to clarify how the bill interacts with existing Maryland law, federal requirements, and current operational practices.

House Bill 389 seeks to prevent youth under 18 from being detained in facilities where they have contact with incarcerated adults. This aligns with, but is more expansive than the federal Juvenile Justice and Delinquency Prevention Act (JJDP) requirements for jail removal and sight-and-sound separation. Maryland’s current statutory framework prioritizes holding all youth in juvenile facilities, however, it still results in some youth being held in adult jails while awaiting adult transfer determinations due to juvenile capacity limitations. Statutory reforms—such as changes to automatic charging—are necessary to relieve existing pressure and create the capacity needed to implement the provisions of hb 389. Until these reforms are in place and operational adjustments are fully implemented, DJS does not have capacity to safely accommodate additional populations under the proposed bill.

### **Current Maryland Law**

When a youth is charged as an adult, and a transfer determination is pending, the court must order the youth to be held in a secure juvenile facility. The statute provides limited and clearly defined exceptions, including:

- Release on bail, recognizance, or other conditions of pretrial release;
- Lack of available capacity in a secure juvenile facility as determined by the Department of Juvenile Services; or
- A judicial finding that placement in a secure juvenile facility would pose a risk of harm to the youth or others, with the reasons stated on the record.

This framework establishes clear court oversight, defined decision-making authority, and narrowly tailored, documented exceptions. Youth remain in DJS custody unless and until the court denies a transfer hearing. If a youth pending transfer turns 18, the youth remains in a DJS facility while the court process is ongoing. It is important to note that 16-and 17-year-olds charged with capital offenses are not eligible for transfer to juvenile court.

Aruna Miller  
Lt. Governor

Wes Moore  
Governor

Betsy Fox Tolentino  
Acting Secretary

### **Federal JJDP / OJJDP Requirements**

The Juvenile Justice and Delinquency Prevention Act (JJDP) establishes federal protections applicable to juveniles in custody. The jail removal requirement states that juveniles may not be securely detained in adult jails or lockups except for limited exceptions, such as brief processing or transfer.

Federal regulations allow a youth charged as an adult to be held in an adult jail or lockup beyond normal jail-removal limits if the court determines that it is in the interest of justice and makes specific findings, which may include:

- The nature of the offense;
- Public safety considerations;
- Risk of flight;
- Inability to safely transport the youth; and
- Distance to the nearest juvenile facility.

The exception provides limited, case-specific judicial discretion, subject to strict statutory timeframes that limit the duration of adult detention and require explicit judicial findings and ongoing court review, while maintaining federal compliance.

Importantly, the JJDP does not address the placement of convicted youth.

### **House Bill 389**

House Bill 389 prohibits a *child*—defined under Maryland law as an individual under the age of 18—from being detained or confined in any facility where the child has contact with, or is within sight or sound of, an incarcerated adult. The bill further provides that a child under 18 who has been arrested, convicted, or is awaiting trial may not be held in an adult correctional facility.

HB 389 allows for a limited exception for temporary processing. A child under 18 may be held briefly in a jail or detention center that lacks a secure juvenile area if the child is separated by sight and sound from adults and is held for fewer than six hours prior to transport to a juvenile facility.

Aruna Miller  
Lt. Governor

Wes Moore  
Governor

Betsy Fox Tolentino  
Acting Secretary

### Key Policy Considerations

- **Definition of “child.”**  
The bill relies exclusively on an under-18 definition. As written, a youth who turns 18 while awaiting a transfer determination would be required to move to an adult facility, even though the juvenile court process remains ongoing.
- **Absence of an “interest of justice” exception.**  
The bill does not incorporate the federal “interest of justice” exception or establish a comparable state-level framework allowing courts to make individualized, documented findings when adult placement is deemed necessary.
- **Operational and judicial clarity.**  
The bill uses permissive language (“may not be held”) without clearly identifying decision-making authority, required judicial findings, or standards governing placement decisions.
- **Facility scope.**  
It is unclear whether the prohibition applies to the Youth Detention Center operated by the Department of Public Safety and Correctional Services, creating uncertainty regarding implementation and compliance.
- **Population and capacity impact.**  
The bill would expand the populations required to be served in DJS detention centers—including youth who are convicted or awaiting trial in adult court—without a corresponding reduction in DJS’s existing detention population, raising significant capacity and operational concerns.

DJS appreciates the intent of HB 389 and shares the goal of reducing youth placements in adult correctional facilities. DJS continues to work collaboratively with judges, state’s attorney’s, public defenders, local detention facilities, and other system partners to fully utilize existing statutory authority to reduce both the number of youth held in adult facilities and the length of time youth remain there. These efforts reflect a shared commitment across the system to protect youth while maintaining public safety and accountability.

DJS also appreciates the delayed implementation contemplated in HB 389. However, without understanding how other necessary statutory reforms - particularly those affecting automatic charging and transfer timelines - will impact the current population, it is not possible for DJS to fully assess its ability to implement the provisions of HB 389 safely and effectively. These statutory changes are critical to creating the capacity required to serve additional populations within the juvenile justice system framework.



DEPARTMENT OF  
JUVENILE SERVICES

217 East Redwood Street  
Baltimore, MD 21202

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Aruna Miller  
Lt. Governor

Wes Moore  
Governor

Betsy Fox Tolentino  
Acting Secretary

DJS remains committed to work with the Committee to strike the appropriate balance between implementing youth removal from adult jails and operational feasibility. During the delayed implementation period, DJS respectfully requests the opportunity to study the population impact of related statutory changes and provide data and analysis to the General Assembly. This approach will ensure that any implementation of HB 389 is informed, deliberate, and aligned with the DJS' ability to safely and securely accommodate additional youth in its care.

DJS appreciates the Committee's consideration of this letter of information.

**2026\_02\_05 HB 389 Juveniles - Limitation on Juveni**

Uploaded by: Tiffany Clark

Position: INFO

**CAROLYN A. QUATTROCKI**  
*Chief Deputy Attorney General*

**LEONARD J. HOWIE III**  
*Deputy Attorney General*

**CARRIE J. WILLIAMS**  
*Deputy Attorney General*

**SHARON S. MERRIWEATHER**  
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**ZENITA WICKHAM HURLEY**  
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**PETER V. BERNS**  
*General Counsel*

**CHRISTIAN E. BARRERA**  
*Chief of Staff*

**STATE OF MARYLAND**  
**OFFICE OF THE ATTORNEY GENERAL**

**ANTHONY G. BROWN**  
*Attorney General*

February 5, 2026

**TO:** The Honorable J. Sandy Bartlett  
Chair, Judiciary Committee

**FROM:** Tiffany Clark  
Director, Legislative Affairs, Office of the Attorney General

**RE:** House Bill 389 – Juveniles – Detention and Confinement – Limitations on  
Juvenile Contact with Incarcerated Adults (Support in Concept)

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The Office of the Attorney General (OAG) supports **House Bill 389 - Juveniles – Detention and Confinement – Limitations on Juvenile Contact with Incarcerated Adults** in concept. House Bill 389 proposes to prohibit children subject to adult criminal court jurisdiction from being detained in adult facilities beyond a six-hour processing period, requiring their placement in juvenile facilities instead.

House Bill 389 addresses a critical federal compliance issue while protecting vulnerable youth in Maryland's criminal justice system. Maryland is significantly out of compliance with the federal Juvenile Justice and Delinquency Prevention Act (JJDP). In fiscal year 2024, the State's detention rate was 112.34 violations per 100,000 youth—seven times greater than the federal threshold of 14.68 violations per 100,000.<sup>1</sup> This noncompliance is expected to cost Maryland an estimated \$350,000 in federal formula grant funding over the next two years.

Maryland's own Compliance Monitoring Manual explicitly identifies this as a barrier requiring legislative action, stating: "Legislation at the state level is needed to ensure the requirements under section 223(a)(11)(b) can be adequately addressed." The Manual explains that because Maryland automatically charges juveniles as adults for certain offenses, youth charged under criminal court jurisdiction do not receive the required "interest of justice" hearing within six

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<sup>1</sup> <https://www.wypr.org/wypr-news/2025-03-03/a-national-outlier-marylands-jails-fail-to-protect-young-inmates>

hours under current state law. The Manual concludes: "The state will need a legislative change in order to comply with the Act."<sup>2</sup>

House Bill 389 provides this necessary legislative change. By prohibiting placement of youth in adult facilities beyond the six-hour processing window, the bill eliminates the compliance barrier while protecting youth from documented harms. Youth held in adult jails face serious risks: they spend up to 23 hours a day in isolation due to sight-and-sound separation requirements, lose access to education, and are cut off from rehabilitative services available in the juvenile system.

This legislation directly supports our efforts to advance equity and reform in Maryland's criminal justice system. Youth of color are disproportionately affected by Maryland's automatic charging statutes—nine out of ten children charged as adults are children of color, and eight of ten are Black.<sup>3</sup> Ensuring these youth are held in age-appropriate facilities with access to rehabilitative services supports OAG's commitment to reducing racial disparities in the justice system and restoring Maryland's credibility as a leader in criminal justice reform.

While we strongly support the bill's policy objectives and its solution to Maryland's federal compliance crisis, we encourage the General Assembly to coordinate with the Department of Juvenile Services to ensure adequate capacity is available by the bill's October 2028 effective date. This may include requiring DJS to submit a capacity plan and cost estimate, and appropriating necessary funds for facility expansion.

House Bill 389 would be most effective as part of a comprehensive approach to juvenile justice reform. We encourage the General Assembly to consider this bill alongside complementary reforms, including those recommended by the Maryland Equity and Justice Commission. These include restricting automatic adult charging to more serious offenses, as addressed in Senate Bill 323, and expanding an Emerging Adults Program for individuals ages 18-25 that creates protocols geared toward community building and intensive services to improve post-release success and prevent future system involvement. Together, these reforms ensure that young people are properly rehabilitated and reintegrated into society, reducing recidivism through age-appropriate, evidence-based interventions.<sup>4</sup>

We appreciate the General Assembly's work on this important policy and welcome the opportunity to share our perspective. For the foregoing reasons, the Office of the Attorney General respectfully urges the Committee to give House Bill 389 a favorable report.

Cc: Members of the Committee

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<sup>2</sup> <https://gocpp.maryland.gov/wp-content/uploads/maryland-compliance-monitoring-manual.pdf>

<sup>3</sup>

<sup>4</sup> [https://oag.maryland.gov/News/Documents/pdfs/MEJC\\_Report.pdf](https://oag.maryland.gov/News/Documents/pdfs/MEJC_Report.pdf)

**hb389.pdf**

Uploaded by: Will Vormelker

Position: INFO

HON. STACY A. MAYER  
CIRCUIT COURT  
JUDGE  
BALTIMORE COUNTY  
CHAIR

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



KELLEY O'CONNOR  
ASSISTANT STATE COURT  
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SUZANNE PELZ, ESQ.  
SNR. GOVT. RELATIONS AND  
PUBLIC AFFAIRS OFFICER  
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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