

January 30, 2026

Senator Will Smith, Chair
Senate Judicial Proceedings Committee
2 East Miller Senate Office Building
Annapolis, Maryland 21401

Delegate J. Sandy Bartlett, Chair
House Judiciary Committee

Dear Chairs Smith and Bartlett and Members of the Senate Judicial Proceedings Committee and House Judiciary Committee:

We, the undersigned former prosecutors and secretaries of Maryland's Departments of Juvenile Services and Public Safety and Correctional Services, write to support the passage of SB 0323/ HB 409.

Our support for this long overdue legislation comes primarily because it will help improve public safety. Research by the Centers for Disease Control has found that trying juveniles as adults renders them 34% *more likely* to reoffend than young people with similar prior records and offenses who are retained in the juvenile justice system. Recent research by Human Rights for Kids helps explain why – only 28% of young people incarcerated as adults in Maryland receive treatment. Meanwhile, 80% of those children report being abused by staff and spending time in solitary confinement. Conditions young people experience in adult jails and prisons are so toxic that recent research published by the Journal of the American Medical Association has found that youth who are incarcerated in adult correctional facilities are at a 33% higher risk for an early death between the ages of 18 and 39.

Maryland's practice of automatically, as opposed to at the discretion of a judge, trying juveniles as adults is also costly and unnecessary. The legislative analysis of identical legislation sponsored last year in Maryland found that the bill would save \$20 million in its first year. That is because it takes so much longer for a young person's case to be resolved in the adult criminal justice system - young people charged as adults spent 147 days in custody, compared to 27 days for those tried in juvenile court where the process moves more quickly.

Further, because this automatic process nets in so many young people who would be better rehabilitated in the youth justice system, last year fully 87% of Maryland cases where a youth was initially charged in adult court did not result in an adult criminal conviction. It makes much more sense for prosecutors to individually apply for a juvenile to be tried as adults when they think that is warranted, and for the court to render a decision, rather than having young people automatically placed into adult courts and adult jails waiting for months for that decision to be made. This is also the position of the American Bar Association, which recommends that the

decision to prosecute a youth in the adult system be made individually and by a judge. Importantly, the proposed legislation would still allow these young people to be tried as adults at the court's discretion upon the motion of a prosecutor.

Finally, there are troubling racial disparities in Maryland's practice of trying young people as adults. Fully 90% of youth tried as adults in Maryland are youth of color; 81% are Black. Black youth also receive longer sentences than their white counterparts for similar offenses.

For these reasons, Attorney General Anthony Brown, Maryland's Commission on Juvenile Justice Reform and Emerging and Best Practices, the Maryland Equitable Justice Collaborative, Maryland's Legislative Black Caucus, the last two Maryland Chief Judges, and five former Administrators of the federal Office of Juvenile Justice and Delinquency Prevention have supported reforming Maryland's practice of automatically trying so many juveniles as adults.

Maryland's "autowaiver" practice is bad for public safety, costly, ineffective, and racially troubling. For all these reasons, we support SB 0323/ HB 409 as a reasonable approach to a long overdue reform.

Sincerely,

Erek L. Barron, former United States Attorney, District of Maryland, former Member, Maryland House of Delegates, former Assistant States Attorney, Prince George's County

Shay Bilchik (Montgomery County, MD resident) former OJJDP Administrator and Associate Deputy Attorney General, U.S. Department of Justice; former Assistant State Attorney, Miami, Florida; Director Emeritus and Former Research Professor, Center for Youth Justice, Georgetown University

Donald DeVore, former DJS Secretary and former Director, Connecticut Juvenile Services

Brian Frosh, former Maryland Attorney General and former Maryland State Senator/Chair, Senate Judicial Proceedings Committee

Gary Maynard, former DPSCS Secretary and former Director of Corrections in Iowa, Oklahoma, and South Carolina

Vincent Schiraldi, former DJS Secretary; former Commissioner of Probation and Correction in New York City; former Director of Youth Rehabilitation Services, Washington, D.C.

Cc: Senate President Bill Ferguson
Speaker Joseline A. Peña-Melnyk
Governor Wes Moore