

HB409 - Youth Charging Reform Act Testimony.pdf

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Position: FAV



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WRITTEN TESTIMONY
HB409: Juvenile Court - Jurisdiction (Youth Charging Reform Act)
House Judiciary Committee
February 12, 2026
SUPPORT

Background: House Bill 409 would alter the jurisdiction of the juvenile and adult court systems by raising the age children would be tried as adults from 14 to 16, unless they are charged with serious violent crimes that would be punishable by life imprisonment. ***This bill does not preclude children to be tried as adults, it only precludes them from automatically beginning their legal process in adult court for certain criminal charges.***

Written Comments: The Baltimore Jewish Council (BJC) represents the Associated Jewish Federation of Baltimore and all its agencies, and programs, as well as the organized Jewish Community of Baltimore.

Maryland sends more youth to adult court than any other state besides Alabama. Children who start in the adult system are more likely to regress and engage in more violent crimes. Further, choosing to charge these individuals as adults highlights large racial disparities, where over 80% of children charged as adults are Black. Unfortunately, those children are much more likely to receive longer sentences in adult prison than White children.

Services and treatment that are offered in juvenile facilities are evidence-based and preventative. By starting these cases in juvenile court, we not only save the state money and time, but also create better outcomes for these children.

The Baltimore Jewish Council believes that children are society's most vital future resources, yet one of its most vulnerable classes. When our youth are charged with crimes, great care should be taken to ensure that the justice system provides them with fair opportunities for growth. The mandatory charges of children as adults should be avoided at all costs.

As a proud member of the Maryland Youth Justice Coalition, we ask for a favorable report on HB409.

The Baltimore Jewish Council, a coalition of central Maryland Jewish organizations and congregations, advocates at all levels of government, on a variety of social welfare, economic and religious concerns, to protect and promote the interests of the Associated Jewish Community Federation of Baltimore, its agencies and the Greater Baltimore Jewish community.

HB409_MYJC_FAV.pdf

Uploaded by: Alice Wilkerson

Position: FAV



HB 409 Juvenile Court – Jurisdiction (Youth Charging Reform Act)
Position: Favorable

February 12, 2026

Dear Chair Bartlett, Vice Chair Davis, and members of the House Judiciary Committee,

The Maryland Youth Justice Coalition (MYJC) is a diverse array of organizations dedicated to preventing children and adolescents from becoming involved in the legal system, upholding the highest standards of care when children do enter the legal system, and ensuring a platform for system-involved youth and their families to be heard. MYJC strives for a Maryland where no children are at risk of system involvement and, if they are involved with the legal system, they and their families receive every possible opportunity to define and live safe, healthy, and fulfilling lives through restorative practices supported by our state and local communities.

We urge the Judicial Proceedings Committee to issue a favorable report of HB 409

This legislation seeks to address components of our state’s unacceptable system of automatically charging youth as adults. It eliminates automatic charging for children aged 14 and 15, and reduces the list of charges for 16 and 17-year-olds. While MYJC supports ending the practice of automatically charging people under 18 as if they were adults entirely, and beginning all cases involving youth (17 and younger) in juvenile court, we recognize this compromise legislation as a critical step forward.

Maryland is a National Outlier on Automatic Charging

Under current Maryland law, some 14 and 15-year-olds, and most 16 and 17-year-olds are required to be automatically prosecuted in adult court for [33 offenses](#) – putting us out of step with other states and international human rights law. Due to this unusually long list of automatic charges, Maryland sends more young people per capita to adult court based on offense type than any other state except for Alabama.ⁱ Maryland also ranks 4th highest in the country for the number of people convicted as adults when they were children, according to a [2024 report](#) from Human Rights for Kids (HRFK).

Automatic-charging Harms Youth Wellbeing and Public Safety

Research shows that treating kids as if they were adults, in the adult criminal legal system, puts them at far greater physical, emotional, and psychological risk, and leads to higher rates of recidivism. **Youth charged in adult court are less likely to receive rehabilitative services, which makes them more likely to reoffend than similarly situated youth charged in juvenile court.ⁱⁱ Adult charging results in increased physical violence, sexual violence, and isolation.** According to the 2024 HRFK reportⁱⁱⁱ about individuals incarcerated as children in Maryland:

- Nearly 80% were placed in solitary confinement as children
- Over 80% reported experiencing abuse from staff or other incarcerated people
- Only 28.23% of people incarcerated as children have received treatment to address any of the various traumas they experienced prior to their incarceration

The Current System is Biased Against Black Youth

Black youth, overwhelmingly Black and brown, are overrepresented at every stage of the Maryland court system.^{iv} Rampant racial inequities are evident in the way Black kids in particular are disciplined in school, policed and arrested,^v detained, sentenced, and incarcerated.^{vi} These inequities persist even after controlling for variables like offense severity and prior criminal record. **Nearly 80% of youth charged in adult court in Maryland are Black.**^{vii} Black youth are more likely to be prosecuted as adults^{viii}, and receive longer sentences than their white counterparts for similar offenses, in part because Black kids are more likely to be seen and treated as adults than white kids.^{ix}

“Tough on Crime” Laws Criminalize Kids and Make Us Less Safe

Research shows that “tough on crime” policy shifts during the 1980s and 1990s have negatively impacted children, families, and Black communities. These laws were fueled by high-profile criminal cases involving youth, sensationalized coverage of system-involved youth by the media, and crusading politicians who warned that juvenile “super-predators” posed a significant threat to public safety. The general sentiment — not based on research or data — across the political spectrum was that treatment approaches and rehabilitation attempts did not work. However, time has shown that harshly punishing kids by trying them in the adult system has failed as an effective deterrent.^x Studies have found higher recidivism rates among kids tried and sentenced in adult court than among kids charged with similar offenses in juvenile court.

Automatically Charging Kids as Adults is Inefficient and Costly for the State

Keeping children and communities safe should be our highest priority. That's why we must improve laws for teenagers facing adult criminal charges. Maryland's juvenile justice system is designed to hold teens accountable by providing them with tools and resources to change their behavior and avoid future involvement in the criminal legal system. Yet every year, hundreds of kids are placed in the adult criminal justice system instead. And every year, judges decide to have 87% of these cases sent to juvenile court, dismissed, or granted probation – an expensive process that costs over \$20 million a year. This system is wasting resources that could go towards violence prevention and rehabilitative services that actually reduce crime. By requiring cases to start in juvenile court where a judge can review a case and decide whether it is in the best interest of both the youth and our communities to move the case to adult court, Maryland legislators would help produce better outcomes for youth, improve community safety, and save taxpayer money.

This evidence-based reform is long overdue. The first bill on automatic charging was introduced in 2013. Since that time, *three commissions* appointed by three different Governors have recommended ending automatic charging, including the Commission on Juvenile Justice Reform & Emerging & Best Practices (CJJR) created by the General Assembly in 2024 – [2025 Commission report](#). We can and must treat our kids better. Since the year 2000, half of the states have narrowed or eliminated automatic pathways to adult court.^{xi} Maryland should follow suit and pass HB 409 this year.

MYJC respectfully requests that this committee return a favorable report on HB409

ACLU of Maryland	Maryland Catholic Conference
Advance Maryland	Maryland Center on Economic Policy
Baltimore Algebra Project	Maryland Coalition to Reform School Discipline
Baltimore Jewish Council	Maryland Defenders Union
BRIDGE Maryland, Inc.	Mental Health Association of Maryland
Campaign for the Fair Sentencing of Youth	Maryland Out of School Time Network
CAIR	Ortega Law, LLC
CASH Campaign of Maryland Center for Criminal Justice Reform, University of Baltimore School of Law	Out For Justice
Center for Violence Prevention at the University of Maryland, Baltimore	Public Justice Center Quaker Voice of Maryland
The Choice Program at UMBC	R Street
Disability Rights Maryland	The Rebuild, Overcome, and Rise (ROAR) Center of UMB
Fenix Youth Project Inc.	Sayra & Neil Meyerhoff Center for Families, Children and the Courts
The Gault Center: Defenders of Youth Rights	The Sentencing Project
Human Rights For Kids	Showing Up for Racial Justice Baltimore (SURJ)
Jewish Community Relations Council (JCRC) of Greater Washington	Strong Schools Maryland
Jews United for Justice	Youth As Resources
Maryland Alliance for Racial Equity in Education	
Maryland Association of Youth Service Bureaus (MAYSB)	

Sources

ⁱ Maryland JJRC and Marcy Mistrett, National Trends in Charging Children as adults, The Sentencing Project (July 20, 2021)

ⁱⁱ Centers for Disease Control and Prevention. (2007). [*Effects on violence of laws and policies facilitating the transfer of youth from the juvenile to the adult justice system: A report on recommendations of the task force on community preventive services*](#);

ⁱⁱⁱ Human Rights for Kids, [Disposable Children The Prevalence of Child Abuse and Trauma Among Children Prosecuted and Incarcerated As Adults in Maryland](#), 17 (2024)

^{iv} Hagan J, Shedd C, Payne MR. Race, ethnicity, and youth perceptions of criminal injustice. *American Sociological Review*. 2005;70(3):381-407. See also, DJS Data Resource Guide FY2021, 241.

https://djs.maryland.gov/Documents/DRG/Data_Resource_Guide_FY2021.pdf.

^v Monroe CR. Why Are “Bad Boys” always Black?: Causes of Disproportionality in School Discipline and Recommendations for Change. *The Clearing House: A Journal of Educational Strategies, Issues and Ideas*. 2005;79(1):45-50. doi:10.3200/TCHS.79.1.45-50

^{vi} Douglas Young, et al, [Disproportionate Minority Contact in the Maryland Juvenile Justice System](#) , Institute for Governmental Service and Research, University of Maryland, College Park

^{vii} Maryland Governor’s Office of Crime Prevention and Policy. *Juveniles charged as adults*. Retrieved from

<https://app.powerbigov.us/view?r=eyJrIjoiaNzQzYTZhYmMtNzVmOC00OGE2LWFKNzktZDliYzg5NzEyODU2IiwidCI6IjYwYWZlOWUyLTQ5Y2QtNDliMS04ODUxLTY0ZGYwMjc2YTJlOCJ9>.

^{viii} <https://www.baltimoresun.com/2025/01/29/marylands-youth-are-unfairly-criminalized-guest-commentary/>

^{ix} Soler M. Health issues for adolescents in the justice system. *Journal of Adolescent Health*. 2002;31(6):321–333.

^x https://humanimpact.org/wp-content/uploads/2018/10/HIP_JuvenileInJusticeReport_2017.02.pdf

^{xi} Mistrett, M., & Espinoza, M. (2021, December 16). *Youth in adult courts, jails, and prisons*. The Sentencing Project. <https://www.sentencingproject.org/reports/youth-in-adult-courts-jails-and-prisons/>

Bill_HB0409_Andrew Miller - FAV.pdf

Uploaded by: Andrew Miller

Position: FAV

Date of Hearing: Thursday 2/12/26

Name: Andrew J. Miller

Address: Baltimore, MD 21209

TESTIMONY ON HB0409 - POSITION: FAVORABLE
Juvenile Court – Jurisdiction (Youth Charging Reform Act)

TO: Chair Bartlett, Vice Chair Davis, and members of the Judiciary Committee

FROM: Andrew J. Miller

My name is Andrew Miller. I am a resident of District 11B. I am submitting this testimony in support of SB0409, Juvenile Court – Jurisdiction (Youth Charging Reform Act)

I am a long-time member and a Past President of Chizuk Amuno Congregation in Stevenson, MD. I am the chair of the Synagogue Social Justice Roundtable, which works with Jews United for Justice and includes representatives from 11 congregations in Baltimore City, Baltimore County, and Howard County.

As a person of faith I believe in what our sacred texts tell us about pursuing justice. As a scientist I believe in looking at the facts, and not at false assertions that are disseminated to create fear. The “superpredator” myth that led to mass incarceration targeting Black youth in this country still persists in Maryland. Last year I heard it myself coming out of the mouth of one of our States’ Attorneys during a Senate committee hearing.

Maryland sends more youth ages 14 to 17 to adult court per capita than any state in the U.S. other than Alabama, and current law requires automatic charging of youth in adult court for 33 offenses. To “protect” them from the adult prisoners, we often place them in solitary confinement for 23 hours a day. Overuse of solitary confinement in Maryland prisons violates international standards against torture. And there are enormous racial disparities in who experiences this treatment. We are the only state other than Louisiana where more than 80% of the incarcerated youth are Black and where more than 6% of the adult prison population have been incarcerated since they were children. Statistics also show that Black children receive longer sentences for the same crime by comparison with other groups. This is unacceptable.

On Sunday January 18, the Synagogue Social Justice Roundtable sponsored a program on Youth Justice, hosted by Har Sinai Oheb Shalom Congregation, featuring a panel of speakers including Judge Andre Davis, Chair of the Commission on Juvenile Justice Reform and Emerging and Best Practices; Natasha Dartigue, Maryland Public Defender; and Delmont Player, author, youth mentor, and conflict mediator, who served more than 25 years in adult prison for a crime committed when he was 17 years old.

Judge Davis spoke to us about the report issued by the Commission last November, titled “[Maryland’s JJDP A Compliance Crisis: Children in Adult Detention](#).” After careful analysis of statistical trends on youth incarceration and outcomes of current policy, the Commission concluded: “Maryland’s practice of automatically charging children as adults does not improve public safety. In fact, each year 85% of these cases are eventually dismissed or sent back to juvenile court after youth have spent weeks or months in adult detention without access to rehabilitative services shown to reduce reoffending. This practice fails to protect communities... For this workgroup, the clearest and most effective path to JJDP A compliance and to a more just system is to end the practice of automatic charging while retaining the option for judges to waive children’s cases to adult criminal court, when appropriate.”

For me the most shocking among many shocking statistics about Maryland’s approach to youth justice was

this: **“Maryland is significantly out of compliance with federal standards** governing the pretrial detention of children charged as adults...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.”**

In 2022, all 871 teens automatically charged as adults faced lengthy and expensive processes to decide if their cases would stay in adult court, with average wait times 103 days longer than those in the juvenile system. **In FY2024, children whose cases were transferred back to juvenile court spent 90-180 days in adult court before being transferred.** This is not only inefficient and wasteful of public resources; it also causes an extended period of trauma for many of these youth who do not have access to services they need, including counseling and education. How does our state repay them for the damage done? It doesn’t.

Prosecutors can have a case moved from juvenile to adult court if they can demonstrate that the crime itself and the circumstances warrant making that change. Nothing in HB0409 prevents them from making that argument. This should be a universal standard.

Many people living in Maryland think of this as a progressive state. Yet our practice with regard to Youth Justice, and in particular charging of youth as adults, is so far out of alignment with national policy that the Department of Justice had to exclude Maryland from the statistical summary of state practices so that we would not skew the entire national average. Let that sink in for a moment and ask yourselves whether there is any valid justification for our current policy.

As a Maryland voter and as a Jewish voter who believes in the pursuit of justice, I am deeply ashamed of our state’s record. As legislators I hope you would be equally ashamed and that you would support a more humane and equitable approach.

Therefore I respectfully ask this committee to return a favorable report on HB0409.

HB#0409 Juvenile Court-Jurisdiction (1).pdf

Uploaded by: Anita Lampel

Position: FAV

Date of Hearing: February 4, 2026

Anita Lampel

Bethesda, MD 20817

TESTIMONY ON HB#0409 - POSITION: FAVORABLE
Juvenile Court-Jurisdiction (Youth Charging Reform Act)

TO: Chair Bartlett, Vice-chair Davis, and Members of the Judiciary Committee

FROM: Anita Lampel

My name is Anita Lampel. I am a resident of District 16. I am submitting this testimony in support of HB#0409, Juvenile Court Jurisdiction (Youth Charging Reform Act).

I am a retired psychologist who worked extensively with youth involved in the juvenile justice system in California, where I managed a Child and Adolescent Mental Health Program for a large county and later did private work for the court system. I belong to Adat Shalom Reconstructionist Congregation in Bethesda. My Jewish values and my background and experience in this area unite in my statement that the current juvenile injustice system in Maryland must end. Per capita, we have more Black youth incarcerated than any other state except Alabama. The practice of automatically charging children as young as 14 in adult court has led to this horrific imbalance. Last year, you asked for yet another report on this issue. That was returned to you condemning the current state of affairs in no uncertain terms as both harmful to children and a waste of money. Maryland is better than this—isn't it? You are better than this—aren't you?

Let me give you an example from my personal experience. In California, all youth begin in juvenile court and the State's Attorney (there, the District Attorney) must argue for why the young person should be sent to adult court. A sixteen-year-old killed his father, who had been abusive to his mother and his brothers. He remained in juvenile court, received a sentence to a youth facility, and successfully completed high school there. He remains a good citizen to this day.

In conclusion, this bill will bring an end to this most egregious overcharging of children and the permanent harm it causes. I ask you to pass it and to lobby your fellow Senators for his passage in the legislature.

I respectfully urge this committee to return a favorable report on HB#0409.

Rubin_HB0409_FAV.pdf

Uploaded by: ANNA RUBIN

Position: FAV

Rubin_HB0409_FAV

Feb. 10, 2026

Dr. Anna Rubin

Columbia, MD 21045

TESTIMONY IN SUPPORT OF HOUSE BILL HB0409:

Juvenile Court - Jurisdiction (Youth Charging Reform Act)

TO: Honorable Delegate Bartlett and Vice Chair, Davis and members of the Judiciary Committee

FROM: Dr. Anna Rubin

DATE: Tuesday, February 10, 2026

I am writing in support of this bill. I am writing as a private citizen, involved in a number of Jewish organizations in the region as well as civic organizations.

The Torah commands us to pursue justice, and our sages instruct us that the methods we use to do so must be just themselves. The practice of automatically charging youths as adults in Maryland is unjust, ineffective and disproportionately targets Black and brown youth. The YES Act is a step forward by putting an end to the racist practice of autocharge. As stated in the Racial Equity and Impact Note,

The bill would substantially reduce the number of cases heard in the circuit court involving juveniles charged as adults and thus would significantly reduce the likelihood of harsher punitive outcomes for all youth charged as adults as specified in the bill. Youth of color will be positively impacted to a much greater extent due to their large overrepresentation in that group.

While Maryland has made progress on youth justice issues in recent years, the racist practice of automatically charging kids as adults must end. Charging kids as adults leads to significantly higher recidivism.

80% of the kids tried and held in the adult court and prison system are Black. Ending this practice would reduce not only violent crime, but also the criminalization and incarceration of Black youth, who are disproportionately targeted by our justice system.

I urge you to vote a favorable report on HB0409. It is long overdue.

Sincerely,

Dr. Anna Rubin

Copy of MD House Judiciary Template (JUFJ) (3).pdf

Uploaded by: Arlene Ogurick

Position: FAV

Thursday, February 12, 2026

Arlene Ogurick
Baltimore, MD 21210

TESTIMONY ON HB#409 - POSITION: FAVORABLE
Juvenile Court - Jurisdiction (Youth Charging Reform Act)

TO: Chair Bartlett, Vice Chair Davis, and members of the Judiciary Committee

FROM: Arlene Ogurick

My name is Arlene Ogurick. I am a resident of District 41, Baltimore City. I am submitting this testimony in support of HB#409, Juvenile Court - (Youth Charging Reform Act).

I am a member of the Baltimore Jewish Cultural Chavurah. Jewish tradition consistently urges us to pursue “justice” - justice is defined as compassion and responsibility toward the oppressed/marginalized. Saving a life takes precedence over almost all of the other commandments.

I regularly volunteer with a non-profit organization that brings the arts into Baltimore city public schools. Students are involved in a variety of projects that inspire creativity, build self confidence and open their eyes to new ways of seeing things. The organization also has a program for 10th and 11th grade public and independent school students of diverse backgrounds to develop leadership skills and engage in cross-cultural dialogue - all useful skills for young people to learn.

Children who are automatically charged as adults by the Maryland court system are removed from any of the juvenile courts’ involvement in the transfer process. They miss out on contact with juvenile court judges who are trained to consider factors like childhood trauma and juvenile brain development when making decisions. If these youth are placed in adult jails, they do not have access to rehabilitative programs, mental health treatment and other services available in the youth justice system.

Charging kids as adults leads to higher rates of later incarceration, as well as increased isolation and physical and sexual violence. This is the opposite of the outcome Marylanders want for our young people.

I respectfully urge this committee to return a favorable report on HB#409..

HB0409_BarbaraSchaffer_FAV.pdf

Uploaded by: Barbara Schaffer

Position: FAV

February 12, 2026

Barbara Schaffer
Rockville, MD 29850

TESTIMONY ON HB0409 POSITION: FAVORABLE

Juvenile Court - Jurisdiction (Youth Charging Reform Act)

TO: Chair Bartlett, Vice Chair Davis, and members of the Judiciary Committee

FROM: Barbara Schaffer

My name is Barbara Schaffer. I am a resident of District 17. I am submitting this testimony in support of HB0409, Juvenile Court - Jurisdiction (Youth Charging Reform Act).

I am a parent, a grandparent, a former school teacher, a member of Chabad Shul of Potomac, and a concerned citizen of Maryland. I am in support of HB0409 because I believe children under the age of 16, who are accused of crimes should be charged as children. Sending children to adult detention facilities with fewer resources and less access to education than in the juvenile system leads to significantly higher recidivism, as well as increased isolation and physical and sexual violence. That is why more than half of US states have passed common sense laws to treat kids as kids and keep them out of adult court.

I am compelled to support this legislation because it aligns with my Jewish values. I believe all the children in Maryland are our future and must be nurtured and educated to their full potential, not just my own children. That is why I'm concerned that 81% of children charged in adult court in Maryland are Black. We need to end the criminalization and incarceration of Black youth, who are disproportionately targeted by our legal system.

My values are such that I want justice and fair treatment for all of Maryland's children. **I respectfully urge this committee to return a favorable report on HB0409.**

Thank you.

Yours truly,

Barbara Schaffer

HB0409_StacyMarkowitz_JUFJ_FAV.pdf

Uploaded by: Brooke Levan

Position: FAV

February 12, 2026

Stacy Markowitz
Frederick, 21703

TESTIMONY ON HB0409: FAVORABLE
Juvenile Court - Jurisdiction (Youth Charging Reform Act)

TO: Chair Bartlett, Vice Chair Davis, and members of the Judiciary Committee

FROM: Stacy Markowitz, on behalf of Jews United for Justice (JUFJ)

My name is Stacy Markowitz. I am a resident of District 3. I am a retired educator and school counselor. I worked as a teacher for 19 years and a school counselor for six years in predominantly high needs diverse schools at the middle school level. Since retiring, I have participated in long term counseling sub positions in only high needs schools at the middle school and high school levels. I love working with adolescents. I love being there to support their social and emotional well-being. I have worked hard to become trauma informed and be a restorative practitioner so that I can best support all my kids, but especially those who struggle the most and carry heavy suitcases every day. I am a trained mediator and circle keeper.

I am submitting this testimony on behalf of Jews United for Justice (JUFJ) in support of HB0409, the Youth Charging Reform Act. JUFJ organizes over 6,000 Jews and allies from across Maryland in support of social, racial, and economic justice campaigns at the state and local levels. JUFJ, along with our partners in the Maryland Youth Justice Coalition, have been advocating for years for a complete end to the harmful practice of automatically charging youth as adults. While HB0409 does not end this practice entirely, it takes a much needed step in moving Maryland in the right direction.

Two beliefs I have, among many, that brought me to work with children from my first year as an elementary teacher to today as a retired educator and school counselor are the need for action and the need to make the world a better place than the one into which I was born. The statements below capture those beliefs for me.

“If a person sits in their home and says to themselves,
‘What have the affairs of society to do with me?... Why
Should I trouble myself with the people’s voices of
protest? Let my soul dwell in peace!’ - If one does this,
they overthrow the world.”

(Midrash Tanhuma, Mishpatim 2:1)

From the concluding paragraph of the Aleinu prayer comes this interpretation: Let the time not be distant, O God, when all shall turn to You in love, when the brokenness in our world is repaired by the work of our hands and our hearts, inspired by Your words of Torah.

I am a counselor and restorative practitioner who is always learning. In my faith, I believe deeply in Tikkun Olam. In our time, this phrase has come to mean making the world a better place through action and activism. For me, Tikkun Olam moves me to work on making the world a better place for our children. For it is our children who represent our futures. If we help them make healthy changes in their lives, they can minimize or stop the passing of generational trauma, which will support them to make different choices in their lives that are not dysfunctional. Those healthy choices, in turn, will lead to our youth becoming successful, productive members of our society who have children who will also be successful, productive members of our society, and so on. As a teacher and school counselor, I have seen too many times the children who come to school with heavy suitcases of trauma due to physical, sexual, and/or verbal abuse. These experiences often result in trauma responses of flight, fight, freeze, or fawning. These trauma responses often lead to maladaptive behaviors, some of which lead to children's involvement in the juvenile justice system. In my experience, it is often the trauma sensitive children who become involved in the juvenile justice system, and with the way the law stands now, the adult system. Underneath all that trauma and trauma responses are children who never had their basic needs met, and they lack the skills to function in healthy adaptive ways. Many of these kids are our black and brown kids, who are disproportionately represented in the school to prison pipeline and the juvenile and adult justice systems. When youth are automatically moved to adult courts and facilities based on their crimes, we can lose the ability to reach them with alternative means, such as family therapy, group therapy, individual therapy, and aggression replacement training. We also often take away the opportunity for them to repair the harm directly with the one(s) who were harmed. This is an important learning experience that can help change their lives by giving our youth the opportunity to make the world a better place based on what they have learned about themselves and their impact on others. This is not to say that can't happen in adult prisons, but it is far more rare. We must reach our children while they are still children and provide the resources for them they never had.

Automatically charging adolescents as adults takes away these opportunities and resources to heal and to change. Instead, it reinforces for our youth that they are expendable and not worth saving. They already have poor self-worth and see little future for themselves, which is part of why they are committing crimes. Let's not compound those issues with automatically charging them as adults.

On behalf of JUFJ, I urge you, in the strongest terms, to pass HB0409 and give our youth a chance to take advantage of the resources to turn their lives around and make our world a better place, as Tikkun Olam tells us we must.

2026 Testimony on HB 409 FAVORABLE Cichowski.pdf

Uploaded by: Carol Cichowski

Position: FAV

House Bill 409
Juvenile Court – Jurisdiction (Youth Charging Reform Act)
Judiciary Committee – February 12, 2026

FAVORABLE

Thank you for the opportunity to submit written testimony in support of House Bill 409. I am a long-time resident of Montgomery County and previously served on its Commission on Juvenile Justice.

I support House Bill 409 because the policy of automatically charging youth as adults harms children and does not advance public safety. Like other highly punitive measures, this practice is not effective. The threat of adult court does not stop teenagers from making bad decisions, and it does not help the community when they do.

The large number of offenses that trigger auto charging in Maryland earned Maryland the distinction of charging more children as adults per capita than any state other than Alabama. **It also has resulted in wasted time and money because judges end up dismissing or transferring most of the cases to juvenile court.**

The problem is that children awaiting a transfer decision are left languishing for months, with little or no attention to their mental health needs, with their education interrupted, and at times in facilities with unhealthy conditions, which jeopardize their success. **The state is spending millions of dollars for worse outcomes for youth.**

The situation is even worse for youth left behind in the adult system, especially those who are denied even a chance to seek a transfer because of their offense.

Many have had traumatizing childhood experiences that adversely affected their development. It is unconscionable to put young people like these in adult prisons, which are unsafe and do not provide services that are critical to their rehabilitation. This is hardly a recipe to prevent recidivism.

We cannot hope to have safe and healthy communities if we treat any young people as disposable. The solution is to start all cases in juvenile court and invest in giving children the help they need to succeed.

While this bill does not end automatic charging entirely, **House Bill 409 takes an important step by eliminating automatic charging for children under 16 and by removing all but the most serious offenses so that most of the children who currently end up being transferred from adult court to juvenile court as a result of a waiver would appropriately start their cases in juvenile court.** Many children will benefit from this bill, most of whom are Black.

House Bill 409 not only protects the human rights of some of the most vulnerable young people in Maryland, but in so doing also makes Maryland safer. Young people who commit offenses stand a much better chance of success if they are not forced to wait for months to get the treatment and services they need.

For these reasons, I urge a Favorable report on HB 409.

Carol Cichowski

Bethesda, Maryland

HB409_Carol Stern_FAV.pdf

Uploaded by: CAROL STERN

Position: FAV

February 10, 2026

Carol Stern
4550 North Park Avenue, Apt T106
Chevy Chase, Maryland 20815

TESTIMONY ON HB409- POSITION: FAVORABLE
Juvenile Court - Jurisdiction (Youth Charging Reform Act)

TO: Chair: Chair Bartlett, Vice Chair Davis and members of the Judiciary Committee

FROM: Carol Stern

My name is Carol Stern, and I am testifying in favor of HB409, the Youth Charging Reform Act, as a resident of Montgomery County's District 16 and a member of Adat Shalom Reconstructionist Congregation in Bethesda.

The Jewish text that shapes my religious and moral conviction that Juveniles must never be automatically charged as adults is the directive issued in Deuteronomy 16:20, "**Tzedek, tzedek tirdof - Justice, justice shall you pursue.**" The Jewish sages explain that the word tzedek is repeated not only for emphasis but to teach us that in our pursuit of justice, our means must be as just as our ends. When we are working to reform our criminal justice system, we must demand that it operates in accordance with these deeply held Jewish beliefs.

Youth charged in adult court are less likely to receive rehabilitative services, which makes them more likely to reoffend than similarly situated youth charged in juvenile court. According to the U.S. Department of Justice –"To best achieve reductions in recidivism, the overall number of juvenile offenders transferred to the criminal justice system should be minimized."

Adult charging results in increased physical violence, sexual violence, and isolation. Research shows that youth charged as adults are at increased risk of physical and sexual assault and isolation from their families, which may contribute to future criminality. Adolescent brains are not adult brains. **Charging youth as adults ignores definitive research that adolescent brains are rapidly developing and have yet to reach full maturity.** Services and treatment in juvenile facilities are evidence-based and preventative. According to the U.S. Dept. of Justice, "intensive juvenile placements are relatively more beneficial than either adult prison or mild juvenile sanctions."

As a mother of two children and a grandmother of three, I cannot imagine allowing my children or grandchildren to automatically be charged as adults.. This is not the kind of justice that our State of Maryland should allow for anyone. **THE YOUTH CHARGING REFORM ACT PROMOTES RACIAL JUSTICE.** 81% of youth charged in adult court in Maryland are Black. Black youth are more likely to be sent to adult prison and receive longer sentences than their white counterparts for similar offenses. Passing HB409 will add much needed reform for treating minors in the justice system with equality and the respect that all people deserve. **I respectfully urge a favorable report on HB409.**

HB0409 Youth Charging Reform Act FAV.pdf

Uploaded by: Chuck Koplik

Position: FAV



Committee: Judiciary
Testimony: HB0409 – Juvenile Court - Jurisdiction (Youth Charging Reform Act)
Organization: Jewish Community Relations Council of Howard County, MD
Submitting Laura Salganik, Chair
Position: FAVORABLE
Hearing Date: February ?, 2026

Dear Chair Bartlett, Vice Chair Davis, and Committee Members:

The Jewish Community Relations Council is submitting this testimony in favor of HB0409. We favor ending the practice of automatically charging youth as adults.

Maryland sends more young people to adult court based on offense types than any other state per capital except Alabama. A major reason is that Maryland requires that some 14- and 15-year-olds and most 16- and 17-year-olds be automatically prosecuted in adult court for 33 offenses, putting us out of step with other states.

It may seem like youth who are accused of very serious crimes should be subject to the type of consequences that are designed for adults. However, as a strategy for deterring future criminal behavior, it is ineffective. It has been demonstrated that youth who are charged as adults have a higher recidivism rate when completing their sentences than those charged as juveniles for similar acts.

Similarly, charging juveniles as adults exacerbates racial inequities that begin with how young children are treated when they first enter school. In Maryland, over 77% percent of juveniles charged in adult courts are Black. And studies have shown that Blacks receive harsher sentences than Whites for the same acts.

As Jews, we are taught to pursue justice of all kinds. We do not believe the current system of automatic charging of youth as adults is just. It is high time to change it. We urge the committee to give a favorable report on HB0409.

HB0409_ClaireLanders_FAV.pdf

Uploaded by: Claire Landers

Position: FAV

Hearing: February 12, 2026
Claire Landers
Baltimore, MD, 21209

HB409_ClaireLanders_FAV
Juvenile Court - Jurisdiction (Youth Charging Reform Act)
Ending Automatic Charging of Youth as Adults

TO: Chair Bartlett, Vice Chair Davis, and Members of the Judiciary Committee
FROM: Claire Landers, Baltimore County resident

I am a parent residing in Baltimore County, District 11, and I strongly urge you to support SB323. .

A couple of years ago **I viewed a video of a young Black teenager being held alone in an adult detention facility in Baltimore County**, supposedly because space in a more appropriate setting was unavailable. **This boy was distraught, crying and begging his attorney to take him home. It was disturbing and heartrending to watch a recording of a child's helpless anguish in a facility he should never have experienced.** Witnessing such an incident as this, occurring a mere 10 minutes drive from my own child's home, stirs my conscience to plead with members of this committee to support HB409 to end the practice of automatically charging children and young teenagers as adults for certain offenses in Maryland.

No matter the offense attributed to a minor in custody, any and every young person should be availed of rigorous professional assessment(s) and impartial judicial hearing(s) in juvenile court before facing the full, enormous weight of prosecution as an adult for those offenses.

I'm certain you will hear and read other testimony from experts providing documented evidence and data for the many ways autocharging harms young human beings. Autocharging a) damages children and teens, particularly Maryland's Black young people, and impacts them forward into their adult lives, b) how autocharging young people super-charges recidivism - thus, negatively impacting society in the long term as well, and c) that autocharging places Maryland squarely in the company of other US states more notoriously recognized for their own historically racist practices around prosecution and incarceration of Black people in America. That hard, documented evidence along should be enough to persuade you on the merits of HB409.

As you walk along Lawyers Mall plaza to enter America's oldest state capitol building, please look to your left at the sculpture of Black children seated in the towering shadow of Justice Marshall. Maryland proudly asserts that Justice Marshall is "one of our own" and so it should follow in 2026 that our State Legislature demonstrates that Marshall's legal legacy of protecting

vulnerable Black children will still animate how our justice system will treat *all children in Maryland* going forward. Autocharging children and teenagers is a draconian, Dickensian practice that does not befit the best values Maryland ascribes to in 2026. Please issue a favorable report on SB323. Thank you.

LWVMD_02.12.2026_HB 0409_Testimony in Support of J

Uploaded by: Cynthia Boddie-Willis

Position: FAV



TESTIMONY TO THE HOUSE JUDICIARY COMMITTEE

HB0409: JUVENILE COURT – JURISDICTION (YOUTH CHARGING REFORM ACT)

POSITION: FAVORABLE

By: Linda T. Kohn, President

Date: February 12, 2026

The League of Women Voters of Maryland supports HB0409. The League supports a criminal justice system that is just, effective, equitable, transparent and that fosters public trust at all stages, including pretrial and sentencing. The League has long advocated for the expansion of the juvenile courts to include all children under 18, regardless of the seriousness of their alleged crimes.

At its inception, the juvenile justice system in the United States was intended to focus on treatment and rehabilitation rather than punishment. This contention changed when the notion of a “super predator” took hold in the late 20th century following an increase in juvenile crime. “[Super predators](#)” were generally understood to be crime-prone youth of color with a propensity to commit heinous acts of violence for trivial reasons; and it was believed that their numbers were growing. In response, many states changed their laws to make it easier for juveniles to be tried in the adult criminal justice system. The upward trend in [youth violent crime](#) never materialized, but the impact of the characterization persists to this day. [Studies](#), however, have demonstrated that the resulting tough-on-crime laws do not deter youth from offending and that purely punitive approaches to youth crime can be detrimental. Juveniles who are prosecuted in the adult criminal system often end up in adult prisons where they face an [increased risk](#) of physical and sexual assault, psychological trauma and suicide.

HB0409 takes a step toward decreasing this risk by stipulating that juveniles who are at least 16 years old and who are alleged to have committed a crime that would be punishable by life imprisonment if it had been committed by an adult must nonetheless be tried in a juvenile court. This requirement aligns with League positions.

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

HB409 - Youth Charging Reform Act.pdf

Uploaded by: Daryl Yoder

Position: FAV

Dear Members of the Judiciary Committee,

This testimony is being submitted by Showing Up for Racial Justice Baltimore, a group of individuals working to move white folks as part of a multi-racial movement for equity and racial justice in Baltimore City, Baltimore County, and Howard County. We are also working in collaboration with Out For Justice. I am a resident of District 44A. **I am testifying in support of HB409, the Youth Charging Reform Act.**



Showing Up for Racial Justice

HB409 would end the practice of charging 14- and 15-year old children as adults, and ensure that only 16- and 17-year-olds accused of the most serious crimes, such as rape and murder, are charged in adult court.

Unfortunately, after more than a century of progress in juvenile justice, in the 1990s Maryland reversed course and began to pass laws purporting to be “tougher” on youth crime, including requiring many charges against minors to be prosecuted in adult court by default.¹ Maryland, once progressive in its view of youth crime, is now a national outlier in its practice of automatically charging young people as if they were adults. Per capita, we send more young people to adult court based on offense type than every other state but Alabama.² Additionally, the current system disproportionately affects Black youth, as nearly 80% of Maryland youth charged in adult court are Black.³

The practice of charging children as adults is inhumane. It is also economically wasteful, as the vast majority of these cases are either transferred to juvenile court or dismissed.⁴ Finally, it does not even do what it is intended to do, since statistics indicate that automatic charging of youth as adults does not decrease youth crime generally or reduce recidivism by the youth so charged.⁵ By significantly decreasing the automatic charging of youth as adults, we can bring Maryland more into line with modern juvenile justice standards, redirect resources to treating rather than simply imprisoning young offenders, and ultimately improve the safety of our communities by preventing re-offending. It is for these reasons that I am encouraging you to vote **in support of HB409, the Youth Charging Reform Act.**

Thank you for your time, service, and consideration.

Sincerely,
Daryl Yoder
309 Glenmore Ave., Catonsville, MD 21228

¹ Jason R. Tashea, & Al Passarella, *Youth Charged as Adults: The Use and Outcomes of Transfer in Baltimore City*, 14 U. Md. L.J. Race Relig. Gender & Class 273 (2015). <https://digitalcommons.law.umaryland.edu/rrgc/vol14/iss2/4>

² The Sentencing Project, National Trends in Charging Children, Presentation to the JJRC (July 20, 2021). <http://dls.maryland.gov/pubs/prod/NoPblTabMtg/CmsnJuvRefCncl/Sentencing-Project-National-Trends-inCharging-Children.pdf>

³ Juvenile Justice Reform Council Supplemental Report, http://dls.maryland.gov/pubs/prod/NoPblTabMtg/CmsnJuvRefCncl/JJRC-Report-Final_2021SupplementalReport.pdf

⁴ In 2017-19, 48% of juveniles charged as adults in Baltimore City were returned to juvenile court, and 33% were dismissed or otherwise closed without a verdict. In MDEC counties the figures were 41% and 36% respectively. Juvenile Justice Reform Council Supplemental Report p 33.

⁵ Lila Kazemian, *Pathways to Desistance From Crime Among Juveniles and Adults: Applications to Criminal Justice Policy and Practice*, Nov. 2021 (internal citations removed), <https://www.ojp.gov/pdffiles1/nij/301503.pdf>

HB0409_DavidFriedman_FAV.pdf

Uploaded by: David Friedman

Position: FAV

February 12, 2026
David M. Friedman
Silver Spring, MD 20905

TESTIMONY ON HB0409 - POSITION: FAVORABLE
Juvenile Court - Jurisdiction (Youth Charging Reform Act)

TO: Chair Bartlett, Vice Chair Davis, and members of the Judiciary Committee

FROM: David M. Friedman

My name is David Friedman. I am a resident of Colesville/Cloverly in District 14. I am submitting this testimony in support of HB0409, Juvenile Court - Jurisdiction (Youth Charging Reform Act).

I am an active member of Oseh Shalom, a Jewish Reconstructionist congregation located in Laurel, MD. Jewish tradition and values have long recognized the differing capacities of children and adults. While Maryland has made progress on youth justice issues over the last few years, the practice of automatically charging kids as adults urgently needs to change as well, since it ignores definitive research that adolescent brains are rapidly developing and have yet to reach full maturity. Services and treatment in juvenile facilities are evidence-based and preventative.

Studies indicate that automatically charging kids as young as 14 as adults also leads to higher recidivism, as well as subjecting them to increased isolation and physical and sexual violence. It is also inefficient and damaging as 85% of kids in Maryland charged as adults are eventually dismissed or sent back to juvenile court and time spent in the adult system delays getting critical rehabilitative services. Limiting automatic charging of juveniles as adults would also significantly reduce the criminalization and incarceration of Black youth as 81% of kids charged in adult courts in Maryland are Black. I feel strongly that it is well past time for Maryland to join the other 26 states that have passed laws to limit pathways for juveniles into adult courts and end Maryland's status as the state that sends more young people to adult court based on offense type than any other state per capita except Alabama.

HB0409 makes significant progress by eliminating automatic charging for children aged 14 and 15, and reducing the list of charges for 16 and 17 year olds. Although the recent recommendation from a workgroup of Maryland's [Commission on Juvenile Justice Reform and Emerging and Best Practices](#) calls for a system where *all* cases begin in juvenile court with discretion to waive youth to adult court when warranted, I believe this bill goes a good distance toward meeting that recommendation. **Thus, I respectfully urge this committee to return a favorable report on HB0409.**

HB 409 Juvenile Court - Jurisdiction (Youth Chargi

Uploaded by: deborah miller

Position: FAV



**Testimony in SUPPORT of *House Bill 409 – Juvenile Court - Jurisdiction*
(*Youth Charging Reform Act*)
Judiciary Committee
February 12, 2026**

The Jewish Community Relations Council of Greater Washington (JCRC) serves as the public affairs and community relations arm of the Jewish community. We represent over 100 Jewish social service agencies, synagogues, and schools throughout Maryland, Virginia, and the District of Columbia. The JCRC is strongly committed to cultivating a society based on freedom, justice, equity, and pluralism. We work throughout the region to advocate for our nonprofits that serve the most vulnerable on a non-sectarian basis and to campaign for important policy interests on behalf of the Jewish community and all Marylanders.

The JCRC supports House Bill 409 which alters the jurisdiction of the juvenile court by repealing provisions specifying that the juvenile court does not have jurisdiction over a child alleged to have committed any crime punishable by life imprisonment. HB 409 will eliminate automatic charging for children aged 14 and 15 and reduce the number of auto-charging offenses that apply to 16- and 17-year-olds. Under current Maryland law, 14- and 15-year-olds, and most 16- and 17-year-olds are required to be automatically prosecuted in adult court.

Maryland sends more young people to adult courts, per capita, than any other state except Alabama. Research shows that automatically prosecuting children as adults does not lower recidivism or enhance community safety. Young people should not be automatically sent to adult court, but rather to juvenile court, unless they are charged with a heinous crime. Today, there are 33 offenses that automatically send Maryland children to an adult detention center upon arrest. 85% of them ultimately return to juvenile court or have their cases dismissed. In the meantime, many spend up to 180 days housed in adult jail while awaiting trial. In this setting, they are vulnerable to adult criminals and are not eligible to receive educational support or behavioral health services that would be provided in the juvenile system.

At the JCRC, our Jewish values teach us to pursue equity and justice. Not only is it unjust for children not charged with a violent crime to automatically be sent to adult court; it is also highly problematic in that 81% of juveniles charged in adult courts in Maryland are Black. It is time for Maryland to fall in line with the rest of the nation. We believe children should be treated as children and given the support they need in the juvenile justice system, with access to rehabilitative services and not punitive action of the adult system. For these reasons, we urge a favorable report for House Bill 409.

HB0409_DevinKrol_Favorable.pdf

Uploaded by: Devin Krol

Position: FAV

February 2, 2026

Devin Krol
Baltimore, MD, 21208

Testimony On Bill HB0409- Position Favorable
Juvenile Court - Jurisdiction (Youth Charging Reform Act)

TO: Chair Bartlett, Vice Chair Davis, and members of the Judiciary Committee

FROM: Devin Krol

My name is Devin Krol, I am a resident in Stevenson, District 11. I am submitting this testimony in support of HB0409, Juvenile Court- Jurisdiction (Youth Charging Reform Act). I've lived in Baltimore my entire life, work in childcare, and attended schools throughout Maryland. I am also the granddaughter of Holocaust survivors, David and Rose Krol, who settled in Baltimore City and then the county when they arrived as refugees. My family background and Jewish roots gave me a deep sense of equity and civil action, as stated "justice, justice you shall pursue". This has led me to working towards youth justice, protecting children- some of the most vulnerable members of our community.

Maryland has made strides in recent years in regards to youth justice issues but the racist practice of Autocharge remains in effect. At this time, the law requires that children as young as 14 are automatically charged and prosecuted in adult court for 33 different offenses. This practice disproportionately affects Black youth, as they are targeted by police and the justice system; of the total number of children sent into the adult court system, 81% are Black. In Maryland, of the total amount of children automatically charged as adults 87% of them are waived back into the juvenile system. But the time spent in the adult system can cause severe damage, especially with the lack of necessary services.

Automatically charging children as adults completely ignores the definitive research that adolescent brains are rapidly developing and have yet to reach maturity. This practice leads to higher rates of recidivism and puts children in danger. Children who are held in adult facilities are at a greater risk of sexual assault and violence. The Campaign for Youth Justice writes, "According to research by the Bureau of Justice Statistics, youth under the age of 18 represented 21% of all substantiated victims of inmate-on-inmate sexual violence." By ending autocharge, the amount of sexual and violent crime committed against these juveniles would be reduced significantly.

We, as a Maryland community, must stand together to protect children. The Bill HB0409 would help move Maryland towards a more just and equitable future.

I respectfully urge this committee to return a favorable report on HB0409.

HB409_DianneDumais_FAV.pdf

Uploaded by: Dianne Dumais

Position: FAV

Date of Hearing *Thursday, February 4, 2026 at 11 AM*

Dianne E. Dumais
Silver Spring, MD 20910

TESTIMONY ON HB#0409 - POSITION: FAVORABLE
Juvenile Court - Jurisdiction (Youth Charging Reform Act)

TO: Chair Bartlett, Vice Chair Davis, and members of the Judiciary Committee

FROM: Dianne Dumais

My name is Dianne Dumais. I am a resident of District 20. I am submitting this testimony in support of HB0409, Juvenile Court - Jurisdiction (Youth Charging Reform Act).

I want to thank Chair Bartlett and Delegates Toles and Lehman for sponsoring this bill. I am a longtime Maryland resident and have lived in District 20 since 1998. We have raised our children here and have had experience with the Montgomery County police and justice system along the way.

When our younger child was 19 they were arrested for entering the second floor bathroom window of a neighborhood house. Although they were legally an adult and taken to an adult facility, they were traumatized and disoriented. The judge looked at the evidence in our child's case and gave a decision of probation before judgement. Our son completed probation without being convicted of the crime and has gone on to have stable employment and a productive life, without further incident. A juvenile in a family without the economic resources to hire a defense lawyer would most likely not be given this chance. Such outcomes have lifelong consequences, both emotional and economic. Autocharging of juveniles is also a racial equity issue. Over 77% of youth charged as adults in Maryland are black. I seriously doubt that my son would have been given a second chance if he were black.

HB#0409 should be passed to stop automatically charging 16 and 17 year olds as adults. Juvenile court judges need to do what they are trained to do: render judgement that fits the circumstances of the case before them. This will give all children a better chance to build a productive future for themselves, their families and our communities.

I respectfully urge this committee to return a favorable report on HB#0409.

HB 409 FAV GOCPP.pdf

Uploaded by: Dorothy Lennig

Position: FAV



WES MOORE
Governor

ARUNA MILLER
Lieutenant Governor

DOROTHY LENNIG
Executive Director

TESTIMONY IN SUPPORT OF HOUSE BILL 409
February 12, 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).

Compliance monitoring under federal law requires that GOCPP provide for an effective system of monitoring to ensure that the core requirements of the JJDP are met. The 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

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. Maryland currently has 215 physical facilities that are a part of this monitoring universe. GOCPP identifies, investigates, and verifies all data provided from a monitored facility. Violations of any core requirement are counted and reported annually.

HB 409 reforms Maryland's automatic charging statute by restoring juvenile court as the default jurisdiction for some youth cases, narrowing Maryland's automatic charging law by removing robbery, some assault charges, several firearm offenses, and other non-life-eligible charges from automatic adult court jurisdiction, while preserving adult court for the most serious violent crimes. Under current law, if any of the 33 separate offenses are charged, the youth's case will start in adult court. Opponents often argue that lowering the number of offenses in this statute softens the concept of accountability. However, the bill preserves judicial discretion, while reducing automatic adult court exposure as a default and maintaining an age-appropriate structure for accountability in the youth system. This is both fiscally advantageous and utilizes best practices to reduce mental and physical health impacts of the adult correctional system.

Housing youth in adult jails can lead to serious, unintended consequences to their physical and mental health. Most adult jails cannot accommodate sight and/or sound separation, resulting in youth being placed in with the adult population or held in solitary confinement or isolation.

The research on youth held in solitary confinement shows the damage done to a young person. Isolation poses serious psychological and physical risks, including anxiety, depression, anger, cognitive disturbances, perceptual distortions, obsessive thoughts, paranoia, and psychosis, along with physical symptoms such as appetite and weight loss, headaches, heart palpitations, and sleep problems. Youth are particularly susceptible to these risks due to ongoing brain development—particularly in the prefrontal cortex, which governs impulse control, decision-making, and strategic thinking and does not fully mature until the mid-twenties.¹ The risks are further compounded by the high prevalence of existing psychological disorders among justice-involved youth, with researchers estimating that nearly 60 percent of arrested juveniles have some form of mental illness.²

By limiting exposure to these environments, youth can remain in developmentally appropriate environments that foster growth and development during vulnerable times. Alternatives to pre-trial detention in adult facilities may allow for youth to remain in connection with critical support systems, such as family ties and education, that may lead to better post-detention outcomes and may result in higher compliance with court dates and lower levels of reoffending.³

Maryland's current rate of youth detained in adult facilities far exceeds the federal compliance threshold and is the national outlier for violations. In FY2024, Maryland's violation rate for holding youth in adult jails reached 119.59 per 100,000 youth. The federal compliance threshold is 14.68 per 100,000. As a result, Maryland faces ongoing noncompliance with the JJDPA's removal and separation requirements and is at risk of losing federal formula grant funding. GOCPP estimates an approximately \$2 million loss in federal funds available to community providers over the next three years, with the majority of funds required to be redirected toward compliance activities rather than community-based services.

GOCPP's compliance monitoring analyses show that Maryland's current automatic charging framework is a primary driver of prolonged youth detention in adult facilities, federal noncompliance, and avoidable costs. A review of recent data obtained directly from the adult jails shows that this bill could reduce the number of youth intakes into adult jails by almost 65%. This change would bring Maryland much closer to compliance with the JJDPA.

GOCPP urges the House Judiciary Committee to report favorably on HB 409.

¹ Giedd, J.N. (2004). [Structural magnetic resonance imaging of the adolescent brain](#). *Annals of the New York Academy of Science*, 1021(1), 77-85

² Teplin, L. A., Abram, K. M., McClelland, G. M., Dulcan, M. K., & Mericle, A. A. (2002). [Psychiatric disorders in youth in juvenile detention](#). *Archives of general psychiatry*, 59(12), 1133–1143

³ IBID

HB0409_ElisaFrost_FAV (1).pdf

Uploaded by: Elisa Frost

Position: FAV

February 12, 2026

Elisa Frost
Baltimore, Maryland 21218

TESTIMONY ON HB409 - POSITION: FAVORABLE
Juvenile Court - Jurisdiction (Youth Charging Reform Act)

TO: Chair Bartlett, Vice Chair Davis, and members of the Judiciary Committee

FROM: Elisa Frost

My name is Elisa Frost. I am a resident of District 43A. I am submitting this testimony in support of HB409, Juvenile Court - Jurisdiction (Youth Charging Reform Act).

I am a daughter of Baltimore and a mother of Baltimoreans, a white woman and a Jew, and an educator of teenagers and young adults. I take issue with some fundamental truths of how we do things in Maryland. How can it be that we bypass juvenile court in large numbers of cases involving children? Are we not in agreement that our human young under the age of 18, however developed their bodies or however grave their mistakes, are not yet adults and should not be treated as such? By curbing the automatic charging of children as adults, HB409, if passed, will be a step in a better direction for the people of Maryland.

Charging children as adults makes them vulnerable to harm by putting them in dangerous, trauma-inducing situations based solely on charges of an alleged crime. This practice does not advance public safety, but rather clogs the judicial system and leads to a failure to offer the very social services and educational opportunities that can mitigate recidivism. Charging children as adults is a moral stain on the State of Maryland. Maryland is a statistical outlier, charging more children as adults per capita than any state in the Union but Alabama.

The juvenile justice system, though flawed, is designed to emphasize rehabilitation over punishment. When a child missteps, however egregiously, we owe it to the child not to discontinue care, but to provide the protection and resources needed for further growth. When a child missteps, however egregiously, we owe it to society not to withhold opportunities for that child to develop into an adult with the capacity to make positive contributions: to be a loving family member, a connected and connective community member, and an engaged and responsible citizen. When the State missteps by failing to see the children behind the charges, the State can take corrective measures. Maryland must end the practice of auto-charging children as adults. **I respectfully urge this committee to return a favorable report on HB409.**

Youth Justice Charging Reform Act, HB #409, Emily

Uploaded by: Emily Blank

Position: FAV

Date of Hearing: February 12, 2026

Emily C. Blank
Brentwood, MD 20722

TESTIMONY ON HB# 409 - POSITION: (FAVORABLE)
Juvenile Court - Jurisdiction (Youth Charging Reform Act)

TO: Chair Bartlett, Vice Chair Davis, and members of the Judiciary Committee

FROM: Emily C. Blank

My name is Emily C. Blank. I am a resident of District 47a. I am submitting this testimony in support of HB#409), (Bill Name).

I am a retired economics professor. I am also a member of Congregation Oseh Shalom and a core leader of the Maryland chapter of Bend the Arc, Jewish Action. I believe it is wrong to charge children as adults, because their brains are still developing. When children are charged as adults, they don't receive critical educational resources and psychological support. For their own protection, they are sometimes placed in solitary confinement, which Amnesty International claims is torture. Children charged as adults are statistically more likely to offend again when they actually become adults. Most children charged as adults are eventually shifted back to the youth system anyway, but they are harmed by the time spent in adult prisons.

Maryland charges more teens as adults than any state except for Alabama. I remember being a young person and not entirely in control of my impulses. Fortunately for me, I was a white girl, and not automatically looked upon as suspicious. My students at Howard University, however, had a much more precarious adolescence. They told me often that they were the lucky ones who had made it to college. I would like to see all children have that same opportunity should they wish it.

I respectfully urge this committee to return a (favorable/favorable with amendments/unfavorable) report on HB#409.

HB0409_Favorable_OPD.docx.pdf

Uploaded by: Erin Seagears

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: House Bill 0409 Youth Charging Reform Act

FROM: Maryland Office of the Public Defender

POSITION: Favorable

DATE: 2/4/2026

The Maryland Office of the Public Defender respectfully requests that the Committee issue a favorable report on HB0409.

Introduction

House Bill 0409 changes the jurisdiction in which charges are filed against a child for certain offenses from criminal court (adult court) to juvenile court. In other words, where a case with a serious offense *starts*- in which jurisdiction the child is charged- not in which jurisdiction the case will be tried or where the child may be sentenced. Charging children in adult court is an inefficient and costly process which has a disproportionate impact on children of color from marginalized and impoverished communities, and which is detrimental to public safety in the long run. The Maryland Office of the Public Defender has consistently favored ending the automatic charging of all of Maryland's children as if they were adults. While this bill does not end the practice in its entirety, it represents a positive step for Maryland's children, saves the state considerable costs, promotes public safety, and represents areas of compromise that some opponents have previously found acceptable. For these reasons we urge a Favorable report on HB0409.

Current Law Regarding Charging Children as Adults

Currently, the law defines adults as individuals over the age of 18 and children as individuals under the age of 18.¹ In general, adults are charged in district or circuit court (adult court), whereas children are charged in juvenile court. In Maryland, however, there are thirty-three (33) enumerated charges that are excluded from juvenile court jurisdiction for 16 and 17 year olds, and two

¹ MD. CODE ANN., CTS. & JUD. PROC. § 3-8A-01.

exclusionary charges for 14 and 15 year olds. This means that those cases are automatically charged in district and circuit court, as if the children were adults, without any judicial oversight.

Misdemeanor firearm possession was the most common charge in FY 2025 that resulted in automatic adult court jurisdiction for children². Due to the large amount of charges that automatically give the adult court jurisdiction over children, it's estimated that Maryland sends more children to adult court per capita than any other state besides Alabama³. In FY20, Maryland sent more children to adult court than Arizona, Massachusetts, California, and Pennsylvania combined. Those states have nearly 10 times Maryland's population. In addition, Maryland and Louisiana are the only two states in which 6% or more of the prison population had been there since childhood and where at least 80% of that population was Black. More than 1,100 people have been in Maryland prisons since childhood, costing the state annually more than \$50 million dollars.⁴

² *Juveniles Charged as Adults*, MD. DEPT. PUBL. SAFETY & CORR. SERVS. (June 30, 2025), <https://app.powerbigov.us/view?r=eyJrIjoibNTZmYzZIN2MtNjcyNC00OGRjLTkwYjktYTZzNGVmNzc0M2UzIiwidCI6IjYwYWZlOWUyLTQ5Y2QtNDliMS04ODUsLTlTY0ZGYwMjc2YTJlOCl9>.

³ Marcy Mistrett, *National Trends in Charging Children as Adults*, SENT'G PROJECT (July 20, 2021), <https://dls.maryland.gov/pubs/prod/NoPblTabMtg/CmsnJuvRefCncl/Sentencing-Project-National-Trends-in-Charging-Children.pdf>.

⁴ HUM. RTS. FOR KIDS, CRIMES AGAINST HUMANITY: THE MASS INCARCERATION OF CHILDREN IN THE UNITED STATES (2023), <https://humanrightsforkids.org/a-crime-against-humanity/>.

AUTOMATIC ADULT JURISDICTION				
Source: § 3-8A-03 of the Maryland Courts & Judicial Proceedings Article				
<p style="text-align: center;">AGE 14 AND OLDER</p> <ul style="list-style-type: none"> • Murder – 1ST Degree • Rape – 1ST Degree • Any attempts of above • Any conspiracies of above <p>Abbreviations: CL = Criminal Law Article CP = Criminal Procedure Article PS = Public Safety Article</p>	<p style="text-align: center;">AGE 16 AND OLDER</p> <table border="0" style="width: 100%;"> <tr> <td style="vertical-align: top;"> <p>Serious/Violent Offenses:</p> <ul style="list-style-type: none"> • Kidnapping • Assault – 1ST Degree (CL, §3-202) • Carjacking & Armed Carjacking (CL, § 3-405) • Murder – 2nd Degree <ul style="list-style-type: none"> • Attempted Murder –2nd Degree (CL, §2-206) • Voluntary Manslaughter • Rape – 2nd Degree <ul style="list-style-type: none"> • Attempted Rape – 2nd Degree (CL, §3-310) • Robbery w/ Dangerous Weapon <ul style="list-style-type: none"> • Attempted Robbery w/ Dangerous Weapon (CL, §3-403) • Sex Offense-- 3rd (CL, 3-307(a)(1)) (IE force, a weapon, or threat of force used) </td> <td style="vertical-align: top;"> <p>Firearms Offenses:</p> <ul style="list-style-type: none"> • Wear, Carry, Transport Handgun (CL, §4-203) • Possession of Unregistered Short-barreled Shotgun or Short-barreled Rifle (PS, §5-203(a)) • Possession of Regulated Firearm (PS, §5-133--convicted of prior disqualifying offense, etc.) • Minor in Possession of Regulated Firearm (PS, § 5-133(d)(1)) • Use Wear, Carry, Transport Firearm during Drug Trafficking Crime (CL, §5-621) • Use of Firearm in Commission of Crime of Violence or Felony (CL, §4-204) • Possess, Own, Carry, Transport Firearm by Drug Felon (CL, §5-622) • Possess, Sell, Transfer Stolen Regulated Firearm (PS, §5-138) • Sell, Rent, Transfer Regulated Firearm (PS, §5-134(b)) • Sell, Rent, Transfer Regulated Firearm to Minor (PS, §5-134(d)) • Use or Possess Machine Gun in commission/attempted commission of Crime of Violence (CL, §4-404) • Use or Possess Machine Gun for Offensive or Aggressive Purpose (CL, §4-405) <p>Miscellaneous:</p> <ul style="list-style-type: none"> • Any felony IE prior felony conviction as an adult • Non-incarcerable Traffic & Boating Offenses • Domestic Violence Peace Order requests are heard in the adult court where the victim is: the current or former spouse of the respondent; a cohabitant of the respondent; a person related to the respondent by blood, marriage or adoption; a parent, stepparent, child, or stepchild of the respondent or victim who resides or resided with the respondent or victim for at least 90 days within 1 year before the filing of the petition; a vulnerable adult; or an individual who has a child in common with the respondent. CP, §3-8A-03(d)(6). The juvenile court retains jurisdiction over violations of this section by a juvenile. </td> </tr> </table>		<p>Serious/Violent Offenses:</p> <ul style="list-style-type: none"> • Kidnapping • Assault – 1ST Degree (CL, §3-202) • Carjacking & Armed Carjacking (CL, § 3-405) • Murder – 2nd Degree <ul style="list-style-type: none"> • Attempted Murder –2nd Degree (CL, §2-206) • Voluntary Manslaughter • Rape – 2nd Degree <ul style="list-style-type: none"> • Attempted Rape – 2nd Degree (CL, §3-310) • Robbery w/ Dangerous Weapon <ul style="list-style-type: none"> • Attempted Robbery w/ Dangerous Weapon (CL, §3-403) • Sex Offense-- 3rd (CL, 3-307(a)(1)) (IE force, a weapon, or threat of force used) 	<p>Firearms Offenses:</p> <ul style="list-style-type: none"> • Wear, Carry, Transport Handgun (CL, §4-203) • Possession of Unregistered Short-barreled Shotgun or Short-barreled Rifle (PS, §5-203(a)) • Possession of Regulated Firearm (PS, §5-133--convicted of prior disqualifying offense, etc.) • Minor in Possession of Regulated Firearm (PS, § 5-133(d)(1)) • Use Wear, Carry, Transport Firearm during Drug Trafficking Crime (CL, §5-621) • Use of Firearm in Commission of Crime of Violence or Felony (CL, §4-204) • Possess, Own, Carry, Transport Firearm by Drug Felon (CL, §5-622) • Possess, Sell, Transfer Stolen Regulated Firearm (PS, §5-138) • Sell, Rent, Transfer Regulated Firearm (PS, §5-134(b)) • Sell, Rent, Transfer Regulated Firearm to Minor (PS, §5-134(d)) • Use or Possess Machine Gun in commission/attempted commission of Crime of Violence (CL, §4-404) • Use or Possess Machine Gun for Offensive or Aggressive Purpose (CL, §4-405) <p>Miscellaneous:</p> <ul style="list-style-type: none"> • Any felony IE prior felony conviction as an adult • Non-incarcerable Traffic & Boating Offenses • Domestic Violence Peace Order requests are heard in the adult court where the victim is: the current or former spouse of the respondent; a cohabitant of the respondent; a person related to the respondent by blood, marriage or adoption; a parent, stepparent, child, or stepchild of the respondent or victim who resides or resided with the respondent or victim for at least 90 days within 1 year before the filing of the petition; a vulnerable adult; or an individual who has a child in common with the respondent. 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<p>Automatic Adult Jurisdiction – When Transfer to Juvenile Court is Prohibited (CP, §4-202(c))</p> <ul style="list-style-type: none"> • In an unrelated case, Juvenile was <u>convicted</u> of any of the above offenses (excluding “non-incarcerable traffic & boating” and excluding if adult jurisdiction is created only by a prior, non-excluded felony offense). • Offense is 1st degree murder and the juvenile was 16 or 17 years of age when the alleged crime was committed 				

The Transfer Process

Most cases where children are charged as adults can be (and are) transferred from adult court to juvenile court; the only exception to this is 16 and 17 year olds charged with First Degree Murder.⁵ When children are automatically charged as adults, directly following arrest they are taken to an adult jail to be booked. Typically, the child remains detained in the adult facility overnight and has a bail hearing the following day in front of a district court judge. That judge will decide if the child will continue to be held in an adult jail, is eligible for detention in a secure juvenile facility, or may be released on house arrest or other conditions determined by the judge. In the adult court system, charges are often initiated in district court, where the case remains for a maximum of 15 days, until either a probable cause hearing is held before a district court judge or the State’s Attorney files an indictment in circuit court. Once the case is moved up to circuit court, the child’s attorney then files a motion to transfer jurisdiction to the juvenile court. A transfer hearing, where the child has the burden of proving to a circuit court judge that they are amenable to treatment in the juvenile system, is subsequently scheduled for as early as 60 days out.

⁵ MD. CODE ANN., CRIM. PROC. § 4-202.

In anticipation of a transfer hearing, the Department of Juvenile Service (DJS) utilizes a Multidisciplinary Assessment Staffing Team (MAST) which includes a psychiatric evaluation, a psychological evaluation, a psychosocial evaluation, and information regarding appropriate services for the child in the juvenile system, which is provided to the court. In addition, it is common practice for the child's counsel to hire an expert to evaluate the child and prepare a report for the transfer hearing. Preparing for these transfer hearings, therefore, often require a number of months - on average 125 days⁶. A transfer hearing may be contested, or proceed by agreement between the parties. It is not unusual for the State and Defense to come to an agreement in which the child agrees to enter into a plea in juvenile court, (and often to be sent to an out of home DJS placement) in exchange for an agreement to transfer. Regardless if there is an agreement or not, the court is required to consider five factors in any transfer decision: (1) the age of the child; (2) the child's physical and mental condition; (3) the child's amenability to treatment in any institution, facility, or programs available to delinquents; (4) the nature of the offense(s); and (5) public safety.⁷ The most important factor is amenability to treatment. Once the judge grants or denies the motion to transfer, the child proceeds to either a trial or an adjudication, in the respective jurisdiction. If the child's case is transferred down to juvenile court, and they are detained, the adjudication then must occur within 30 days.⁸

In addition to automatically charging children as adults for 33 offenses, in Maryland, there is another legal process that can give district and circuit court jurisdiction over children: waiver of jurisdiction. For children at least 15 years old, the State's Attorney may file a motion to waive jurisdiction from the juvenile court to adult court. Similarly to a transfer hearing, with waiver, there is a hearing in which a judge decides which jurisdiction the case will be tried in. In a waiver hearing it is the State's burden to prove that a child is unfit for juvenile rehabilitative measures.⁹ While this bill would require that certain cases start in juvenile court, it would *not* eliminate the waiver of jurisdiction process. Whenever they deem appropriate, the State's Attorney would still have the

⁶ Governor's Office of Crime Prevention and Policy. (2024). Youth charged as adults: The costs to Maryland's justice system and communities. <https://gocpp.maryland.gov/wp-content/uploads/Youth-Charged-as-Adults-Costs.pdf>

⁷ CTS. & JUD. PROC. § 3-8A-06(e); CRIM. PROC. § 4-202(d).

⁸ In the juvenile justice briefing, Delegate Cardin inquired if the cases move faster if there is a transfer hearing proceeding the adjudication. Because the law already requires that an adjudication be heard within 30 days once the case gets to juvenile court, the prior transfer process does not make a significant difference in the speed in which the case is adjudicated.

⁹ CTS. & JUD. PROC. § 3-8A-06(d).

ability to file a motion to waive juvenile jurisdiction - petition for the case to be tried in adult court - in any case in which a child is at least 15 years old. Therefore, this bill does not change which children are *eligible for* (or can be tried in) adult court, it simply changes where the children's cases *start*.

Inefficient Process

Starting so many cases in adult court, rather than in juvenile court - with the option to waive up to adult court if necessary - is timely, costly, and wasteful. Roughly 85% of the cases that start in adult court are eventually dismissed or transferred down to juvenile court.¹⁰ Starting these 33 offenses in the slower moving adult court system extends the time it takes for transfer hearings and trials/adjudications to happen and therefore increases the length of time a child spends in detention. By comparison, starting cases in juvenile court with the ability to waive cases to adult court is a much more efficient process that will better serve Marylanders. This bill will streamline an inefficient system while still enabling prosecutors and courts to waive the most serious offenses to adult court.

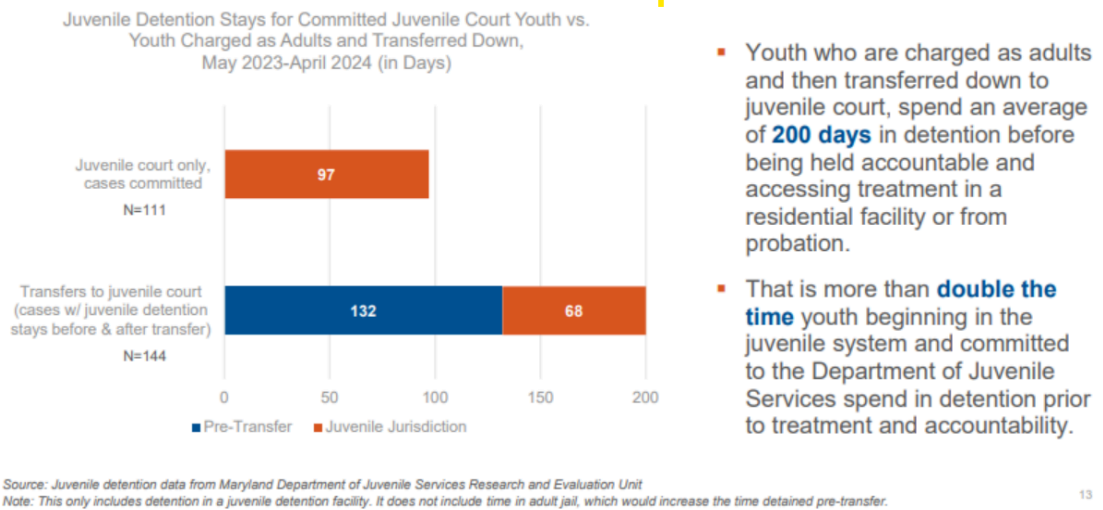
The adult court system moves significantly more slowly than the juvenile court system in general. For example, circuit court cases must be tried within 180 days, whereas juvenile court cases must be tried within 60, or 30, if the child is detained. This slower process means that children sitting in detention (whether it be adult detention or juvenile detention) spend much more time waiting for a transfer hearing than children whose cases have started in juvenile court and are waiting for a waiver hearing. According to the Governor's Office of Crime Prevention and Policy, the average time a child waits for a transfer hearing is 125 days.¹¹ This means that our process as it currently stands also lengthens the amount of time it takes for children to receive the services they might need, that only the juvenile system can provide. As shown in the below chart, it takes twice as

¹⁰ Josh Rovner of the Sentencing Project Before the Maryland Senate Judicial Proceedings Committee (Feb. 4, 2025), <https://www.sentencingproject.org/app/uploads/2025/02/Testimony-SB-422-TSP.pdf> ("Roughly 85 percent of youth automatically sent to the adult justice system either have their case dismissed or sent back to the juvenile system. Clearly, too many young people begin their cases in adult courts under current law. The status quo sends hundreds of teenagers into adult courts to wait for a process that will dismiss the charge entirely or waive the youth back into the juvenile court more than 85 percent of the time."). When the JJRC examined this issue they received technical support from the Vera Institute, which included analyzing data from Maryland's Courts on the cases of children charged as adults. See *Preliminary Findings: Youth Charged as Adults in Maryland*, VERA INST. (Dec. 10, 2020), <https://dls.maryland.gov/pubs/prod/NoPblTabMtg/CmsnJuvRefCncl/Preliminary-Findings-Youth-Charged-as-Adults.pdf>. It should be noted that Vera only analyzed data from 21 Counties and Baltimore City. Two of Maryland's largest jurisdictions, Prince George's County and Montgomery County, were not yet utilizing MDEC.

¹¹ Governor's Office of Crime Prevention and Policy. (2024). Youth charged as adults: The costs to Maryland's justice system and communities. <https://gocpp.maryland.gov/wp-content/uploads/Youth-Charged-as-Adults-Costs.pdf>

long for children to receive services via a commitment to DJS when their case starts in adult court versus juvenile court.

Dead Time: Youth initially charged as adults take much longer to receive accountability and treatment in JJ system



Given that such a small percentage of cases automatically charged in adult court actually result in an adult sentence, the lengthy and expensive periods of incarceration, significant litigation costs, and judicial resources that process requires, is both wasteful and unnecessary. Further, the damage done to children, charged as adults yet still presumed to be innocent, can never be undone despite the outcome of the case. In just the month of December 2025, there were 3 separate cases in Baltimore City alone where children were detained for several months pending contested transfer hearings that were ultimately dismissed. In one case, a child was detained for 6 months waiting for her transfer hearing, only to have the entire case dismissed for insufficient evidence the day after the transfer hearing. The adult co-Defendant's case was dismissed at the preliminary hearing 6 months prior for the same reason, yet, because the child had no other option than to pursue a transfer hearing, she had to be detained 6 months waiting for that hearing; costing the State of Maryland around \$211,000¹² in detention alone (not taking into account court resources, expert fees, etc.).

¹² One day in DJS facilities costs \$1,174/day x 6 months. See DJS Expenditures, FY 2024. Retrieved from pg IX: https://djs.maryland.gov/Documents/DRG/Data_Resource_Guide_FY2024.pdf

Though that child was always presumed to be innocent, and her case was ultimately dismissed, due to the practice of automatically charging children as adults, she was detained for 6 months that will never be recovered..

High Cost

The inefficiency of starting children's cases in adult court is also costing the State of Maryland a significant amount of money. When children's cases start in adult court, they spend, on average, 98 days longer in DJS detention facilities waiting for a disposition than if their case started in juvenile court. In FY24, the cost to detain each child per day was \$1,174 - amounting to \$147,000 per child on average for children automatically charged as adults.¹³ In FY24, 60% of the youth detained by DJS were those automatically charged as adults and pending their transfer hearings.¹⁴ Ending the practice of automatically charging children as adults would significantly reduce the amount of time these children are in DJS detention, thus lowering the daily population, and as estimated by DJS, saving them approximately \$17 million annually.¹⁵

In addition to the large number of children in DJS custody due to this practice, numerous children are also held in adult detention. There are significant costs associated with housing these children in adult facilities, and with the large number of children improperly housed in adult detention there is widespread federal noncompliance. Maryland stands to lose \$350,000 in federal formula grant funding over the next two years due to these violations.¹⁶

Finally, House Bill 409 would effectuate cost savings for the Maryland Office of the Public as it would decrease the number of transfer hearings, and the expense of hiring expert psychologists to evaluate the children for their hearings. OPD has estimated they would save \$1.85 million annually after an initial \$1.4 million in the first year.¹⁷ Starting so many cases in adult court, while we know that the vast majority will not stay there, is costing Maryland millions of dollars a year. That

¹³ DJS Expenditures, FY 2024. Retrieved from pg IX:

https://djs.maryland.gov/Documents/DRG/Data_Resource_Guide_FY2024.pdf

¹⁴ Youth Charged as Adults Pending Transfer Demographics by Detention Facility, FY 2024. Retrieved from pg 115:

https://djs.maryland.gov/Documents/DRG/Data_Resource_Guide_FY2024.pdf

¹⁵ Fiscal and Policy Note SB422 (2025 Session). https://mgaleg.maryland.gov/2025RS/fnotes/bil_0002/sb0422.pdf, page 4.

¹⁶ GOCPP (2025). Maryland's JJDA Compliance Crisis in Adult Detention. Retrieved from

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

¹⁷ GOCPP (2025). Youth charged as adults: The costs to Maryland's justice system and communities. Retrieved from

<https://gocpp.maryland.gov/wp-content/uploads/Youth-Charged-as-Adults-Costs.pdf>

money could be relocated to community resources, wrap around services, and the juvenile system to ensure that our children receive all the guidance, treatment, and rehabilitative services needed, in turn making our communities safer as well.

Harmful Impact on Children

Automatically charging children as adults is not only highly inefficient and expensive, it also causes unnecessary, irreparable damage to children, their families, and their communities. The children who bear the brunt of this practice are black and brown children with histories of trauma. Starting these children's cases in adult court, without any judicial oversight, often results in children being detained in adult facilities which are vastly underequipped to house children and further traumatize these children as they wait for their transfer hearings. The impact is often devastating to their emotional health, their education, and to public safety - as detaining children in adult facilities increases the recidivism rate.

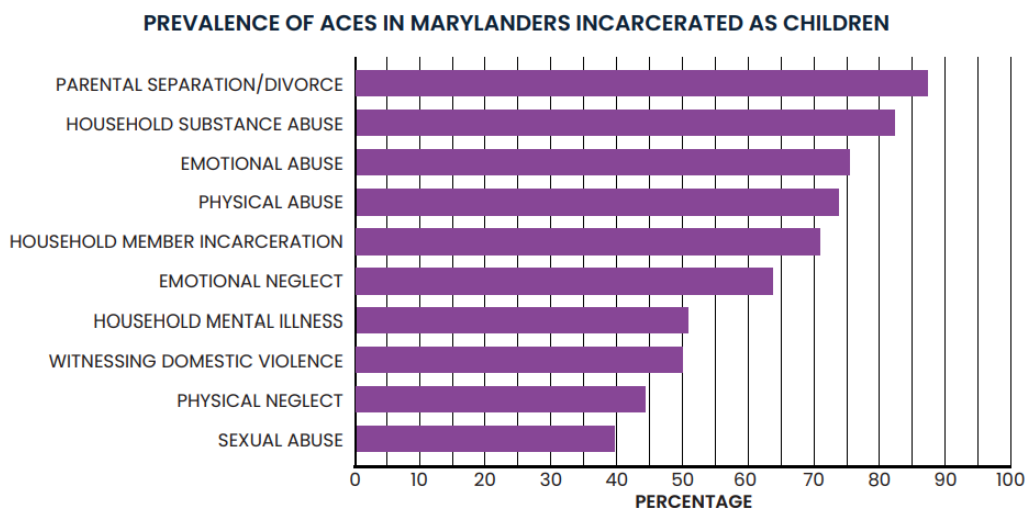
Under the current law, Maryland is charging an inordinate amount of children of color in adult court. According to the Department of Public Safety and Correctional Services (DPSCS), between July 1, 2024 and July 30, 2025, 77.4% of youth who were charged as adults were Black.¹⁸ Further, 90% of people incarcerated in Maryland who have been there since childhood are Black. This practice which impacts primarily children of color from marginalized communities may be a contributing factor to why Maryland imprisons a higher percentage of Black people (70%) than any other state in the nation.¹⁹

In addition, this practice harms the most vulnerable children in Maryland, those who already have a significant history of trauma. In their 2024 report, "Disposable Children: The Prevalence of Child Abuse and Trauma Among Children Prosecuted and Incarcerated as Adults in Maryland," Human Rights for Kids found that there was an average ACE (Adverse Child Experience) score of 6.38 out of 10 for the respondents of their survey and nearly 70% of respondents reported experiencing six or more ACEs prior to their incarceration. CDC studies show that only 17.3 % of the general population display ACE scores of four or higher. In addition, 73.39% of the survey

¹⁸*Juveniles Charged as Adults*, MD. DEPT. PUBL. SAFETY & CORR. SERVS. (June 30, 2025), <https://app.powerbigov.us/view?r=eyJrIjoibNTZmYzZlN2MtNjcyNC00OGRjLTkwYjktYTZzNGVmNzc0M2UzIiwidCI6IjYwYWZlOWUyLTQ5Y2QtNDliMS04ODUxLTY0ZGYyMjc2YTJlOCJ9>

¹⁹Justice Policy Institute, *Rethinking Approaches to Over Incarceration of Black Young Adults in Maryland*, 2019. <https://justicepolicy.org/research/policy-briefs-2019-rethinking-approaches-to-over-incarceration-of-black-youngadults-in-maryland>

respondents reported having experienced physical abuse, 39.52% reported sexual abuse, and 75.81% reported emotional abuse before their incarceration. On average, respondents first experienced abuse at the age of six years old.²⁰



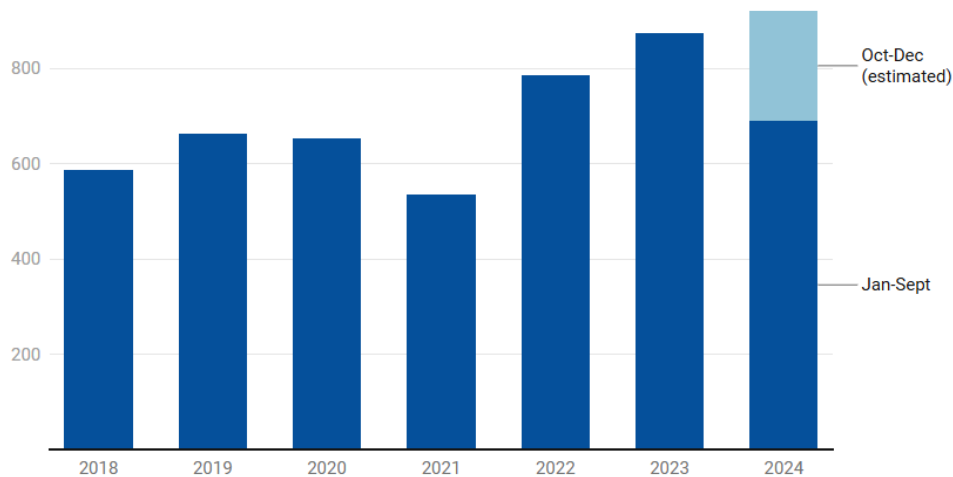
When these children, the vast majority having significant trauma, are automatically charged as adults, they will automatically be held in adult detention, usually in solitary confinement, until they are seen by a judge for a bail review hearing.²¹ While Maryland law allows judges to hold children charged as adults at DJS facilities, not all do. Rachel Baye, from WYPR, reported in March 2025 that about a quarter of children stays in adult jails lasted longer than 30 days, and that “some lasted more than a year. The number of times youth were booked in adult jails each year has also increased. Last year was on pace to have the highest number of bookings in the seven-year period, based on the nine months of data available from 2024.”²²

²⁰ HUM. RTS. FOR KIDS, DISPOSABLE CHILDREN: THE PREVALENCE OF CHILD ABUSE AND TRAUMA AMONG CHILDREN PROSECUTED AND INCARCERATED AS ADULTS IN MARYLAND (2021), <https://www.defendyouthrights.org/wp-content/uploads/Disposable-Children-The-Prevalence-of-Child-Abuse-and-Trauma-Among-Children-Prosecuted-As-Adults-in-Maryland.pdf>.

²¹ While it is possible for a Commissioner to release a child charged as an adult on bond this rarely, if ever, happens.

²² Rachel Baye, *A national outlier, Maryland's jails fail to protect young inmates*, WYPR (Mar. 3, 2025), <https://www.wypr.org/wypr-news/2025-03-03/a-national-outlier-marylands-jails-fail-to-protect-young-inmates>.

Youth bookings in Maryland's adult jails each year



Source: The Governor's Office of Crime Prevention and Policy provided juvenile holding logs to WYPR and APM Reports. Figures from October through December, 2024 were unavailable at the time of publishing, and were estimated based on the previous 9 months. [Get the data](#)
Created with [Datawrapper](#)

When children are held in adult jails the Prison Rape Elimination Act requires children to be sight and sound separated from adult inmates.²³ Local detention centers are not equipped to maintain separate units for children and adults. Instead, children are often held in solitary confinement while they wait for a transfer hearing. Mental health professionals have long known that solitary confinement causes significant harm. The American Psychological Association has come out solidly against the use of prolonged solitary confinement for children.²⁴ 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 majority of suicides in juvenile correctional facilities occur when the individual is isolated or in solitary confinement.”²⁵ Courts have also acknowledged the harms caused by solitary confinement, holding that for inmates already suffering with mental illness it can amount to cruel and unusual punishment.²⁶

²³ 28 C.F.R. § 115.14.

²⁴ *Position Statement on Solitary Confinement (Restrictive Housing) of Adolescents*, AM. PSYCH. ASS'N (2018), <https://www.psychiatry.org/getattachment/7bc96d18-1e73-4ac1-b6b5-f0f52ed4595a/Position-2018-Solitary-Confinement-Restricted-Housing-of-Juveniles.pdf>.

²⁵ *Solitary Confinement of Juvenile Offenders*, AM. ACAD. CHILD & ADOLESCENT PSYCHIATRY (2012), https://www.aacap.org/aacap/Policy_Statements/2012/Solitary_Confinement_of_Juvenile_Offenders.aspx.

²⁶ *Palakovic v. Wetzell*, 854 F.3d 209 (3d Cir. 2017).

Therefore, this period of incarceration not only exacerbates the trauma that has already typically gone untreated (only 28.23% of people incarcerated as children have received treatment to address any of the various traumas they experienced prior to their incarceration²⁷), but further traumatizes these children. Of the respondents in the Human Rights for Kids Report, “almost 98% of respondents had been placed in solitary confinement at some point during their incarceration, with nearly 80% experiencing solitary confinement as children. Over 80% of respondents reported experiencing abuse at the hands of staff or other incarcerated people.” According to a report by the Department of Justice, “[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.”²⁸ In addition, the facilities and their resources in and of themselves are often below basic standards for children. This past December, for example, the Youth Detention Center in Baltimore City, a facility that houses Baltimore children charged as adults that is run by the Department of Public Safety and Correctional Services (*not* the Department of Juvenile Services) was without heat for weeks.²⁹ In local jails across the state, it is not uncommon to see children with the adult jumpsuits falling off their shoulders, a visual example of how ill-fitting it is to detain a child in an adult facility.

The harmful conditions and practices involved with children detained in adult facilities are the symptoms of the Maryland adult court system’s inability to safely manage the extraordinary amount of children charged as adults. As recently reported by the 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*

²⁷ *Id.*

²⁸ Richard E. Redding, *Juvenile Transfer Laws: An Effective Deterrent to Delinquency?*, OFF. JUV. JUST. & DELINQ. PREVENTION (June 2010), <https://www.ncjrs.gov/pdffiles1/ojjdp/220595.pdf>.

²⁹ Ian Round, *After Baltimore detention center loses heat, calls to end automatically charging kids as adults intensify*, DAILY REC. (Dec. 8, 2025), <https://thedailyrecord.com/2025/12/08/after-detention-center-loses-heat-calls-to-end-automatically-charging-kids-as-adults-intensify/#:~:text=The%20lack%20of%20heat%20at,detention%20centers%20and%20criminal%20court.>

OJJDP to exclude Maryland's data from national averages due to its extreme outlier status (emphasis added).³⁰

To put it another way, by detaining such a high number of children, **Maryland has come so far out of Federal compliance in housing children in adult facilities that it cannot be included in federal data, as it would skew the results.** As stated in the report: “The severity of this issue of noncompliance lays bare the overarching issue of adult auto charging in the state. As long as we uphold the practice of auto charging, compliance will be a perpetual issue. There are no winners in the current situation.”

Detrimental Impact of Auto-Charging on Public Safety

In addition to being inefficient, costly, and harmful, automatically charging children as adults does *not* yield positive outcomes for public safety, but rather, increases recidivism rates, placing communities more at risk. In the long run, prosecuting children in the adult criminal system does more harm to Marylanders than prosecuting them in the juvenile court. The problems created by automatically charging children as if they were adults are separate and apart from the problems created by actually trying them and *sentencing* them as if they were adults. Nevertheless, one might be concerned that by charging more children in juvenile court we could be undermining public safety if more children are therefore also ultimately tried and sentenced in juvenile court. The simple fact of the matter is that the opposite appears to be true. Decades of research published by governmental agencies responsible for public safety and health - Office of Juvenile Justice and Delinquency Prevention (OJJDP) and the Centers for Disease Control (CDC) - make clear that prosecuting children as adults increases recidivism among juvenile offenders, rather than reducing it. In 2007, the CDC published an article entitled "Effects on Violence of Laws and Policies Facilitating the Transfer of Youth from the Juvenile to the Adult Justice System" reviewing several studies. The authors of the CDC Report concluded “the transfer policies have generally resulted in increased arrest for subsequent crimes, including violent crime, among juveniles who were transferred [to the adult criminal system] compared with those retained in the juvenile justice system.”³¹

³⁰ PROCESSES & SYS. COORDINATION WORKGROUP OF THE MD. COMM'N ON JUV. JUST. REF. & EMERGING & BEST PRACTICES, MARYLAND'S JJDPA COMPLIANCE CRISIS: CHILDREN IN ADULT DETENTION (Oct. 23, 2025), <https://gocpp.maryland.gov/wp-content/uploads/Marylands-JJDPA-Compliance-Crisis-Children-in-Adult-Detention-COMMISSION-APPROVED-.docx.pdf>.

³¹ Robert Hahn et al., *Effects on Violence of Laws and Policies Facilitating the Transfer of Youth from the Juvenile to the Adult Justice System*, 56 MORBIDITY AND MORTALITY WKLY. REP. 1 (Nov. 30, 2007).

Four years later the OJJDP published a bulletin where they found “[I]nsofar as these laws are intended to deter youth crime generally, or to deter or reduce further criminal behavior on the part of youth subjected to transfer, research over several decades has generally failed to establish their effectiveness.³² ... Six large-scale studies have all found greater overall recidivism rates among juveniles who were prosecuted as adults than among matched youth who were retained in the juvenile system. Criminally prosecuted youth were also generally found to have recidivated sooner and more frequently. Poor outcomes like these could be attributable to a variety of causes, including the direct and indirect effects of criminal conviction on the life chances of transferred youth, the lack of access to rehabilitative resources in the adult corrections system, and the hazards of association with older criminal ‘mentors.’”³³

In 2012 OJJDP examined a longitudinal study conducted in Maricopa Co., Arizona. This study showed evidence of differential effects of prosecuting children as adults.³⁴ They explain that children who had been prosecuted as adults “experience many challenges in the community while on probation or following release from an adult facility. Although the vast majority are involved in gainful activity quickly (within 2.5 months) and consistently (for nearly three-quarters of the months they spend in the community), the majority (77%) also resumed some level of antisocial activity and two-thirds were subsequently re-arrested or placed in an institutional setting. Only 18 of these youth (out of 193) managed to break out of this antisocial pattern completely.”³⁵

Children are held accountable for their illegal actions in the juvenile court system but in a way that aims for rehabilitation rather than only retribution. In fact, DPSCS purports to have a recidivism rate of approximately 37% after three (3) years,³⁶ as compared to DJS’s rate of 15.2% after three (3) years³⁷.

Many kids charged and tried as adults have cases that are dismissed after they have been incarcerated, often for months, sometimes for a year or more. That is a concrete implication of our

³² PATRICK GRIFFIN, ET AL., OFF. JUV. JUST. & DELINQ. PREVENTION, TRYING JUVENILES AS ADULTS: AN ANALYSIS OF STATE TRANSFER LAWS AND REPORTING 1, 8 (Sept. 2011) (Hereinafter *OJJDP 2011 Report*).

³³ *Id.* at 26.

³⁴ Edward P. Mulvey & Carol A. Schubert, *Transfer of Juveniles to Adult Court: Effects of a Broad Policy in One Court*, OFF. JUV. JUST. & DELINQ. PREVENTION (Dec. 2012) (Hereinafter *OJJDP 2012 Report*).

³⁵ *Id.* at 11.

³⁶ MD. DEPT. PUBL. SAFETY & CORR. SERVS., RECIDIVISM REPORT 9, 24 (Nov. 15, 2022) (defining recidivism as “return to either the DOC or the Division of Parole and Probation following sentencing for a new criminal offense, or return to the Department’s physical custody from parole or mandatory supervision due to violation of the conditions of release”).

³⁷ MD. DEP’T JUV. SERVS., DATA RESOURCE GUIDE FISCAL YEAR 2024 167 (organizing recidivism data by rearrest, re-conviction, and re-incarceration.) In an effort to compare “apples to apples,” the re-incarceration rate is shown.

current process that starts off by putting children in solitary confinement, a practice widely understood to be harmful. Those children who have been harmed by virtue of charging them as adults and not starting in juvenile court, will eventually return to the community. We are all better off with policies that favor rehabilitation rather than retribution. Our current laws impact not only the most terrifying scenarios, but also comparatively minor conduct. To use a real world example, if a child is riding in the backseat of a car that happens to have a gun in it (whether they are aware of it or not) they are automatically charged as an adult. Whether that child happens to be a student taking Advanced Placement and Gifted and Talented classes with no prior incidents of problematic behavior, or a child who habitually skips school and has previously been on probation will not matter at the point of charging. Both of those children will start in adult court and are subjected to the harms outlined above merely by starting in adult court. House Bill 0409 would allow a case like this to be **started** in Juvenile Court. If a prosecutor felt that the circumstances of the case, the child's history, and potential risk for public safety justified waiving juvenile jurisdiction they would be able to file a waiver petition and have a full hearing on the issue.

We know that trauma plays a role in both offending and re-offending. And so to inflict these harmful conditions on children before we have even decided whether to try them as children or adults, let alone determine whether they are guilty or innocent, increases the likelihood that they will get into trouble with the law in the future. Given that the vast majority of these children will be released someday regardless of where the case is tried, or what the ultimate outcome of the case is, we are doing a grave disservice to our communities by inflicting further trauma on them.

The Office of the Public Defender remains in favor of ending the automatic charging of all of Maryland's children as if they were adults. OPD acknowledges that while HB0409 does not end the practice in its entirety, it does take a step in the direction of making Maryland's communities safer.

For these reasons we urge a Favorable report on House Bill 0409.

Submitted by: Maryland Office of the Public Defender, Government Relations Division.
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HB 409 - Autocharging - ACLU Testimony (Feb 12, 20

Uploaded by: Frank Patinella

Position: FAV



**House Judiciary Committee
House Bill 409 – Juvenile Court - Jurisdiction (Youth Charging
Reform Act)**

Favorable

February 12, 2026

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The ACLU of Maryland urges a favorable report on House Bill 409, which seeks to take a step toward correcting Maryland’s outdated "automatic charging" policy. Currently, children as young as 14 are automatically charged in adult court for 33 offenses in Maryland. HB 409 seeks to remove some of these charges to ensure that more children start their cases in juvenile court. Our position is aligned with the first recommendation of Maryland’s Commission on Juvenile Justice Reform and Emerging and Best Practices, released in December 2025.¹ Further, due to the practice of automatically charging children as adults, Maryland has been in noncompliance with the federal Juvenile Justice and Delinquency Prevention Act for decades.

Children have a right to be treated as children, and they should start their case, no matter the charge, in the juvenile court. If a prosecutor believes a young person should instead be tried as an adult, the bill allows them to petition the court to waive juvenile jurisdiction and make that argument before a judge.

Debunked “Super Predator” Narrative Lingers in Maryland, Still Ranked at the Bottom

Over 100 years ago, the first juvenile justice systems were created as advocates and government officials recognized the need to separate children from the influence of adult prisons and to focus on treatment and rehabilitation. In the 1980s, Maryland, like the other states throughout America, drifted away from this philosophy and began adopting harsher punishments for children including transferring more children to the adult system. The trend of instituting excessive punitive measures upon children continued through the 1990s, justified by the now debunked theory that characterized children in that decade as a new breed of “super predators.”²

¹ Maryland's JJDP A Compliance Crisis: Children in Adult Detention. December 2025. Commission on Juvenile Justice RefOr m and Emerging and Best Practices. <https://gocpp.maryland.gov/wp-content/uploads/Marylands-JJDP A-Compliance-Crisis-Children-in-Adult-Detention-WG-DRAFT.docx-4.pdf>

² The Superpredator Myth, 25 Years Later. April 2014. Equal Justice Initiative. <https://eji.org/news/superpredator-myth-20-years-later/>

Since the turn of the century, youth arrests and incarceration have been steadily declining, and most states have been rolling back inequitable policies towards children and replacing them with more age-appropriate and evidence-based programming focused on rehabilitation and treatment. While youth crime in Maryland mirrored the national trend, not enough has been done to reform our outdated and inequitable legal system for children. In 2022, the Maryland legislature passed the Juvenile Justice Reform Act, but it did not address the automatic charging of children in adult courts.

A 2021 study found that only Alabama sends more children per capita to adult court each year than Maryland.³ Further, Maryland ranks fourth in the nation for the number of adults in prison who were convicted as children.⁴

Disproportionate Impact of Automatic Charging

The legal carceral system in America has a long history of discriminatory practices towards adults and children of color. After controlling for the type and severity of offenses, Black and Latinx children often receive harsher sentences than white children, as prosecutors and judges are oftentimes driven by bias.^{5,6} These biases are based on the flawed notion that Black children and children of color are predisposed to criminality, and they are misperceived as being older and more mature than their age would indicate. As a result, they are adultified and held more accountable for their actions than their white peers. These biases exist in all aspects of the legal system, from the police officers who make the arrests, to the court room, and to the work of juries, correctional officers, and parole boards.

Of the 932 children in Maryland who were charged as adults between July 2023 and June 2024, 755 were Black, which represents 81% of the cases.⁷ Boys accounted for 91% of the charges. In Baltimore City, the number of youth arrests have declined in recent years but a larger portion of them are being

³ Disposable Children: The Prevalence of Child Abuse and Trauma Among Children Prosecuted and Incarcerated As Adults in Maryland. 2024. Human Rights for Kids. <https://humanrightsforkids.org/publication/disposable-children-the-prevalence-of-child-abuse-and-trauma-among-children-prosecuted-as-adults-in-maryland-2/>

⁴ National Trends in Charging Children as Adults. July 20, 2021. Maryland Juvenile Justice Reform Council. The Sentencing Project. <http://dls.maryland.gov/pubs/prod/NoPbITabMtg/CmsnJuvRefCncl/Sentencing-Project-National-Trends-in-Charging-Children.pdf>

⁵ One in Five. Racial Disparity in Imprisonment – Causes and Remedies. December 7, 2023. The Sentencing Project. <https://www.sentencingproject.org/publications/one-in-five-racial-disparity-in-imprisonment-causes-and-remedies/>

⁶ Vera Institute, Preliminary Findings: Youth Charged as Adults in Maryland, Dec. 10, 2020. <http://dls.maryland.gov/pubs/prod/NoPbITabMtg/CmsnJuvRefCncl/Preliminary-Findings-Youth-Charged-as-Adults.pdf>.

⁷ Juveniles Charged as Adults. June 30, 2024. Governor's Office of Crime Prevention and Policy. State of Maryland. <https://app.powerbigov.us/view?r=eyJrIjoiNzQzYTZhYmMtNzVmOC00OGE2LWFKNzktZDIiYzgzNzEyODU2IiwidCI6IjYwYWZlOWUyLTQ5Y2QtNDIiMS04ODUxLTY0ZGYwMjc2YTJlOCJ9>

charged as adults.⁸ Over the past three years, approximately 30% of children arrested were charged as adults – more than double the rate as those charged in 2018 and 2019.

More recent data shows that between January 2025 and June 2025, Black children represent 76% of the 515 cases in which children were charged in adult court in Maryland⁹. The most common offenses were gun possession and assault. While much more work needs to be done to root out bias and discriminatory practices within the legal system for children, HB 409 represents a big a step in the right direction.

Eliminating Auto-charging will Improve Outcomes and Reduce Harm

The pursuit of harsh punitive measures to address youth crime – instead of improving upon a system focused on rehabilitation – has been ineffective and has created significant harm.¹⁰ The science of childhood and adolescent development shows that children are more likely than adults to engage in risky behavior, and that they do not fully understand the long-term consequences of their actions.¹¹

Several large-scale studies have concluded that children sentenced in adult court led to higher recidivism rates than children charged in juvenile court for similar offenses.¹² There are more effective and proven strategies and interventions to address youth crime and rehabilitate children than the carceral system, such as programs that connect youth with formerly incarcerated mentors, community-based restorative justice programs, wraparound services, and cognitive behavioral therapy.¹³

In Maryland, children charged as adults – even if their case is eventually waived down to juvenile court – spend weeks and sometimes months in adult

⁸ In Baltimore, teens more likely to be charged as adults than in the past. July 22, 2024. WYPR. <https://www.wypr.org/wypr-news/2024-07-22/in-baltimore-teens-more-likely-to-be-charged-as-adults-than-in-the-past#>

⁹ Juveniles Charged as Adults in Maryland, 1/1/2025-6/30/2025. December 29, 2025. Governor's Office of Crime Prevention and Policy. https://gocpp.maryland.gov/wp-content/uploads/CP-§-10-219b6_-GOCPP_-Juveniles-Charged-as-Adults-in-Maryland-1_1_2025-6_30_2025.pdf

¹⁰ Juvenile InJustice: Charging Youth as Adults is Ineffective, Biased, and Harmful. February 2017. Human Impact Partners. <https://humanimpact.org/hiprojects/juvenile-injustice-charging-youth-as-adults-is-ineffective-biased-and-harmful/#:~:text=Community%20disinvestment%20affects%20youth%20development,considered%20%20deviant%20and%20antisocial.>

¹¹ Teen Brain: Behavior, Problem Solving, and Decision Making. September 2017. American Academy of Child and Adolescent Psychiatry. https://www.aacap.org/AACAP/Families_and_Youth/Facts_for_Families/FFF-Guide/The-Teen-Brain-Behavior-Problem-Solving-and-Decision-Making-095.aspx

¹² Juvenile InJustice: Charging Youth as Adults is Ineffective, Biased, and Harmful. February 2017. Human Impact Partners. <https://humanimpact.org/hiprojects/juvenile-injustice-charging-youth-as-adults-is-ineffective-biased-and-harmful/#:~:text=Community%20disinvestment%20affects%20youth%20development,considered%20%20deviant%20and%20antisocial.>

¹³ Effective Alternatives to Youth Incarceration. June 2023. The Sentencing Project. <https://www.sentencingproject.org/reports/effective-alternatives-to-youth-incarceration/>

detention facilities while awaiting their court date. Young people who have had the experience in adult detention have reported bullying and threats of violence from adult inmates.¹⁴ They are subjected to the environment of adult inmates and despite the federal separation requirement, children witness and hear violence happening with the facility. Unlike juvenile detention, they are not offered education services, which adds another significant barrier to these children's rehabilitation. Further, rehabilitative services, including mental health treatment, are largely absent in adult detention. While most children who are auto-charged eventually get waived down to juvenile court, their experience in the adult jail environment oftentimes results in their traumatization and significant setbacks towards getting on the right track.

Ending the Auto-charging will Save the State Money

In addition to reduced recidivism and overall better outcomes for children, the state can save money by ending the automatic charging of children as adults. Between 2017 and 2013, 87% of children in Maryland who were initially charged in adult court, were eventually transferred to the juvenile court. This process is costly and unnecessary. Starting children in juvenile court could save the state an estimated \$20 million – money that can be invested in evidence-based programming to give these children the strongest chance at success.

Lastly, ending the automatic charging of children in adult court does not prohibit prosecutors or judges to refer cases to the adult court if they believe that the circumstances warrant such a move.

For the foregoing reasons, the ACLU of Maryland is asking the committee for a favorable report on HB 409.

¹⁴ Maryland's JJDPA Compliance Crisis: Children in Adult Detention. December 2025. Commission on Juvenile Justice Reform and Emerging and Best Practices. <https://gocpp.maryland.gov/wp-content/uploads/Marylands-JJDPA-Compliance-Crisis-Children-in-Adult-Detention-WG-DRAFT.docx-4.pdf>

MD Catholic Conference_HB 409_FAV.pdf

Uploaded by: Garrett O'Day

Position: FAV



MARYLAND
CATHOLIC
CONFERENCE

February 12, 2026

HB 409

Juvenile Court – Jurisdiction (Youth Charging Reform Act)

House Judiciary Committee

Position: FAVORABLE

The Maryland Catholic Conference offers this testimony in support of House Bill 409. 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 409 would end the *automatic* charging of youth as adults in certain instances, allowing for most youth to begin their case in the juvenile court system, rather than mandating that the adjudication of their case begin in the adult court system. This bill would refocus our juvenile system from a “waiver-down” system to a “waiver-up” system, wherein judges would retain discretion to waive cases up to the adult court system. This bill does not prevent those youth from being ultimately charged as an adult. It is about where their case *starts*.

It is well-settled, in many secular, judicial and faith-based circles, that holding youth to the same standards of accountability as a fully formed adult is plainly unjust. In *Miller v. Alabama*, 132 S. Ct. 2455 (2012), the United States Supreme Court specifically noted that youthful offenders possessed “diminished capacity” and the inability to fully appreciate the risks and consequences of their actions, in considering whether youth should be treated the same as adults jurisprudentially. Additionally, the United States Conference of Catholic Bishops has further 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.” (*Responsibility, Rehabilitation, and Restoration: A Catholic Perspective on Crime and Criminal Justice*, USCCB, 2000)

These inherent truths regarding youth should be carefully considered when assessing Maryland’s current automatic-charging law, which presumes that youth should be considered to have the same capacity as an adult in every one of thirty-three different charging scenarios. This presumption can often leave a lasting effect severely limiting a child’s ceiling for success for the rest of their lives. Conversely, the transition to a “waiver up” system sought in House Bill 409 would safeguard several youth from a lifetime of wasted opportunity, while still allowing judicial

discretion to waive them up where a judge decides that doing so is warranted. Accordingly, this bill is a noteworthy step, for approximately 87% of kids charged as adults never ultimately ended up with adult criminal convictions in their cases. Those 87% should not start in adult court, causing highly detrimental effects for the rest of their lives and at the same time jeopardizing future public safety, simply for the sake of the other 13%.

Additionally, Maryland sends more young people to adult court based on offense type, per capita, than any other state except for Alabama. Maryland also ranks 4th highest in the country for the number of people convicted as adults when they were children. These policies do not work to prevent future recidivism, nor do they seem to make our communities safer. T

House Bill 409 is a compromise bill. It leaves the most serious offenses such as first-degree murder, assault and rape as being automatically subject to adult court jurisdiction. It proposes to start about 75% of cases currently subject to automatic treatment as an adult in juvenile court.

Since 2000, half of all U.S. states have narrowed or eliminated automatic adult charging. After over a decade of study and recommendations from three separate gubernatorial commissions, it is time for Maryland to act.

For these reasons, we urge a favorable report on House Bill 409.

HB 409 Youth Charging Reform Act CCJR FAV.pdf

Uploaded by: Heather Warnken

Position: FAV

TESTIMONY IN SUPPORT OF HB 409

Juvenile Court - Jurisdiction (Youth Charging Reform Act)

TO: Members of the Senate Judicial Proceedings Committee

FROM: Center for Criminal Justice Reform, University of Baltimore School of Law

DATE: February 10, 2026

The University of Baltimore School of Law’s Center for Criminal Justice Reform (“Center”) is dedicated to supporting community-driven efforts to improve public safety and address the harm and inequities caused by the criminal legal system. **The Center strongly supports House Bill 409.**

Maryland is a national outlier in its practice of automatically charging children in adult court. Maryland sends more young people per capita to be tried as adults than every other state but Alabama.¹ This extreme and outdated practice has endured for so long that Maryland is increasingly known for this shameful outlier status, particularly given its extreme racial disparities. Nearly 80% of the youth charged in adult court in Maryland are Black.²

This policy is not only inequitable; it is inefficient, costly, and bad for public safety, which is particularly troubling in these fiscally challenging times. The status quo costs the state over \$20 million annually, and a significant portion of this is spent unnecessarily burdening the legal system and exacerbating the trauma experienced by impacted youth and their families. 85% percent of these cases do not end up staying in adult court.³ The majority return to juvenile court or are dismissed, but only after lengthy delays and burdensome processes that undermine desired outcomes for public safety, recidivism and for youth.⁴

¹ Marcy Mistrett, *National Trends in Charging Children as Adults*, The Sentencing Project, (July 20, 2021)

<https://dls.maryland.gov/pubs/prod/NoPblTabMtg/CmsnJuvRefCncl/Sentencing-Project-National-Trends-in-Charging-Children.pdf>

² Human Rights for Kids, *Disposable Children: The Prevalence of Child Abuse and Trauma Among Children Prosecuted and Incarcerated As Adults in Maryland*, (Nov. 20, 2024)

<https://humanrightsforkids.org/wp-content/uploads/Disposable-Children-The-Prevalence-of-Child-Abuse-and-Trauma-Among-Children-Prosecuted-As-Adults-in-Maryland.pdf>

³ Commission on Juvenile Justice Reform, Emerging & Best Practices, *Maryland’s JJDPA Compliance Crisis: Children in Adult Detention*, (Oct. 23, 2025)

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

⁴ *Id.*

The current autocharging policy worsens outcomes in a number of ways. Often this process creates extended periods of pretrial incarceration of youth in adult facilities and extended periods of uncertainty for everyone involved. Research shows that youth charged as adults are at increased risk of physical assault, sexual assault and isolation, which heightens the risk of future offending. Of those charged as adults, 80% are placed in solitary confinement at some point, and over 80% report abuse from staff or other incarcerated individuals. Adult charging results in increased physical violence and sexual violence in a system well known for its poor conditions and insufficiency of resources for even the adult population, much less the youth it is not designed for. Notwithstanding the well-documented trauma histories of nearly all children automatically charged in adult courts, and the well-documented additional traumas caused and compounded by this process, only 28.2% of youth received trauma treatment.⁵

Research also demonstrates directly that this practice fuels youth recidivism. A meta-analysis published by the Center for Disease Control within the U.S. Department of Health and Human Services showed that adult courts have a 34% increase in youth recidivism versus juvenile courts.⁶

We can and must do better. Since 2000, half of all states have narrowed or eliminated the automatic charging of children in adult court; among these, eight states now mandate that all youth cases begin in juvenile court.⁷ For 14 years in Maryland, youth justice advocates, researchers, criminal justice reformers, judges, public defenders and many other constituencies have come to the Maryland General Assembly calling for change. Over a decade of study and recommendations on this issue specifically in Maryland, across three gubernatorial commissions and now the Commission on Juvenile Justice Reform, Emerging & Best Practices established by law in 2024, have recommended that the state reform its approach to autocharging. In its recent report, *Maryland's JJDP A Compliance Crisis: Children in Adult Detention*, yet another bipartisan and diverse commission highlighted the urgent necessity of addressing this issue.⁸

Unlike some of the prior efforts to end or severely limit this extreme practice in Maryland, HB 409 is a compromise bill. It leaves the most serious offenses automatically subject to adult court jurisdiction, including first-degree murder, rape and carjacking. It values judicial discretion and individualized assessment, allowing a judge to determine if and when cases should be tried in adult court.

This is not just about correcting a persistent injustice in Maryland's system and advancing the public safety interests of our state. It is also important to note the ways in which it

⁵ *Supra* note 2, at 19.

⁶ Centers for Disease Control and Prevention., *Effects on Violence of Laws and Policies Facilitating the Transfer of Youth from Juvenile to the Adult Justice System*, MMWR Nov. 30, 2007; 56(No. RR-9):[9].

⁷ Olivia Naugle, *Automatically Charging Youth As Adults*, The Sentencing Project, Dec. 11, 2025, <https://www.sentencingproject.org/app/uploads/2025/12/Automatically-Charging-Youth-as-Adults.pdf>.

⁸ *Supra* note 3.

specifically supports the interests of crime victims. Unnecessarily subjecting this huge percentage of children and cases that do not belong there to the adult system worsens outcomes and rates of recidivism, driving future victimization and harm. It also delays outcomes for victims in these cases, and deprives resources from crime victims' services. The millions of dollars wasted as a result of autocharging 33 offenses is a missed opportunity to invest these resources elsewhere to advance the interests of victims and communities. This includes critically under-funded areas spanning crime victim services and support, youth programming, treatment and education, and community violence intervention programs, including street outreach, hospital based violence intervention programs (HVIPS), and other violence prevention work.

Our work at the Center devoted to supporting crime victims lays these realities and misalignment of resources bare. We recently launched the Crime Survivor Voices Project, dedicated to elevating the data, perspectives and lived experiences of diverse crime victims in order to inform more effective and thoughtful public safety policy. This project, among many other aspects of our work, seeks to challenge the oversimplification and politicization of survivor narratives which too often distracts policymakers, media and the public from effective public safety strategies, and from what many crime victims themselves are asking for, especially those in marginalized communities bearing the brunt of crime.

All crime victims deserve accountability for the harm done to them, but that does not mean that all victims see accountability and justice in the same way, or have the same priorities. Research demonstrates this diversity of victim and survivor perspectives, including the large percentage of crime victims interested in more than punishment, and for whom healing and accountability require much more. For example, survey data from the Alliance for Safety and Justice shed light on the diversity of views of victims' needs and views. Their recent report found that victims overwhelmingly prefer justice approaches that prioritize rehabilitation over punishment, and strongly prefer investments in crime prevention and treatment to more spending on prisons. Most victims who were surveyed prefer more spending on prevention and rehabilitation to prison sentences that keep people incarcerated as long as possible.⁹

In 2021, the Public Safety Partnership (PSP), a U.S. Department of Justice initiative providing data-driven support and technical assistance to cities to strengthen public safety and improve their responses to violence, conducted an assessment for the City of Baltimore on their capacity to provide victim services. A 90+ page report resulting from this assessment detailed numerous barriers to services and discrimination faced by victims throughout the city, and in particular Black youth victims and victims of gun violence.¹⁰ Many victims experience being stigmatized, ignored, and retraumatized by a fragmented and overly punitive system incapable of meeting their needs. Many service providers feel unequipped to advance healing and prevention and to more holistically address harm. Our center director co-authored this report detailing these failures of the system to provide needed services and dignity for victims, and to interrupt cycles of harm. These realities also increased risk of that victim carrying a gun for protection, harming

⁹ Just Safe, *Beyond the Headlines: A Decade of Listening to Crime Survivors*, Oct. 1, 2025, <https://justsafe.org/news/beyond-headlines-decade-listening-crime-survivors/>

¹⁰ Warnken et al., Victim Services Capacity Assessment Report, USDOJ National Public Safety Partnership, July 2021.

someone else, or otherwise ending up as a defendant in adult court - and part of why we so strongly support needed reforms through HB 409.

To further emphasize this connection, a significant portion of youth automatically charged as adults in Maryland are there because they are charged with carrying a firearm. In FY 2024, nearly 45% of those charges in the city involved gun possession.¹¹ According to the GOCPP dashboard, statewide firearm possession of youth autocharged in adult court has increased by 160% since 2015.¹² This statistic is troubling, but it is most important to try to understand *why* youths are carrying guns, and what to do about it. A 2023 report on these issues among NYC youth points to “fear of one’s own death” or “the death of a family member” are the main drivers for why young people choose to carry firearms.¹³

These findings, like much of the other sources of data and reasoning above, further underscore why HB 409 is necessary, and why addressing these challenges with humanity, trauma treatment and youth-appropriate services is far more effective than criminalizing kids as adults. Peer reviewed research recently published also emphasizes the prevalence of extensive trauma histories of justice-involved youth, and that trauma-informed approaches improve justice and mental health outcomes.¹⁴

Maryland can take a huge step forward this session in advancing these goals, and the healing, dignity and fairness that all victims, young people and communities deserve. Keeping youth in juvenile court ensures that trauma and developmental considerations are applied consistently, creating a more fair and effective system for all. **For these reasons, we urge a favorable report on HB 409.**

¹¹ Robin Campbell, *Better Data, Better Policies, Better Outcomes for Kids and Safety*, Maryland Matters, (Jan. 02, 2026).

<https://marylandmatters.org/2026/01/02/better-data-better-policies-better-outcomes-for-kids-and-safety/>

¹² Dept. of Public Safety and Correctional Services, *Dashboard: Juveniles Charged as Adults*, Jun. 30, 2025,

<https://www.google.com/url?q=https://app.powerbigov.us/view?r%3DeyJrIjoiNTZmYzZIN2MtNjcyNC00OGRjLTkwYjktYTYzNGVmNzc0M2UzIiwidCI6IjYwYWZlOWUyLTQ5Y2QtNDliMS04ODUxLTY0ZGYwMjc2YTJlOCJ9&sa=D&source=docs&ust=1770767177902785&usg=AOvVaw2iyUdy9Rzhd2lhEK3PnA-a>

¹³ Elise White et al., “Two Battlefields” Opps, Cops, and NYC Gun Culture, The Center for Justice Innovation, (July 12, 2023),

https://www.innovatingjustice.org/wp-content/uploads/2023/07/Summary_CJI_TwoBattlefields_07142023.pdf

¹⁴ Carolyn M. Boyd, Andrew Day, Catia G. Malvaso, *The Outcomes of Trauma-Informed Practice in Youth Justice: An Umbrella Review*, (Apr. 22, 2024)

<https://link.springer.com/content/pdf/10.1007/s40653-024-00634-5.pdf>

HB409 - Youth Charging Reform Act.pdf

Uploaded by: Holly Powell

Position: FAV

Dear Members of the Judiciary Committee,

This testimony is being submitted by Showing Up for Racial Justice Baltimore, a group of individuals working to move white folks as part of a multi-racial movement for equity and racial justice in Baltimore City, Baltimore County, and Howard County. We are also working in collaboration with Out For Justice. I am a resident of **District 46**. **I am testifying in support of HB409, the Youth Charging Reform Act.**



Showing Up for Racial Justice

HB409 would end the practice of charging 14- and 15-year old children as adults, and ensure that only 16- and 17-year-olds accused of the most serious crimes, such as rape and murder, are charged in adult court.

Unfortunately, after more than a century of progress in juvenile justice, in the 1990s Maryland reversed course and began to pass laws purporting to be “tougher” on youth crime, including requiring many charges against minors to be prosecuted in adult court by default.¹ Maryland, once progressive in its view of youth crime, is now a national outlier in its practice of automatically charging young people as if they were adults. Per capita, we send more young people to adult court based on offense type than every other state but Alabama.² Additionally, the current system disproportionately affects Black youth, as nearly 80% of Maryland youth charged in adult court are Black.³

The practice of charging children as adults is inhumane. It is also economically wasteful, as the vast majority of these cases are either transferred to juvenile court or dismissed.⁴ Finally, it does not even do what it is intended to do, since statistics indicate that automatic charging of youth as adults does not decrease youth crime generally or reduce recidivism by the youth so charged.⁵ By significantly decreasing the automatic charging of youth as adults, we can bring Maryland more into line with modern juvenile justice standards, redirect resources to treating rather than simply imprisoning young offenders, and ultimately improve the safety of our communities by preventing re-offending. It is for these reasons that I am encouraging you to vote **in support of HB409, the Youth Charging Reform Act.**

Thank you for your time, service, and consideration.

Sincerely,
Holly Powell
2308 Cambridge Street
Baltimore, Maryland 21224

¹ Jason R. Tashea, & Al Passarella, *Youth Charged as Adults: The Use and Outcomes of Transfer in Baltimore City*, 14 U. Md. L.J. Race Relig. Gender & Class 273 (2015). <https://digitalcommons.law.umaryland.edu/rrgc/vol14/iss2/4>

² The Sentencing Project, National Trends in Charging Children, Presentation to the JJRC (July 20, 2021). <http://dls.maryland.gov/pubs/prod/NoPblTabMtg/CmsnJuvRefCncl/Sentencing-Project-National-Trends-inCharging-Children.pdf>

³ Juvenile Justice Reform Council Supplemental Report, http://dls.maryland.gov/pubs/prod/NoPblTabMtg/CmsnJuvRefCncl/JJRC-Report-Final_2021SupplementalReport.pdf

⁴ In 2017-19, 48% of juveniles charged as adults in Baltimore City were returned to juvenile court, and 33% were dismissed or otherwise closed without a verdict. In MDEC counties the figures were 41% and 36% respectively. Juvenile Justice Reform Council Supplemental Report p 33.

⁵ Lila Kazemian, *Pathways to Desistance From Crime Among Juveniles and Adults: Applications to Criminal Justice Policy and Practice*, Nov. 2021 (internal citations removed), <https://www.ojp.gov/pdffiles1/nij/301503.pdf>

Showing Up for Racial Justice Baltimore

HB 409_Public Justice Center_FAV.pdf

Uploaded by: Ingrid Lofgren

Position: FAV



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

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

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

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

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

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

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

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

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

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

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

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

The General Assembly must take decisive action now to reform Maryland's "automatic charging" law.

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

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

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

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

<https://app.powerbigov.us/view?r=eyJrjoiNzQzYTBlYmMtNzVmOC00OGE2LWFKNzktZDIiYzgzNzE5eYODU2liwidCI6IjYwYWZlOWUyLlR0Q5Y2QtNDliMS04ODUxLTY0ZGYwMjc2YTJlOCJ9>.

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

The Public Justice Center is a 501(c)(3) charitable organization and as such does not endorse or oppose any political party or candidate for elected office.

HB409 RTLC Testimony (FAV).pdf

Uploaded by: Iqra Ashraf

Position: FAV

Testimony in Support of House Bill 409
Juvenile Court – Jurisdiction (Youth Charging Reform Act)
Position: Favorable

To: Delegate J. Sandy Bartlett, Chair, and the Members of the Judiciary Committee

From: Iqra Ashraf and Jack Budlow, Student Attorneys, Racial Justice and the Law Clinic, University of Maryland Francis King Carey School of Law, 500 W Baltimore St. Baltimore, MD 21201 (admitted pursuant to Rule 19-220 of the Maryland Rules Governing Admission to the Bar).

Date: February 10, 2026

The Racial Justice and the Law Clinic at the University of Maryland Francis King Carey School of Law engages matters that examine, address, and aim to redress racial inequities and other harms experienced by historically racially marginalized groups. The Clinic supports House Bill 409 (“HB 409”). As many have stressed, Maryland’s auto-charging system overwhelmingly punishes Black children and is disconnected from science and public safety. If passed, HB 409 would protect a significant number of Maryland’s youth from being exposed to an adult criminal system that has historically failed our children, particularly Black children. Lessons from history and the present compel our State to move away from automatically charging children as adults and to treating all children as children.

In 1945, Maryland began charging children as adults.¹ Over time, the range of offenses that result in automatically charging children as adults has dramatically expanded and increased the number of children subject to adult incarceration.²

In 1995, a political scientist, John J. Dilulio Jr., proposed his infamous “super predator” theory³ Relying on his theory, Dilulio predicted a coming wave of “severely morally impoverished juvenile super-predators” of mostly “inner city” boys would be “more violent” and less remorseful than previous generations.⁴ Six years later, the United States Surgeon General debunked this myth.⁵ Dilulio subsequently renounced his theory as well. He admitted that it was wrong and regretted its impact.⁶ But the damage was done as Maryland, like many other states, had already acted. Maryland passed a law stripping children as young as fourteen of their juvenile status and

¹ See Barry C. Feld, *The Juvenile Court Meets the Principle of the offense: Legislative Changes in Juvenile Waiver Statutes*, 78 J. Crim. L. & Criminology 471, 512 (1987) (detailing that in 1945, the state of Maryland passed a law which legislatively excluded armed robbery from the scope of juvenile court).

² See Md. Code Ann., Cts. & Jud. Proc. § 3-8A-03(d) (There are currently thirty-three offenses for which children are automatically charged in adult criminal court).

³ John J. Dilulio Jr., *The Coming of the Super-Predators*, Wash. Examiner, Nov. 27, 1995, <https://www.washingtonexaminer.com/magazine/1558817/the-coming-of-the-super-predators/>

⁴ *Id.*

⁵ See *State v. Belcher*, 342 Conn. 1, 15 (2022) (“In 2001, the United States office of the Surgeon General labeled the super predator theory a myth”) (citation omitted).

⁶ *Id.*

forcing them into the adult criminal justice system for certain crimes.⁷ As a result, Maryland quickly became a national leader in prosecuting children as adults and subjecting children to adult courts, jails, and prisons.

History offers an important lesson, as Maryland has long criminalized and punished Black children differently and more harshly than other children. In 1870, the Maryland General Assembly authorized the creation of the House of Reformation and Instruction for Colored Children (“House of Reformation”), a “training school” in Prince George’s County that soon housed Black boys.⁸ Children at the House of Reformation suffered from neglect, forced labor and other forms of abuse, limited education, and poor sanitation. George Clark, who was formerly incarcerated at the institution, described it over ninety years ago as “a place not fit for a dog.”⁹ Hundreds of children died there, many under circumstances that remain questionable. While many of these deaths were attributed to disease, poor conditions and neglect likely contributed to some of the deaths.¹⁰ A 2025 Washington Post investigation revealed that at least 230 children died in custody at the House of Reformation. They remain buried there, under marked and unmarked gravestones that have recently been rediscovered.¹¹ Known now as the Cheltenham Burial Ground, this travesty has been brought to the public’s attention in the months *since* last year’s legislative session.

Turning to the present, recent developments in neighboring Washington, D.C. also bring extra urgency to HB 409 as they demonstrate how efforts to weaken protections for youth in the criminal system disregard Black children and disproportionately place them at risk. In 2025, the United States Attorney for the District of Columbia publicly advocated for changing the district’s laws to allow prosecutors greater authority to charge younger teenagers as adults. She stated that her “number one priority” was lowering the age of adult criminal responsibility to fourteen.¹² Given that Black children are disproportionately arrested and charged in the District, lowering the age at which children can be charged as adults would overwhelmingly impact the very same children. Advancing her position, the United States Attorney dismissed the brain science that has long proved that children are largely incapable of understanding the long-term consequences of their actions, as she lamented that she did not “want to hear about the pre-frontal lobe.”¹³ This

⁷ Md. Code Ann., Courts and Judicial Proceedings § 3–8A–03; see HUMAN RIGHTS WATCH, TRYING CHILDREN IN ADULT COURTS ¶ 2-3 (1999) (Maryland passed legislation to make it easier for children to be charged as adults in response to the Super Predator myth.) https://www.hrw.org/reports/1999/maryland/Maryland02.htm#P352_41088

⁸ Megan Sayles, *Graves of imprisoned Black children inspire reform in Maryland*, AFRO (Sept. 26, 2025), <https://afro.com/maryland-black-caucus-visit-cheltenham/>

⁹ Nicole Ramos, *Not fit for a dog’: Maryland reformatory boys died through neglect, disease and exhaustion*, CNS MARYLAND (Dec. 10, 2025), https://cnsmaryland.org/2025/12/10/cheltenham_mainbar/

¹⁰ *Id.*

¹¹ Katie Mettler & Michael Brice-Saddler, *230 dead Black boys. A ‘secret cemetery.’ Officials knew, and didn’t act.*, WASH. POST (Sept. 22, 2025), <https://www.washingtonpost.com/dc-md-va/2025/09/22/house-of-reformation-graveyard/>

¹² *Jeanine Pirro touts results of Trump’s crime crackdown in DC: ‘It’s working*, FOX NEWS (Oct. 28, 2025) (8:00), <https://www.foxnews.com/video/6384185312112>.

¹³ *Tensions flare at community meeting with U.S. Attorney for the District of Columbia Jeanine Pirro*, YOUTUBE (September 27, 2025) (20:20), <https://www.youtube.com/watch?v=tdXxw38Uv1U>.

rejection of science is especially dangerous for Black children, who are already more likely to be perceived as older, more culpable, and less deserving of rehabilitation than their peers.¹⁴

These events of history and the present bring sharper focus to Maryland's auto-charging law and why we must move in a different direction. Maryland needs to see and treat all children as children and hold children accountable in ways that align with adolescent development and brain science, support their growth, and promote public safety.

For the foregoing reasons, and many others, the Clinic respectfully asks the Committee to issue a favorable report.

This written testimony is submitted on behalf of the Racial Justice and the Law Clinic at the University of Maryland Francis King Carey School of Law and not on behalf of the School of Law, the University of Maryland, Baltimore, or the University System of Maryland

¹⁴ CPE Editorial Staff, *The Adultification of Black Children*, Center for Policing Equity (Jan. 19, 2023), <https://policingequity.org/the-adultification-of-black-children/>.

HRFK Testimony in Support of HB 409 (House).pdf

Uploaded by: James Dold

Position: FAV



**TESTIMONY IN SUPPORT OF HB 409 BEFORE THE MARYLAND HOUSE
JUDICIARY COMMITTEE**

February 12, 2026

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

Human Rights for Kids respectfully submits this testimony for the official record to express our support for HB 409. We are grateful to Chair Bartlett for her leadership in introducing this bill and appreciate the Maryland Legislature's willingness to address these important human rights issues concerning Maryland's children.

Over the years too little attention has been paid to the most vulnerable casualties of mass incarceration in America — children. From the point of entry and arrest to sentencing and incarceration our treatment of children in the justice system is long overdue for re-examination and reform.

Human Rights for Kids is a Washington, D.C.-based non-profit organization dedicated to the promotion and protection of the human rights of children. We work to inform the way the nation understands Adverse Childhood Experiences (ACEs) from a human rights perspective, to better educate the public and policymaker's understanding of the relationship between early childhood trauma and negative life outcomes. We use an integrated, multi-faceted approach which consists of research & public education, coalition building & grassroots mobilization, and policy advocacy & strategic litigation to advance critical human rights on behalf of children in the United States.

Human Rights for Kids supports HB 409 because it will reform the process of automatically sending children to adult court in Maryland. The continuing practice of disregarding child status and automatically sending children to adult criminal court is a clear human rights abuse. Specifically, Article 10 and 14 of the International Covenant on Civil and Political Rights require that "juvenile offenders shall be segregated from adults and be accorded treatment appropriate to their age and legal status . . . the procedure shall be such as will take account of their age and the desirability of promoting their rehabilitation." As such, automatically treating children as adults, regardless of the underlying charge, is a human rights abuse.

High Rates of Adverse Childhood Experiences

In the vast majority of cases, children who come into conflict with the law are contending with early childhood trauma and unmitigated adverse childhood experiences (ACEs), including psychological, physical, or sexual abuse; witnessing domestic violence; living with family members who have substance abuse disorders, suffer from mental illness or are suicidal, or are incarcerated.

In Maryland, nearly 70% of children who were tried and convicted as adults had experienced at least 6 out of 10 Adverse Childhood Experiences prior to their incarceration. The average ACE score for this population was 6.4 out of 10. Nearly 74% had experienced physical abuse and around 40% experienced sexual abuse. The average age that this group of children first experienced abuse was just *six years old*. Notably, nearly **90%** of these children come from homes where one or both parents are absent. And in about 50% of those cases, parental absence is due to *parental incarceration*. These facts allow us to understand the contributing factors that lead children to become system involved in the first place.

Childhood trauma is the primary driver and root cause for how and why so many kids end up in the criminal justice system. Policies that permit children to be automatically charged as adults ignore this truth and divest juvenile court judges – who are trained in child development – from making a decision of what is in the best interest of the child and society.

Because most of the children accused of crimes have been victims themselves, automatic adult charging policies ignore and disregard both the victim and child status of these offenders. That is not to say that in appropriate cases public safety considerations may require the court to waive juvenile court jurisdiction, but that decision should rest with juvenile court judges. These judges are in the best position to weigh a child's trauma history with their potential for rehabilitation if kept within the juvenile system.

When a child comes before the juvenile system, their cases are processed fairly quickly. Children in the juvenile system are held in detention for an average of 71 days. During this time, youth are in the custody of the Department of Juveniles Services (DJS), which conducts a risk assessment and develops a treatment plan tailored to address the child's behavior and reduce the likelihood of recidivism.

However, less than a third of children placed in DJS facilities were originally charged in juvenile court. The other 68% are children who were automatically charged as adults waiting for a judge to determine whether adult or juvenile court is the right venue. It takes an average of 132 days, or over four months, before these cases are transferred from adult court to juvenile court and the child can begin receiving services in the juvenile system.

Even though a child is initially charged as an adult, 85% of the time they will be transferred back down to juvenile court or have their charges dismissed. But before the judge makes this decision, the child, who has most likely experienced severe trauma and abuse, sits in detention with no services, treatment, or accountability. This inefficient process delays true accountability for the children and does nothing to improve public safety.

While some children are placed in DJS facilities with other youth during this waiting period, many are held in adult jails, where they do not have access to the age-appropriate services they need to treat their underlying trauma. Because federal law requires that children in adult facilities be separated from adult offenders, they are held in what amounts to solitary confinement. Imagine being a child who has already faced unimaginable trauma and abuse, and then being placed in a cell, alone, with very few opportunities to interact with other people.

Juvenile Brain & Behavioral Development Science

Studies have shown that children’s brains are not fully developed. The pre-frontal cortex, which is responsible for temporal organization of behavior, speech, and reasoning continues to develop into early adulthood. As a result, children rely on a more primitive part of the brain known as the amygdala when making decisions. The amygdala is responsible for immediate reactions including fear and aggressive behavior. This makes children less capable than adults to regulate their emotions, control their impulses, evaluate risk and reward, and engage in long-term planning. This is also what makes children more vulnerable, more susceptible to peer pressure, and being heavily influenced by their surrounding environment.

Children’s underdeveloped brains and proclivity for irrational decision-making is why society does not allow children to vote, enter contracts, work in certain industries, get married, join the military, or use alcohol or tobacco products. These policies recognize that children are impulsive, immature, and lack solid decision-making abilities.

Dynamic mapping of human cortical development



Source: "Dynamic mapping of human cortical development during childhood through early adulthood," Nitin Gogtay et al., Proceedings of the National Academy of Sciences, May 25, 2004; California Institute of Technology.

In this picture the blue areas can be thought of as representing ‘more mature’ sections of brain. The frontal areas are among the last to mature.

It is for these reasons that children should also not be automatically subject to criminal court jurisdiction. In every aspect of our society, we require individuals who work with or make decisions about our children to be specially trained in child development, i.e. teachers, day care workers, pediatricians, nurses, etc. However, Maryland’s policy of automatically charging so many children as adults and vesting judges in criminal court with ultimate decision-making authority over them is counter to how we treat children in every other aspect of our society. Like pediatricians and teachers in health care and learning settings, we should bestow decision making authority over our children in the legal system with juvenile court judges who have been trained specifically on child development.

Human Rights Violations

Because of the way children are treated in the criminal justice system, we designated Maryland one of the “Worst Human Rights Offenders” in the nation in our 2020 National State Ratings Report. Maryland was penalized in our assessment, in part, for its automatic charging policy that has resulted in the state being second in the nation, only to Alabama, in the number of youth charged in adult court every year. It should be noted that more than 80% of youth charged as adults in Maryland are Black. Such practices are contrary to human rights law and have made Maryland a national outlier.

While it is important to note that the vital reforms to the juvenile justice system passed since the aforementioned 2020 report resulted in Maryland’s recognition as the “most improved state” in the 2022 edition of our National State Ratings Report, Maryland is still penalized for its automatic charging policy.

In late 2022, Human Rights for Kids requested and received data from the State of Maryland on people who are currently incarcerated for crimes they were convicted of as children. According to our analysis of the data provided by the State, there are 1,132 currently incarcerated people who fit this description. This number represents 6.09% of Maryland’s overall prison population, which is more than double the national average of 3%. Maryland ranks 4th highest in the nation for the percentage of its overall prison population that has been incarcerated since they were children. Only Louisiana, Wisconsin, and South Carolina have higher percentages.

When considering the current law on automatic charging, Maryland’s status as one of the top incarcerators of children in the entire country should not be surprising. The state’s high rates of incarcerating children are a direct result of the longstanding policy of automatically charging high numbers of children as adults.

Redemption for Maryland

Nelson Mandela once said, “*There is no keener revelation of a society’s soul than the way in which it treats its children.*” What does it say about our soul then if we allow so many children, the vast majority of whom are Black, to be automatically charged as adults?

By beginning so many children in adult court and thereby becoming a mass incarcerator of children, Maryland is disregarding international human rights norms, juvenile brain and behavioral development science, and the fact that so many of these children are victims themselves.

With the passage of HB 409, Maryland can find redemption by recognizing that kids are different and should be treated differently in the legal system. **It is for the foregoing reasons that Human Rights for Kids respectfully requests that the Committee issue a favorable report on HB 409 by Chairwoman Bartlett.** Thank you for your time and consideration.

Submitted by:
James Dold
Chief Executive Officer & Founder
Human Rights for Kids

House_ Judiciary Committee; Auto-Charging (1).pdf

Uploaded by: Jo Shifrin

Position: FAV

Date of Hearing: February 12, 2026

Jo Shifrin

Bethesda, Maryland 20817

TESTIMONY ON HB 409 - POSITION: FAVORABLE
Juvenile Court - Jurisdiction (Youth Charging Reform Act)

TO: Chair Bartlett, Vice Chair Davis, and members of the Judiciary Committee

FROM: Jo Shifrin

My name is Jo Shifrin. I am a resident of District 16. I am submitting this testimony in support of Juvenile Court - Jurisdiction (Youth Charging Reform Act).

I am a retiree and moved to Bethesda in 2014 to be near my grandchildren. I'm a member of Adat Shalom, a Reconstructionist synagogue in Bethesda. My support for this legislation comes from my Jewish values. Among these values are *Tikkun Olam*, an obligation to make the world a more fair and equitable place for people to live. Jewish tradition teaches that every child deserves to live a life with dignity, respect, and safety.

Under the existing law, people under 18 years of age who are charged with any of 33 separate offenses are automatically charged as if they were adults in criminal court. In FY 2025, Maryland charged more than 1,000 youth as if they were adults. Maryland sends more youth to adult court than any other state except Alabama. I believe that all criminal cases involving youth should start in Juvenile Court, and here are my reasons:

- Every year, approximately 85% of these cases are either dismissed or transferred back to Juvenile Court, after the youth spends weeks or months in adult detention, without access to rehabilitative services which are shown to reduce reoffending
- Charging youth as adults subjects them to developmentally inappropriate and harmful conditions and harms public safety, because youth in the adult system are more likely to commit future offenses –and, in particular, more violent offenses – when compared with their peers in the juvenile system
- Sending youth into the adult criminal justice system, only to have their cases dismissed or moved to the juvenile system wastes a lot of money (estimated to be \$20 million).
- Nothing prevents a juvenile judge from transferring a child to the adult system if he or she believes that such a transfer is warranted
- There are substantial racial disparities in the criminal justice system; more than 77% of youth charged in adult court are Black; Black youth are more likely to be sent to adult prison and receive longer sentences than their white counterparts for similar offenses;

and implicit bias research shows that Black kids are more likely to be seen and treated as adults than white kids.

As I said previously, I believe all children and teens should start in the juvenile system. And this bill is a compromise. However, if signed into law, only 12 offenses, rather than 33, will automatically send 16 and 17 year-old kids to adult court. Additionally, this bill ends the automatic charging of 14 and 15 year olds as adults, starting them in juvenile court. Research shows that providing timely, appropriate rehabilitative services to youth is associated with better outcomes, including lower recidivism, compared with extended detention or delayed support.

I believe this bill will reduce crime, increase public safety, treat kids more fairly, and save the state millions of dollars. Please make 2026 the year we move toward a more enlightened approach to the treatment of youth in the criminal justice system. **I respectfully urge this committee to return a favorable report on HB 409.**

HB409 - John Ford - favorable.pdf

Uploaded by: John Ford

Position: FAV

Dear Members of the Judiciary Committee,

This testimony is being submitted in collaboration with Showing Up for Racial Justice Baltimore and Out For Justice. I am a resident of **District 46**. In addition to being a workforce development professional and community association board member full invested in my Baltimore City community, I'm an industrial and organizational psychology practitioner and APA associate member. Aligned with APA's position at the federal level for DC, I have to insist from the position of the field of psychology that prosecuting youth as adults does immense harm and fails to reduce recidivism. Youth, with developing minds, **MUST** be placed in a juvenile system and paired with community-based services and education.¹ **I am testifying in support of HB409, the Youth Charging Reform Act.**

HB409 would end the practice of charging 14- and 15-year old children as adults, and ensure that only 16- and 17-year-olds accused of the most serious crimes, such as rape and murder, are charged in adult court.

Unfortunately, after more than a century of progress in juvenile justice, in the 1990s Maryland reversed course and began to pass laws purporting to be "tougher" on youth crime, including requiring many charges against minors to be prosecuted in adult court by default.² Maryland, once progressive in its view of youth crime, is now a national outlier in its practice of automatically charging young people as if they were adults. Per capita, we send more young people to adult court based on offense type than every other state but Alabama.³ Additionally, the current system disproportionately affects Black youth, as nearly 80% of Maryland youth charged in adult court are Black.⁴

The practice of charging children as adults is inhumane. It is also economically wasteful, as the vast majority of these cases are either transferred to juvenile court or dismissed.⁵ Finally, it does not even do what it is intended to do, since statistics indicate that automatic charging of youth as adults does not decrease youth crime generally or reduce recidivism by the youth so charged.⁶ By significantly decreasing the automatic charging of youth as adults, we can bring Maryland more into line with modern juvenile justice standards, redirect resources to treating rather than simply imprisoning young offenders, and ultimately improve the safety of our communities by preventing re-offending. It is for these reasons that I am encouraging you to vote **in support of HB409, the Youth Charging Reform Act.**

Thank you for your time, service, and consideration.

Sincerely,

John Preston Ford
529 S East Ave, Baltimore, MD 21224

¹ Apryl Alexander, PhD & Ava Peters, *Should 14-year-olds be charged as adults? Research shows adult sentencing for teens fails to reduce repeat offenses*. Monitor on Psychology (January 2026).

<https://www.apa.org/monitor/2026/01-02/youth-criminal-responsibility>

² Jason R. Tashea, & Al Passarella, *Youth Charged as Adults: The Use and Outcomes of Transfer in Baltimore City*, 14 U. Md. L.J. Race Relig. Gender & Class 273 (2015). <https://digitalcommons.law.umaryland.edu/rrogc/vol14/iss2/4>

³ The Sentencing Project, National Trends in Charging Children, Presentation to the JJRC (July 20, 2021).

<http://dls.maryland.gov/pubs/prod/NoPblTabMtg/CmsnJuvRefCncl/Sentencing-Project-National-Trends-inCharging-Children.pdf>

⁴ Juvenile Justice Reform Council Supplemental Report,

http://dls.maryland.gov/pubs/prod/NoPblTabMtg/CmsnJuvRefCncl/JJRC-Report-Final_2021SupplementalReport.pdf

⁵ In 2017-19, 48% of juveniles charged as adults in Baltimore City were returned to juvenile court, and 33% were dismissed or otherwise closed without a verdict. In MDEC counties the figures were 41% and 36% respectively. Juvenile Justice Reform Council Supplemental Report p 33.

⁶ Lila Kazemian, *Pathways to Desistance From Crime Among Juveniles and Adults: Applications to Criminal Justice Policy and Practice*, Nov. 2021 (internal citations removed), <https://www.ojp.gov/pdffiles1/nij/301503.pdf>

HB409 Youth Charging Reform Act.pdf

Uploaded by: Jonathan Rochkind

Position: FAV



Dear Members of the Judiciary Committee,

[Jewish Voice for Peace](#) Baltimore and DC Metro chapters are submitting testimony **in support of HB409, the Youth Charging Reform Act**. Jewish Voice for Peace is a national Jewish organization working towards Palestinian freedom and Judaism beyond Zionism. We have over 3000 members and supporters in Maryland, with chapters in Baltimore and the DC Metro Area.

As an organization we believe in freedom and safety for all, in Palestine and in our communities here in Maryland. **HB409 would end the practice in Maryland of automatically charging children as adults for all 14- to 15-year-olds and most 16- to 17-year-olds**. We believe HB409 is what's best for Maryland and our communities.

- **Treating children as adults in criminal justice and carceral systems is a violation of international law and human rights.** The UN Convention on the Rights of the Child¹ says every child — every human under the age of 18 — must be treated by legal systems and procedures specifically for children, be detained or imprisoned separately from adults and only as a last resort for the shortest time possible, and be treated with humanity and respect.
- The United States, like Israel, has inherited structures of settler colonialism, in which **criminal justice systems function as mechanisms of control and supremacy, enforced differently on different populations**. In Maryland, Black children are more likely to be charged as adults and more likely to receive harsher sentences compared to white counterparts.²
- We know that in Palestine, here in Maryland, and everywhere, **incarceration, state violence, and the inhumane treatment of children does not make our communities safer**. Research shows the automatic charging of youth as adults in the United States does not decrease youth crime or reduce recidivism³. Instead, it destabilizes our communities⁴, while exposing children to harm, abuse, and trauma.

In this time when respect for basic human rights and dignity are being threatened here in the USA and around the world, Maryland should be standing up and setting an example of a different way. Instead, we have sent more children to adult court automatically than any other state but Alabama⁵. It's crucial that Maryland take a stand for democracy and humane legal systems. **It is time we end the shameful practice of automatic charging**, and continue work to end the treatment of children as adults in our criminal justice systems.

Thank you for your time, service, and consideration.

¹ <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-rights-child>

² Derrell Frazier, We Must End the Automatic Charging of Youth as Adults in Maryland. <https://thenext100.org/we-must-end-the-automatic-charging-of-youth-as-adults-in-maryland/>

³ Lila Kazemian, Pathways to Desistance From Crime Among Juveniles and Adults: Applications to Criminal Justice Policy and Practice, Nov. 2021, <https://www.ojp.gov/pdffiles1/nij/301503.pdf>

⁴ Justice Policy Institute, The Child Not the Charge: Transfer Laws Are Not Advancing Public Safety. <https://justicepolicy.org/research/reports-2020-the-child-not-the-charge-transfer-laws-are-not-advancing-public-safety/>

⁵ Maryland Office of Public Defender, End the Automatic Charging of Children as Adults. https://c026acbc-bc5d-4cef-8584-0a0bde77d83b.filesusr.com/ugd/8cb54c_9460bce1042a4eeecbcb1b7e17e6f715.pdf

RosenTestimony-HB409-JuvenileChargingReforms_jan28

Uploaded by: Julie Rosen

Position: FAV

January 28, 2026

**Written Testimony on HB 409
Juvenile Court – Jurisdiction (Youth Charging Reform Act)
Judicial Proceedings**

Position: Favorable

My name is Julie A. Rosen, and I submit this written testimony as an individual resident of Montgomery County, Maryland. I write to affirm my support of the subject proposed legislation, and urge the Committee to pass it to enact protections for children not accused of violent and/or felonious crimes.

I was astounded to learn that MD charges more children as adults per capita than any state other than Alabama. Additionally, I was saddened, even appalled, but not surprised, to learn that 8 of 9 such children are black or brown. I firmly believe that our state's charging protocol is unfair, inefficient, and costly. This belief is supported by the latest independent audit that 85% of these cases are moved back to juvenile system or dropped. But that process results in a child having spent 8-9 months in adult jail; damaging the likelihood of future behavior changes, especially when the child may not have committed criminal behavior.

As I understand the evidence underlying the Bill's offering, the protections outlined in this bill would keep the most violent charges in adult court. But for the lesser charges, MD would save \$30M/yr, which could be used to invest in pro-active measures that reduce harm to child's future (behavior, actions).

To protect children of lesser –or unproved!–charges, this Bill's approach to cost efficiency, and mitigate against harm to child's future, I respectfully urge a favorable report on HB 409. Thank you.

Youth Justice Bill House Judiciary Testimony.hb409

Uploaded by: Julie Solomon

Position: FAV

Date of Hearing: February 5, 2026

Julie Robin Solomon

Baltimore City, Maryland 21231

TESTIMONY ON HB 409 - POSITION: FAVORABLE

Full Bill Name Juvenile Court-Jurisdiction

TO: Chair, J. Sandy Barlett; Vice Chair Debra Davis and members of the Judiciary Committee

FROM: Julie Robin Solomon

My name is Julie Robin Solomon. I am a resident of District 46. I am submitting this testimony in support of HB 409 (Juvenile Court-Jurisdiction) which will end the practice of auto-charging teens as adults for certain crimes.

I am a psychiatric nurse practitioner who treats adolescents with mental health conditions and adjustment disorders. A member of the American Association of Nurses (ANA) and the American Association of Psychiatric Nurse Practitioners, I have worked in pediatric hospital settings, adolescent residential treatment programs, clinics, and private practice over the last 15 years. In these settings, I have learned that treating teenagers requires hard-earned specialized knowledge and specific skills. But the chief axiom we must always bear in mind in treating adolescents is simple: the teenage brain is biologically immature. The pre-frontal cortices are not fully formed until the mid-twenties; the limbic system--the emotional center--tends to dominate leading to impulsiveness; and the brain's axons are not fully myelinated, resulting in slower operations. Taken together these features of the adolescent brain make it less capable of making morally sophisticated and future-oriented decisions. That is why we don't treat those under the age of eighteen the same as adults in the medical field, the educational field, or in the civic arena. We don't medicate them the same, we don't educate them the same, and we don't afford them the same legal rights, privileges, and responsibilities as adults.

In my own psychiatric work, I have seen psychological and moral injury done to teenagers whose parents have neglected to guide them appropriately, parents who have saddled their teenagers with responsibilities that the parents themselves should have handled, whether that be taking care of younger children, financially supporting the family, or holding the family together emotionally. The state similarly injures adolescents whenever it by default treats them as adults in the court system. This deprives them of protections and educational services that are mostly likely to lead to rehabilitation and the attainment of a happy and productive life. Our current law makes it more likely they will remain mired in the criminal world. Our role as adults and political leaders is to all we can to help them to escape from it.

In sum, I support this bill because it is morally and legally wrong to try juveniles as adults; moreover it flies in the face of what we know about developmental neurology. From a moral perspective, automatically treating adolescents as adults is a moral dereliction of our adult responsibility to protect children as children. From a legal perspective, automatic charging in the court setting substitutes a blunt instrument for the expertise of judges and prosecutors most familiar with proceedings against juveniles. From a neurological perspective our current law flouts science. Thank you for your hard work and I hope you will support this important bill.

HB 409- Juvenile Court - Jurisdiction .pdf

Uploaded by: Kara Aanenson

Position: FAV



Aruna Miller
Lt. Governor

Wes Moore
Governor

Betsy Fox Tolentino
Acting Secretary

Date: February 12, 2026
Bill Number/Title: HB 409- Juvenile Court - Jurisdiction (Youth Charging Reform Act)
Committee: Judiciary
DJS Position: Support

The Maryland Department of Juvenile Services (DJS) supports House Bill 409 as a critical step to strengthen public safety, restore meaningful judicial discretion, and ensure timely, developmentally appropriate intervention for youth.

House Bill 409 reforms Maryland’s automatic charging framework by reducing the number of cases that are automatically filed in adult court, while preserving direct adult court charging for the most serious offenses. The bill ensures that more cases begin in juvenile court, where judges can conduct timely, individualized review, without limiting the State’s ability to pursue adult court when required to support public safety.

Automatic Charging Creates Harmful Delays and System Strain

Under current law, youth subject to automatic charging experience lengthy processing timelines in adult court before any judicial review occurs. These delays significantly extend lengths of stay in custody, place sustained pressure on DJS facilities, and result in youth remaining in adult detention facilities in violation of federal oversight requirements. In Fiscal Year 2025, approximately 57 percent of youth detained in DJS-operated facilities were youth charged as adults. Many remain in custody for extended periods while awaiting transfer decisions - far longer than the juvenile justice system was designed to support. These extended stays contribute directly to chronic capacity strain and Maryland’s on-going noncompliance with the federal Juvenile Justice and Delinquency Prevention Act (JJDP A).

Efficient Juvenile Court Review Improves Public Safety

The current statutory (adult to juvenile) transfer process is lengthy and inconsistent with research-based best practices. On average, youth charged as adults wait 124 days in juvenile detention for an adult transfer hearing, with some cases delayed as few as 8 days and others extending beyond 800 days. These prolonged timelines prevent timely intervention and contribute to extended stays in detention.

Research shows that youth prosecuted in adult court are significantly more likely to reoffend—and to commit more serious offenses—than similarly situated youth who remain in the juvenile justice system. By contrast, earlier access to developmentally appropriate interventions reduces recidivism, promotes behavior change, and strengthens long-term public safety outcomes.

DJS has safely served youth charged as adults in residential facilities for over a decade, demonstrating that the juvenile system can hold youth accountable while providing treatment and supervision tailored to their developmental needs. By reforming the automatic charging law, House Bill 409 enables earlier access to these developmentally appropriate interventions, creating the conditions for better outcomes for youth, families, and communities across Maryland.

Most Youth Charged as Adults Ultimately Return to DJS

In practice, the majority of youth charged as adults ultimately return to the juvenile justice system. In Calendar Year 2025, 971 cases involving youth charged as adults reached resolution. Of those cases, 540 youth were returned to DJS custody, meaning the DJS ultimately became responsible for their care, treatment, and supervision—but only after extended periods during which meaningful intervention could not occur.

Of the cases returned to the Juvenile System:

- 264 youth were ordered to probation
- 232 youth were committed to DJS for out-of-home placement

By contrast, 238 youth were retained in the adult system. Of those youth, only 19 percent (47 individuals) received a prison sentence. This means that 81 percent of youth who remained in the adult system returned to the community before their 21st birthday—the same age at which youth must be released from DJS custody—without the benefit of the structured rehabilitative services available in the juvenile justice system.

House Bill 409 Restores Judicial Discretion

Under current law, when youth are charged as adults those decisions are effectively made at the point of arrest, before a judge has the opportunity to review the youth’s developmental status, individual circumstances, or amenability to treatment. This structure bypasses judicial discretion and limits the system’s ability to make individualized, evidence-based decisions.

House Bill 409 restores balance by ensuring that some autocharged cases begin in juvenile court—where judges can conduct meaningful, individualized review—while preserving the State’s Attorney’s ability to identify cases that may warrant consideration for adult court. This approach allows prosecutorial discretion and judicial oversight to operate together, ensuring that adult court is reserved for the most serious cases while enabling earlier accountability and intervention for other youth.

Prosecutorial Authority and Judicial Oversight Remain Intact

House Bill 409 preserves Maryland’s established safeguards by maintaining a clear and defined pathway for cases to be sent to adult court when appropriate.

- **State’s Attorneys retain discretion** to seek transfer to the adult system based on individualized facts and public safety considerations.
- **Judges make the final determination** regarding waiver or transfer, ensuring consistent and meaningful judicial oversight.
- **Earlier case review supports better decisions**, allowing outcomes to be informed, individualized, and grounded in public safety.

Conclusion

House Bill 409 represents a thoughtful, evidence-based approach that strengthens public safety, ensures timely accountability, and supports the developmental needs of youth. By reducing automatic adult charges while reserving direct adult court for the most serious offenses, the bill restores judicial discretion, allows earlier intervention, and aligns Maryland’s system with research and national best practices.

The Maryland Department of Juvenile Services has long demonstrated that youth can be safely held accountable while receiving developmentally appropriate treatment and supervision. House Bill 409

ensures that this approach occurs earlier, more efficiently, and more effectively—improving outcomes for youth, families, and communities across the state.

For these reasons, DJS respectfully urges a favorable report on House Bill 409.

HB0409 Juvenile Justice.pdf

Uploaded by: Karen Caplan

Position: FAV

Jan. 30, 2026

Testimony on HB0409—Position: Favorable
Juvenile Court-Jurisdiction (Youth Charging Reform Act)

TO: Chair Bartlett, Vice Chair Sandy Bartlett, and the members of the House Judiciary Committee

FROM: Karen Caplan, Silver Spring, MD 20902

My name is Karen Caplan and I am a resident of Maryland District 18. I greatly appreciate that the committee is considering this bill, and I am writing in support.

Maryland's practice of auto-charge puts us well out of the mainstream in the United States—and not in the way we generally want to think of ourselves. Only one state sends more children to adult court than we do— that state is Alabama. Twenty-six other states have passed laws that are designed to treat children like children. It is long past time for Maryland to do the same.

Ultimately, of course, this is not about comparing ourselves with others. Ending auto-charge is consistent with pretty much all of the available research and data. We know that children's and adolescent's brains are different, that they are still in the process of development. This is why we have the differentiation between adult and juvenile systems to begin with. Crucially, that adults and children are not the same is no less true when children are accused of serious crimes than it is when they are charged with more minor ones. And we also know that when we charge children as adults— so that they have to spend time in the adult system, without the services they would otherwise receive— we either expose them to physical and sexual violence or condemn them to isolation. And the end result is not decreased crime, it is actually increased recidivism.

I'm a mom of two young adults. Like pretty much anyone who has parented adolescents, I can tell you they are not adults. They make poor choices sometimes, and when they do it, what they need is guidance and help. This is true even when the poor choice is a crime. I also know that my kids, who are white and affluent, had they made such a choice (or even had they merely been *accused* of making it), would have been far less likely to have been sent into the adult system, because, in MD, a shocking 81 percent of children sent to adult court are black. This, I think, should bother all of us.

For these reasons, I am respectfully urging the committee to vote in favor of this bill.

NASW Maryland - 2026 HB 409 FAV - Youth Charging R

Uploaded by: Karessa Proctor

Position: FAV



**Testimony before the House Judiciary Committee
February 12, 2026**

**House Bill 409 - Juvenile Court – Jurisdiction
Youth Charging Reform Act**

SUPPORT

On behalf of the National Association of Social Workers, Maryland Chapter (NASW-MD), we would like to express our support for House Bill 409 - Juvenile Court - Jurisdiction - Youth Charging Reform Act.

In FY25, Maryland charged more than 1,000 youth as if they were adults. The vast majority were charged automatically, based solely on the charge at the time of arrest, and then sent to juvenile court after a judge reviewed their case. Maryland sends more youth, ages 14-17, to adult court – automatically, without input from a judge – than any other state except Alabama.

Starting juvenile cases in juvenile court saves time and money. Less than 13% of youth charged in adult court end up with an adult criminal conviction. The automatic filing process is extremely expensive and time consuming, costing over \$20 million a year. Research shows that providing timely, appropriate rehabilitative services to youth is associated with better outcomes, including lower recidivism, compared with extended detention or delayed support.

This legislation will reduce crime and increase safety. Adult charging results in increased physical violence, sexual violence, and isolation. Research shows that youth charged as adults are at increased risk of physical and sexual assault and isolation from their families, which may contribute to future criminality. Reducing automatic charging of kids as adults protects kids and improves their long-term social-emotional outcomes.

This will also assist with addressing racial disparities. Over 77% of youth charged in adult court in Maryland are Black. Black youth are more likely to be sent to adult prison and receive longer sentences than their white counterparts for similar offenses. Implicit bias research shows that Black kids are more likely to be seen and treated as adults than white kids. Eliminating automatic charging can also reduce the school to prison pipeline for black youth.

NASW joins the Maryland Youth Justice Coalition and many other partners who support the 2026 effort to limit automatic charging.

We urge you to vote YES on House Bill 409.

Respectfully,

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

Testimony in Support of HB409_Blaha_SURJ.pdf

Uploaded by: Katherine Blaha

Position: FAV

Tuesday, February 10, 2026



Showing Up for Racial Justice

Dear Members of the Judiciary Committee,

I am submitting this testimony as a member of Showing Up for Racial Justice (SURJ) Baltimore, a group of individuals working to mobilize white people in a multi-racial movement for equity and racial justice in Baltimore City, Baltimore County, and Howard County. We are also working in collaboration with Out for Justice, which advocates for the reform of policies and practices that adversely affect incarcerated people's successful reintegration into society. I am a resident of Baltimore City and District 41. I am testifying **in support of HB409, the Youth Charging Reform Act.**

HB409 would end the practice of charging 14- and 15-year old children as adults, and ensure that only 16- and 17-year-olds accused of the most serious crimes, such as rape and murder, are charged in adult court.

Maryland was once progressive in its view of youth crime, but is now a national outlier in its practice of automatically charging young people as if they were adults. Unfortunately, after more than a century of progress in juvenile justice, in the 1990s Maryland reversed course and began to pass laws purporting to be "tougher" on youth crime, including requiring many charges against minors to be prosecuted in adult court by default.¹ Per capita, our state sends more young people to adult court based on offense type than every other state but Alabama.²

¹ Jason R. Tashea, & Al Passarella, *Youth Charged as Adults: The Use and Outcomes of Transfer in Baltimore City*, 14 U. Md. L.J. Race Relig. Gender & Class 273 (2015). <https://digitalcommons.law.umaryland.edu/rrgc/vol14/iss2/4>

² The Sentencing Project, National Trends in Charging Children, Presentation to the JJRC (July 20, 2021). <http://dls.maryland.gov/pubs/prod/NoPblTabMtg/CmsnJuvRefCncl/Sentencing-Project-National-Trends-inCharging-Children.pdf>

Additionally, the current judicial approach leads to the charging and incarceration of a disproportionate number of Black youth, as nearly 80% of Maryland youth charged in adult court are Black.³

The practice of charging children as adults is inhumane. As a child psychologist, I can attest that it is developmentally inappropriate to charge children as if they are in possession of the fully developed neurological and cognitive capacities of adults when they simply are not. It is devastatingly cruel and unethical to hold children to the same judicial standards as adults.

This practice is also economically wasteful and procedurally inefficient, as the vast majority of juvenile cases are either transferred to juvenile court or dismissed.⁴

Finally, statistics demonstrate that automatic charging of youth as adults does not decrease youth crime generally or reduce recidivism by the youth charged, indicating that this policy does not achieve what it was intended to do.⁵

By significantly decreasing the automatic charging of youth as adults, we can bring Maryland more into line with modern juvenile justice standards, redirect resources to treating rather than simply imprisoning young offenders, and ultimately improve the safety of our communities by preventing re-offending. It is for these reasons that I am encouraging you to vote **in support of HB409, the Youth Charging Reform Act.**

Thank you for your time, service, and consideration.

Sincerely,
Dr. Katherine Blaha
Baltimore, MD 21209
Showing Up for Racial Justice (SURJ) Baltimore

³ Juvenile Justice Reform Council Supplemental Report, http://dls.maryland.gov/pubs/prod/NoPblTabMtg/CmsnJuvRefCncl/IJRC-Report-Final_2021SupplementalReport.pdf

⁴ In 2017-19, 48% of juveniles charged as adults in Baltimore City were returned to juvenile court, and 33% were dismissed or otherwise closed without a verdict. In MDEC counties the figures were 41% and 36% respectively. Juvenile Justice Reform Council Supplemental Report p 33.

⁵ Lila Kazemian, *Pathways to Desistance From Crime Among Juveniles and Adults: Applications to Criminal Justice Policy and Practice*, Nov. 2021 (internal citations removed), <https://www.ojp.gov/pdffiles1/nij/301503.pdf>

HB409 - Youth Charging Reform Act.docx.pdf

Uploaded by: Katherine Wilkins

Position: FAV

Dear Members of the Judiciary Committee,

This testimony is being submitted by Showing Up for Racial Justice Baltimore, a group of individuals working to move white folks as part of a multi-racial movement for equity and racial justice in Baltimore City, Baltimore County, and Howard County. We are also working in collaboration with Out For Justice. I am a resident of **12A**. **I am testifying in support of HB409, the Youth Charging Reform Act.**



Showing Up for Racial Justice

HB409 would end the practice of charging 14- and 15-year old children as adults, and ensure that only 16- and 17-year-olds accused of the most serious crimes, such as rape and murder, are charged in adult court.

Unfortunately, after more than a century of progress in juvenile justice, in the 1990s Maryland reversed course and began to pass laws purporting to be “tougher” on youth crime, including requiring many charges against minors to be prosecuted in adult court by default.¹ Maryland, once progressive in its view of youth crime, is now a national outlier in its practice of automatically charging young people as if they were adults. Per capita, we send more young people to adult court based on offense type than every other state but Alabama.² Additionally, the current system disproportionately affects Black youth, as nearly 80% of Maryland youth charged in adult court are Black.³

The practice of charging children as adults is inhumane. It is also economically wasteful, as the vast majority of these cases are either transferred to juvenile court or dismissed.⁴ Finally, it does not even do what it is intended to do, since statistics indicate that automatic charging of youth as adults does not decrease youth crime generally or reduce recidivism by the youth so charged.⁵ By significantly decreasing the automatic charging of youth as adults, we can bring Maryland more into line with modern juvenile justice standards, redirect resources to treating rather than simply imprisoning young offenders, and ultimately improve the safety of our communities by preventing re-offending. It is for these reasons that I am encouraging you to vote **in support of HB409, the Youth Charging Reform Act.**

Thank you for your time, service, and consideration.

Sincerely,

Katherine Wilkins

5605 Foxcroft Way

Columbia MD 21045

Showing Up for Racial Justice Baltimore

¹ Jason R. Tashea, & Al Passarella, *Youth Charged as Adults: The Use and Outcomes of Transfer in Baltimore City*, 14 U. Md. L.J. Race Relig. Gender & Class 273 (2015). <https://digitalcommons.law.umaryland.edu/rrgc/vol14/iss2/4>

² The Sentencing Project, National Trends in Charging Children, Presentation to the JJRC (July 20, 2021). <http://dls.maryland.gov/pubs/prod/NoPblTabMtg/CmsnJuvRefCncl/Sentencing-Project-National-Trends-inCharging-Children.pdf>

³ Juvenile Justice Reform Council Supplemental Report, http://dls.maryland.gov/pubs/prod/NoPblTabMtg/CmsnJuvRefCncl/JJRC-Report-Final_2021SupplementalReport.pdf

⁴ In 2017-19, 48% of juveniles charged as adults in Baltimore City were returned to juvenile court, and 33% were dismissed or otherwise closed without a verdict. In MDEC counties the figures were 41% and 36% respectively. Juvenile Justice Reform Council Supplemental Report p 33.

⁵ Lila Kazemian, *Pathways to Desistance From Crime Among Juveniles and Adults: Applications to Criminal Justice Policy and Practice*, Nov. 2021 (internal citations removed), <https://www.ojp.gov/pdffiles1/nij/301503.pdf>

Choice FAV HB 409.pdf

Uploaded by: Kelly Quinn

Position: FAV



House Bill 409 Juvenile Court - Jurisdiction (Youth Charging Reform Act)
Judiciary Committee
February 12, 2026
Position: Favorable

The Choice Program at UMBC respectfully urges the Committee to issue a **favorable report on House Bill 409: Youth Charging Reform Act**, legislation that would end Maryland’s harmful practice of automatically charging children as adults.

We are here because Maryland still has a law rooted in fear: fear of Black youth, fear of poverty, and fear of communities that have been over-policed and under-served for generations. Auto-charging children as adults is not race-neutral. It never has been. This policy has always fallen hardest on Black and Brown children—pulled into adult courtrooms before they are old enough to vote, drive, or fully understand their rights. That is not justice. That is structural racism, enforced by the state. When we say end auto-charging, we are saying: end a system that criminalizes Black childhood. As recommended by the Commission on Juvenile Justice Reform and Emerging and Best Practices, it is time to end auto-charging.

The Choice Program at UMBC has served more than 27,000 Maryland youth who are systems-involved since 1988. Today, we work with young people and their families in Baltimore City, Anne Arundel, Baltimore, Harford, Howard, Prince George’s, and Montgomery Counties. Choice serves as a proven alternative to the school-to-prison pipeline. Our primary goal is to reduce the number of Black and Brown young people ensnared in the youth legal system. Our model explicitly seeks to dismantle racist structures by using strengths-based approaches grounded in positive youth development. We hold high expectations for youth and families—and we pair those expectations with high levels of support. Our young people remind us every day that they should not be defined by their worst mistake. These principles are essential to addressing racial inequities at both the individual and systemic levels.

For more than a century, the United States has recognized that children are categorically different from adults. Overwhelming evidence confirms that youth and communities are better served when children remain in the youth legal system. Research shows that children prosecuted in adult court face far greater physical, emotional, and psychological risks. They are more likely to be placed in solitary confinement “for protection,” a practice associated with suicidal ideation and severe psychiatric distress. They are also routinely denied access to education and therapeutic services while detained in adult jails.

As the Maryland Equitable Justice Collaborative has documented, the racial disparities are stark. In Maryland, more than 90% of children charged in adult court are youth of color, and 77% are Black. Black children are more likely than white children to be prosecuted as adults and to receive longer sentences for similar offenses, in part because Black children are more likely to be perceived and treated as adults rather than as children.

Maryland's overreliance on adult court is extreme. Our state sends more young people per capita to adult court based on offense type than any state except Alabama. We need to do much better than Alabama! According to a 2024 report from Human Rights for Kids, Maryland ranks fourth highest in the nation for the number of people convicted as adults for offenses committed as children. This is driven by laws that require some 14- and 15-year-olds—and most 16- and 17-year-olds—to be automatically charged as adults for 33 offenses, placing Maryland out of step with developmental science, public safety research, and international human rights standards.

“Tough on crime” policies from the 1980s and 1990s have failed. These policies were fueled by racialized fear and myths that cast young Black men as “super-predators.” Research consistently shows that children tried and sentenced in adult court are more likely to reoffend, more quickly, and with more serious offenses than similarly situated youth handled in the youth legal system. Auto-charging undermines rehabilitation, weakens community safety, and perpetuates racial inequities.

This system is also costly and inefficient. Each year, hundreds of children are automatically sent to adult court, only for judges to determine in approximately 87% of cases that those cases should be dismissed, transferred back to juvenile court, or resolved with probation. This unnecessary process costs Maryland taxpayers more than \$20 million annually. These resources that could instead be invested in programs like ours that offer rehabilitative services that work.

HB 409 is a better path forward. This bill restores discretion, allowing cases to begin in the youth legal system where judges can determine whether adult prosecution is truly warranted. It moves Maryland away from punishment rooted in moral panic and toward safety grounded in evidence, dignity, and care.

Community repair and well-being depend on a vision of safety that rejects the impulse to punish children harshly. This legislative session presents an opportunity to affirm the importance of rehabilitation and to reduce racial and ethnic disparities, particularly for children and young adults.

For the sake of Maryland's children, families, and communities, we respectfully urge this Committee to vote favorable on HB 409.

For more information contact:

Kelly Quinn, Ph.D., Managing Director

kquinn@umbc.edu

HB 0409 pdf.pdf

Uploaded by: Lesley Frost

Position: FAV

HB 0409 - Juvenile Court – Jurisdiction (Youth Charging Reform Act)

Position - Favorable

February 10, 2026

To the Honorable Chair and Members of the House Judiciary Committee

My name is Lesley Frost and I am the Chair of National Council of Jewish Women, Maryland State Policy Advocacy Committee (NCJW MD SPA) and I am writing to express strong support for HB 0409 Juvenile Court - Jurisdiction (Youth Charging Reform Act).

The NCJW advocates across Maryland support an end to automatic charging or "auto-charging" one of several ways that people under 18 years old are sent into the adult criminal legal system. Currently, "automatic charging" sends juveniles (ages 14+) to adult court for serious crimes (like murder, rape, armed robbery) or certain gun/traffic offenses. It is estimated of those juveniles automatically ordered into the adult system, 85% of those cases will be dismissed or sent back down to juvenile court.

While in the adult system juveniles are segregated for safety which means they are placed in solitary confinement, without access to developmentally appropriate services available in the state department of juvenile justice. Sending youth to the adult criminal justice system, for any offense, harms their wellbeing and community safety.

We agree with the Commission on Juvenile Justice Reform and Emerging & Best Practices that has approved its first formal recommendation in the report, Maryland's JJDP A Compliance Crisis-Children in Adult Detention, where they focus on improving Maryland's compliance with federal juvenile justice standards and strengthening the fairness and effectiveness of the state's youth justice system. The Commission also recommends an end to the practice of automatically charging youth as adults for certain crimes, saying it doesn't improve public safety and can harm the youth.

Judaism asks each of us to engage in a process of accountability and return, called "teshuvah" and NCJW, as the oldest Jewish grassroots organization in the USA, supports legislation that places juveniles in a system with rehabilitation and supportive services that can help them change and return to the community. On behalf of the 700 NCJW Advocates across the state, the NCJW MD SPA urges this committee to vote favorably on HB 0409

Sincerely,

Lesley Frost

Chair NCJW MD SPA, ncjw.mdacts@gmail.com

7707 Wisconsin Avenue

Bethesda MD 20814, lesleyfrost0@gmail.com

HB0409_LindaBergofsky_FAV.pdf

Uploaded by: Linda Bergofsky

Position: FAV

Date of Hearing: February 12, 2026

Linda Rae Bergofsky

Poolesville, MD 20837

TESTIMONY ON HB0409 - POSITION: FAVORABLE
Juvenile Court – Jurisdiction (Youth Charging Reform Act)

TO: Chair Bartlett, Vice Chair Davis, and members of the Judiciary Committee

FROM: Linda Bergofsky

My name is Linda Bergofsky. I am a resident of District 15. I am submitting this testimony in support of HB0409, Juvenile Court – Jurisdiction (Youth Charging Reform Act).

By way of background, I am a member of Oseh Shalom synagogue in Laurel, MD and a member of its Social Justice committee. I am also a substitute teacher in Montgomery County, where I have had, for the past 6 years, the privilege of working with students ranging in age from 6 to 18. My professional training and experiences as both a social worker and teacher have exposed me to many children and adolescents who come from different backgrounds, and have achieved varying levels of maturity and intellect. When I meet them, it maybe their best day ever or their worst day ever. At the end of the day, however, they are still just kids, no matter how much bravado or worldliness they exhibit or how physically imposing they are.

Everyone agrees that getting serious about public safety and the well-being of young people are both important. I believe that all young people have a unique capacity for growth and achievement that can best occur in supportive and well-resourced communities outside of the legal system. The harsh treatment of young people under the cover of law, unduly punishing them for their juvenile and adolescent mistakes, is an attack on youth itself. In Maryland as elsewhere, this injustice falls disproportionately upon youth of color and particularly punishes Black teenagers.

Maryland sends more children into the adult judicial system than every other state except Alabama. Even though more than 80% of cases involving a person under age 18 that are originally heard in the adult system are ultimately remanded back to juvenile court, there are those who believe that it's necessary to achieve law and order. Enhanced public safety is not a natural outcome of autocharging; that is a myth that has its origins in racism and Jim Crow policies. In no other system are 13 year olds treated like adults, except when it comes to Maryland's overly putative criminal justice system. This system is traumatizing for the kids, their families, and their communities. Autocharging does not make us safer. That the juvenile justice system has been

deliberately under-resourced for years is a red herring that can be corrected by re-balancing where and how we make our investments.

Jewish tradition teaches that children breathe life into the universe. To rob children of their adolescence through incarceration sucks air out of the world, not only for those children and their families, but for all of us. This bill directs children and adolescents accused of crimes into a system that is best prepared to address the full scope of their needs while respecting their constitutional rights. We owe them nothing less.

I respectfully urge this committee to return a favorable report on HB0409.

HB409 - Youth Charging Reform Act.docx.pdf

Uploaded by: Lindsay Keipper

Position: FAV

Dear Members of the Judiciary Committee,

This testimony is being submitted by Showing Up for Racial Justice Baltimore, a group of individuals working to move white folks as part of a multi-racial movement for equity and racial justice in Baltimore City, Baltimore County, and Howard County. We are also working in collaboration with Out For Justice. I am a resident of **District 46, and I am testifying in support of HB409, the Youth Charging Reform Act.**



Showing Up for Racial Justice

HB409 would end the practice of charging 14- and 15-year old children as adults, and ensure that only 16- and 17-year-olds accused of the most serious crimes, such as rape and murder, are charged in adult court. Unfortunately, after more than a century of progress in juvenile justice, in the 1990s Maryland reversed course and began to pass laws purporting to be “tougher” on youth crime, including requiring many charges against minors to be prosecuted in adult court by default.¹ Maryland, once progressive in its view of youth crime, is now a national outlier in its practice of automatically charging young people as if they were adults. Per capita, we send more young people to adult court based on offense type than every other state but Alabama.² Additionally, the current system disproportionately affects Black youth, as nearly 80% of Maryland youth charged in adult court are Black.³

The practice of charging children as adults is inhumane. It is also economically wasteful, as the vast majority of these cases are either transferred to juvenile court or dismissed.⁴ Finally, it does not even do what it is intended to do, since statistics indicate that automatic charging of youth as adults does not decrease youth crime generally or reduce recidivism by the youth so charged.⁵ By significantly decreasing the automatic charging of youth as adults, we can bring Maryland more into line with modern juvenile justice standards, redirect resources to treating rather than simply imprisoning young offenders, and ultimately improve the safety of our communities by preventing re-offending. It is for these reasons that I am encouraging you to vote **in support of HB409, the Youth Charging Reform Act.**

Thank you for your time, service, and consideration.

Sincerely,

Lindsay Keipper

2425 Fleet St.

Baltimore, MD 21224

Showing Up for Racial Justice Baltimore

¹ Jason R. Tashea, & Al Passarella, *Youth Charged as Adults: The Use and Outcomes of Transfer in Baltimore City*, 14 U. Md. L.J. Race Relig. Gender & Class 273 (2015). <https://digitalcommons.law.umaryland.edu/rrgc/vol14/iss2/4>

² The Sentencing Project, National Trends in Charging Children, Presentation to the JJRC (July 20, 2021). <http://dls.maryland.gov/pubs/prod/NoPblTabMtg/CmsnJuvRefCncl/Sentencing-Project-National-Trends-inCharging-Children.pdf>

³ Juvenile Justice Reform Council Supplemental Report, http://dls.maryland.gov/pubs/prod/NoPblTabMtg/CmsnJuvRefCncl/JJRC-Report-Final_2021SupplementalReport.pdf

⁴ In 2017-19, 48% of juveniles charged as adults in Baltimore City were returned to juvenile court, and 33% were dismissed or otherwise closed without a verdict. In MDEC counties the figures were 41% and 36% respectively. Juvenile Justice Reform Council Supplemental Report p 33.

⁵ Lila Kazemian, *Pathways to Desistance From Crime Among Juveniles and Adults: Applications to Criminal Justice Policy and Practice*, Nov. 2021 (internal citations removed), <https://www.ojp.gov/pdffiles1/nij/301503.pdf>

HB409 MALMB Testimony.docx.pdf

Uploaded by: Lisa Kovacs

Position: FAV



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

February 12, 2025

SUPPORT – HB409 - Juvenile Court - Jurisdiction (Youth Charging Reform Act)

Dear Delegates:

On behalf of the Maryland Association of Local Management Boards, I am writing in support of **HB409 - Juvenile Court - Jurisdiction (Youth Charging Reform Act)** to end the practice of automatically charging youth as adults – a process that now occurs without the thoughtful deliberation of a judge. This bill would end automatic charging for all fourteen and fifteen-year-olds and limit the offenses that sixteen and seventeen-year-olds can be charged with. This will help to ensure that the decision as to whether to charge a young person as an adult is given the serious consideration by a juvenile court judge that this significant, life-altering decision requires. The negative impacts of treating youth as adults are substantial and often lifelong, affecting individual youth, their families, and communities.

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 regularly work with justice involved youth. An overwhelming majority of youth charged as adults do not receive a criminal conviction. The charging of youth in adult court, and the increasing likelihood the case moves to the juvenile system creates backlogs of cases, expends state dollars unnecessarily, and exacerbates the inefficiencies experienced by all system stakeholders.

We urge you to support HB409 - Juvenile Court - Jurisdiction (Youth Charging Reform Act) to promote efficiency, fairness, and positive public safety outcomes for Maryland communities.

Sincerely,

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

FAV 2-12 HB 409 Juvenile Court – Jurisdiction (You

Uploaded by: Lois Hybl

Position: FAV

TESTIMONY TO THE HOUSE JUDICIARY COMMITTEE

HB 409 Juvenile Court - Jurisdiction (Youth Charging Reform Act)

POSITION: Favorable

BY: Lois Hybl

DATE: February 12, 2026

As an individual representative of my church to BRIDGE Maryland, I support HB 409 as a step forward in reducing the number of juveniles automatically sent to adult court. It will eliminate automatic charging for children aged 14 and 15 and reduce the number of auto-charging offenses that apply to 16- and 17-year-olds. It leaves the most serious offenses, such as first-degree murder, assault, and rape, as being automatically subject to adult court jurisdiction. It proposes to start about 75% of cases currently subject to automatic treatment in juvenile court, where a judge can weigh the child's circumstances and care first, rather than subjecting them to a punitive adult system.

The juvenile justice system in the United States was intended to focus on treatment and rehabilitation rather than punishment. Starting youth cases in the youth justice system guards against the high rates of recidivism associated with being subject to the adult criminal justice system. It is also more expensive to charge youth as adults. Some of these funds should be redirected toward proven violence prevention and rehabilitation efforts.

In the long run, focusing on effective treatment and rehabilitation for youth will contribute to future public safety.

Please give a favorable report to HB 409

Lois Hybl, 707 Maiden Choice LN, Apt. 8216, Catonsville, MD 21228.

Lori Hardesty Personal Testimony in favor of HB 40

Uploaded by: Lori Hardesty

Position: FAV

February 10, 2026

**HB 409 Juvenile Court – Jurisdiction (Youth Charging Reform Act)
Position: FAVORABLE**

Delegate Bartlett, Vice Chair Davis, and Members of the House Judiciary Committee,

I'm submitting this letter as a Baltimore County citizen. **I urge a favorable report on HB 409, the Youth Charging Reform Act.**

I believe HB 409 is a vital step toward correcting Maryland's outdated "automatic charging" system because it will eliminate automatic charging for children aged 14 and 15 and reduce the number of auto-charging offenses that apply to 16- and 17-year-olds. Under current Maryland law, 14- and 15-year-olds, and most 16- and 17-year-olds are required to be automatically prosecuted in adult court.

Maryland is a national outlier in its practice of automatically charging young people as if they were adults. Per capita, we send more young people to adult court based on offense type than every other state but Alabama. Moreover, Maryland ranks 4th highest in the nation for the number of people convicted as adults for crimes committed as children. In addition to that comparison with other states, Maryland's current laws are thus nonaligned with international human rights standards. Additionally, the current system disproportionately affects Black youth, as nearly 80% of Maryland youth charged in adult court are Black.

Moreover, the status quo currently costs the state over \$20 million annually. That is hugely wasteful, as 87% percent of kids charged as adults never ultimately have their case adjudicated in adult court. This is funding that could be redirected toward proven violence prevention and rehabilitation. Of those charged as adults, 80% were placed in solitary confinement at some point, and over 80% reported abuse from staff or other incarcerated individuals, yet only 28.2% received trauma treatment. Kids need to be treated as kids, with access to the education and support services that the youth system can offer, things they should not be denied simply due to a criminal accusation.

HB 409 is a compromise bill. It leaves the most serious offenses such as first-degree murder, assault and rape as being automatically subject to adult court jurisdiction. It proposes to start about 75% of cases currently subject to automatic treatment as an adult in juvenile court.

Starting youth cases in the youth justice system guards against the high rates of recidivism associated with being subject to the adult criminal justice system. This, for obvious reasons, contributes to future public safety. Simply put, this bill ultimately makes Maryland safer.

Since 2000, half of all U.S. states have narrowed or eliminated automatic adult charging. After over a decade of study and recommendations from three separate gubernatorial commissions, it is time for Maryland to act.

I have spent the last 30 years working in youth development, juvenile justice, and community engagement throughout Maryland, with a particular focus in the Greater Baltimore region. I have my B.A. in Psychology from The Johns Hopkins University and my Master's in Public Administration from the University of Baltimore.

My entire professional career has been with The Shriver Center at the University of Maryland, Baltimore County (UMBC). I seek to challenge systems that do not serve all people in the most equitable way, to question policies that still exist just because "that's the way we've always done it." I'm also the parent to two daughters, one at Towson High School and the other in college at Kean University (NJ). The negative effects of charging young people as adults far outweighs the benefits, especially knowing that the majority of the youth return to the juvenile justice system. Why go through those motions? Is it because a knee-jerk reaction to charge them as adults appeases the optics of swift public safety response, when in fact, the historical disproportionate number of affected Black youth is a result of much deeper systemic problems that our country is still coming to terms with?

Thank you for your consideration and in my request a favorable report for House Bill 409. My contact information is below.

Sincerely,

A handwritten signature in black ink that reads "Lori L. Hardesty". The signature is written in a cursive style with a horizontal line extending from the end of the name.

Lori Leonard Hardesty

540 Anneslie Road

Baltimore, MD 21212

(443) 388-1285

lhardesty2522@gmail.com

Testimony.JuvenileSentencing.2.10.26.pdf

Uploaded by: Lydia Watts

Position: FAV

**Written Testimony in Support of
HB 409, Juvenile Court – Jurisdiction (Youth Charging Reform Act)**

**by Lydia C. Watts, Esq., MPH, Executive Director, the Rebuild, Overcome, and Rise
(ROAR) Center at University of Maryland, Baltimore**

**Hearing date: February 12, 2026 before the
House Judiciary Committee**

My name is Lydia Watts. I am the Executive Director of the Rebuild, Overcome, and Rise (ROAR) Center at the University of Maryland, Baltimore. I submit this written testimony **in support of HB 409, the Youth Charging Reform Act**. The views expressed herein are my own, offered in my professional capacity, and do not represent the views of the University of Maryland, Baltimore.

ROAR provides comprehensive, wrap-around services to victims of crime in Baltimore City. Since beginning operations in June 2019, ROAR has served more than 900 individuals—each a survivor of crime, including homicide, non-fatal shootings, sexual assault, intimate partner violence, and other serious harms. I have been a licensed attorney in the District of Columbia, Maryland, and Massachusetts for nearly 30 years, and for the vast majority of that time I have represented survivors of violence in both civil and criminal matters.

There is no question that being the victim of a crime is deeply destabilizing and traumatic. However, automatically charging young people as adults is not an effective or evidence-based response to that trauma. Decades of rigorous research demonstrate that young people who cause serious harm have, in most cases, experienced significant victimization and trauma themselves—trauma that is routinely unaddressed by our education, health care, and community systems. It is that unmet need for intervention and healing that requires our attention and resources, not reflexive reliance on adult prosecution under the guise of “greater accountability.”

Contrary to frequently repeated tropes, most crime victims are not calling for harsher sentences or increased incarceration. Instead, they are seeking meaningful support for themselves—and often, support for the individuals who harmed them—rather than additional punishment¹. This is in part because incarceration rarely addresses the ongoing needs of survivors. It is also because many victims, particularly victims of color, are acutely aware of the devastating effects that overcriminalization and mass incarceration have had on their families and communities, producing deeper harm rather than safety.

¹ Crime Survivors Speak, The First-Ever National Survey of Victims’ Views on Safety and Justice, Alliance for Safety and Justice. <https://allianceforsafetyandjustice.org/wp-content/uploads/documents/Crime%20Survivors%20Speak%20Report.pdf>

The high rate of youth involvement in harm in Baltimore City—and in similarly situated cities across the country—is inseparable from the impacts of intergenerational trauma, structural racism, decades of disinvestment driven by redlining and segregation, and chronic underinvestment in children and families. Survivors often turn to programs like ROAR rather than the criminal legal system because they want stability, safety, and healing. They want safe and affordable housing in neighborhoods free from constant violence. They want jobs that pay living wages, reliable transportation, and schools where their children are safe and well-educated. And they want the opportunity to heal from trauma and reclaim a sense of peace and agency in their lives.

From my nearly three decades of experience working with survivors of crime, the overwhelming majority—non-scientifically, I would estimate well over 90 percent—do not favor a traditional criminal justice response to their victimization. Instead, survivors consistently express the following needs²:

- Safe and affordable housing, particularly when victimization occurs in or near the home or in neighborhoods experiencing high rates of violence or overdoses;
- Accessible, long-term, culturally responsive counseling, including group-based services;
- Timely, non-judgmental assistance navigating complex systems such as public benefits, health and mental health care, housing, juvenile justice, and foster care;
- Legal assistance to mitigate the impact of victimization on housing, employment, education, immigration status, financial stability, safety, and personal dignity;
- Autonomy and meaningful choice in how their experience is addressed;
- Greater investment in diverse service options, particularly those rooted in communities and unaffiliated with formal justice system processes³; and
- Access to employment support, transitional housing, and other long-term stabilizing resources⁴.

Absent meaningful investment in these supports and in the communities where survivors live, trauma often persists for years—sometimes for a lifetime—despite survivors’ extraordinary efforts to cope and move forward.

Opposition to reforms such as those proposed in HB 409 often invokes the claim that “victims are not being considered.” I strongly disagree. The rigid and misleading dichotomy between “victims” and “perpetrators” undermines effective policy making. Most victims of crime come

² Warnken, Heather and Lauritsen, Janet, [Who Experiences Violent Victimization and Who Accesses Services?](https://ncvc.dspacedirect.org/bitstream/item/1270/CVR%20Article_Who%20Experiences%20Violent%20Victimization%20and%20Who%20Accesses%20Services.pdf?sequence=1), Center for Victim Research, Findings from the National Crime Victimization Survey for Expanding Our Reach, April 2019. https://ncvc.dspacedirect.org/bitstream/item/1270/CVR%20Article_Who%20Experiences%20Violent%20Victimization%20and%20Who%20Accesses%20Services.pdf?sequence=1; and Crime Survivors Speak, [The First-Ever National Survey of Victims’ Views on Safety and Justice](https://allianceforsafetyandjustice.org/wp-content/uploads/documents/Crime%20Survivors%20Speak%20Report.pdf), Alliance for Safety and Justice. <https://allianceforsafetyandjustice.org/wp-content/uploads/documents/Crime%20Survivors%20Speak%20Report.pdf>. See page 27, Box 3: “Invest in evidence-based services that protect crime survivors and stop the cycle of victimization.”

³ Warnken, Heather, [Untold Stories of California Crime Victims, Research and Recommendations on Repeat Victimization and Rebuilding Lives](#), April 2014 (page 19).

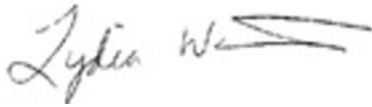
⁴ Same report in footnote 3 (page 25).

from the same neighborhoods and social conditions as the young people who caused them harm, and many have firsthand knowledge of the failures of punitive, “tough on crime” approaches. Victims support reform not because they oppose accountability, but because they want accountability that is proportional, developmentally appropriate, and conducive to public safety.

Automatically charging young people as adults undermines public safety by deepening inequities, increasing disenfranchisement, and perpetuating cycles of harm. HB 409 moves Maryland toward a more just, evidence-based approach—one that recognizes both the needs of survivors and the developmental realities of youth.

For these reasons, I respectfully urge the Senate Judicial Proceedings Committee to issue a favorable report on HB 409.

Sincerely,

A handwritten signature in cursive script that reads "Lydia Watts". The signature is written in dark ink and is positioned to the left of a horizontal line that extends to the right.

Lydia C. Watts, Esq., MPH
Executive Director
The Rebuild, Overcome, and Rise (ROAR) Center at the
University of Maryland, Baltimore

Additional Information about Race and the Criminal Justice System That Would be Exacerbated by the Passage of SB 604

Dating back to 1993, Kimberle Crenshaw wrote: “Women of color [in work cited, the author is referring to survivors of intimate partner violence] are often reluctant to call the police, a hesitancy likely due to a general unwillingness among people of color to subject their private lives to the scrutiny and control of a police force that is frequently hostile. There is also a more generalized community ethic against public intervention, the product of a desire to create a private world free from the diverse assaults on the public lives of racially subordinated people.”⁵ “[F]or some people subjected to abuse, the criminal justice system – indeed, any state system – is not a safe and comfortable place within which to seek justice. People of color, who are already overrepresented in the criminal justice system, may have concerns about approaching the state for assistance, fearing that the state will intervene punitively against their partners or against them.”⁶ And their fears are often warranted. Sometimes calling the police results in homelessness for victims of intimate partner violence,⁷ or in their own arrest. These same fears are present – perhaps even heightened – for survivors of gun and other forms of community violence.

Black men are over-represented among those accused of and convicted of violent crime though there is no evidence to suggest that men of color are more prone to violence than white men,⁸ though the media certainly portrays otherwise.⁹ The perception of men – particularly young men – of color as inherently more violent has inexorably and negatively shaped lives, communities, history, and political landscapes.¹⁰ Not only are young men of color disproportionately

⁵ Kimberle Crenshaw, *Mapping the Margins: Intersectionality, Identity Politics, and Violence Against Women of Color*, 43 STAN. L. REV. 1241, 1257 (1993).

⁶ Leigh Goodmark, “*Law and Justice are Not Always the Same*”: *Creating Community-Based Justice Forums for People Subjected to Intimate Partner Abuse*”, Florida State University Law Review Vol. 42:707, 720 (year?).

⁷ There have been many housing authorities across the country who were exposed in the early 2000s for evicting domestic violence victims for violating the policy that no illegal activity could take place on public housing property, and since she called the police for help, the housing authority was alerted that a crime had occurred – an assault against the victim who is now getting evicted as a result. This practice is still occurring today on privately owned properties. See Jenny Kutner, “Domestic Violence Victims can be Evicted for Calling the Police”, July 14, 2016, <https://mic.com/articles/148484/domestic-violence-victims-can-be-evicted-for-calling-police-here-s-why#.oJfYfDbSK>.

⁸ Kim Farbota, *Black Crime Rates: What Happens When Numbers Aren't Neutral*, January 19, 2016, http://www.huffingtonpost.com/kim-farbota/black-crime-rates-your-st_b_8078586.html.

⁹ In *Tough Guise: Violence, Media and the Crisis in Masculinity*, Jackson Katz and Jeremy Earp argue that the media provide an important perspective on social attitudes – and that while the media are not the cause of violent behavior in men and boys, they do portray male violence as a normal expression of masculinity. Earp, Jeremy and Jackson Katz. *Tough Guise: Violence, Media & the Crisis in Masculinity* (study guide). Media Education Foundation, 1999. In 1999, Children Now, a California-based organization that examines the impact of media on children and youth, released a report entitled *Boys to Men: Media Messages About Masculinity*. The report observes that... non-white male characters are more likely to experience personal problems and are more likely to use physical aggression or violence to solve those problems. *Boys to Men: Media Messages About Masculinity*. Children Now, 1999. <http://mediasmarts.ca/gender-representation/men-and-masculinity/how-media-define-masculinity>, last visited 8.23.16.

¹⁰ “This far-reaching form of stereotyping and oppression—what Toni Morrison and others call the “[white gaze](#)”—has shaped individual lives and collective histories within communities of color.” David J. Knight, *Beyond the Stereotypical Image of Young Men of Color*, The Atlantic, January 5, 2015. <http://www.theatlantic.com/education/archive/2015/01/beyond-the-stereotypical-image-of-young-men-of-color/384194/>

represented among those accused of using violence, but also of being victims of violence.¹¹ Yet, their needs as victims of crime, and the commensurate trauma that often comes with victimization, are largely ignored, thereby exacerbating the devastating impact of the continued assault of structural racism.

Since men of color are *perceived* as more prone to be violent, it is likely that they will adopt behaviors to support that perception or assumption. Michelle Alexander in The New Jim Crow poses the question, “Are we willing to demonize a population, declare a war against them, and then stand back and heap shame and contempt upon them for failing to behave like model citizens while under attack?”¹² She goes on to say “[t]here is nothing abnormal or surprising about a severely stigmatized group embracing their stigma... Indeed, the act of embracing one’s stigma ...is a political act – an act of resistance and defiance in a society that seeks to demean a group based on an inalterable trait... [E]mbracing the stigma of criminality is an act of rebellion – an attempt to carve out a positive identity in a society that offers them little more than scorn, contempt, and constant surveillance.”¹³ The “dance” - or “minstrel show” as Alexander calls it¹⁴ - of men of color acting “ghetto”, violent, posturing to gain some sense of respect and control, plays perfectly into stereotypes and implicit racism that men of color are in fact more violent.

It is important to note, that rates of incarceration have skyrocketed for women during this same time period, at even greater and more astonishing rates.¹⁵ “There are 14 times more women in jail in this country today than there were in the 1970s... [And] women typically become incarcerated after experiencing gender-based trauma throughout their lives. About eight in ten [incarcerated women] have experienced domestic partner abuse. A large majority has survived sexual violence.”¹⁶ Again, women of color are disproportionately represented among the incarcerated. Many of these women are in jail or prison because a violent partner forced them into illegal activity, most typically assisting in some portion of a drug exchange, but also in sex work.¹⁷ Other times, women may engage in illegal activity to survive in an environment that does not support poor mothers well, if at all. Over the past 20 years, public benefits have been dramatically cut, affordable housing stock has plummeted, and childcare costs and other costs of living have soared. Livable wages are almost non-existent for those working in certain sectors of

¹¹ Danielle Sered, *Young Men of Color and the Other Side of Harm*, Vera Institute of Justice, December 2014.

<http://archive.vera.org/sites/default/files/resources/downloads/young-men-color-disparities-responses-violence.pdf>

¹² Michelle Alexander, The New Jim Crow: Mass Incarceration in the Age of Colorblindness (2010), p. 170.

¹³ Id at p. 171.

¹⁴ Alexander writes about how the media portrays men of color as caricatures of “racial stereotypes and images associated with the era of mass incarceration – an era in which black people are criminalized and portrayed as out-of-control, shameless, violent, over-sexed and generally underserving.” Id at pg. 173.

¹⁵ Coker & Macquoid, *Opposing Hyper-Incarceration*, *supra* note 15 at 588 (2015).

¹⁶ Micelle Chen, *Why Are There So Many Women in Jail? The number of women in jails has skyrocketed over the past four decades*, <https://www.thenation.com/article/why-are-there-so-many-women-in-jail/>, August 22, 2016.

¹⁷ “Survivors who were forced into criminal activity by abusive partners could also be eligible for alternative sentencing under the legislation [Domestic Violence Survivors Justice Act, passed in May 2016 in New York state]. Advocates stress that abusers often use violence to coerce survivors into committing crimes like robbery or drug trafficking.” Melissa Jeltsen, *Should Domestic Violence Victims go to Prison for Killing Their Abusers?*, May 26, 2016, http://www.huffingtonpost.com/entry/domestic-violence-prison-legislation_us_573deaa3e4b0ace7b8e94236.

our economy. Working in illegal economies may literally feel like the only choice to financially support oneself and a family.¹⁸

All of this is true also for those selling and buying street-drugs through the State of Maryland. To criminalize those caught in this matrix of racism and poverty will only compound the harm.

¹⁸ “Particularly for women, their interactions with the justice system are often the result of survival efforts,” said Liz Swavola of the Vera Institute of Justice, one of the report’s principal authors. “They are predominantly women of color, and they are overwhelmingly poor.” Rebecca McCray, *There are More Women in U.S. Jails Than Ever Before*, August 17, 2016, <http://www.takepart.com/article/2016/08/16/women-jails?cmpid=tp-twtr>. “Women often become involved with the justice system as a result of efforts to cope with life challenges such as poverty, unemployment, and significant physical or behavioral health struggles.” Vera Institute of Justice, *Overlooked: Women and Jails in an Era of Reform*, August 2016.

HB409MTsiongas.pdf

Uploaded by: Magdalena Tsiongas

Position: FAV

TESTIMONY on HB 409
Juvenile Court – Jurisdiction (Youth Charging Reform Act)

House Judiciary Committee
February 12, 2026

FAVORABLE

Submitted by: Magdalena Tsiongas, MPH

Chair Bartlett, Vice Chair Davis and members of the Judiciary Committee:

I submit this testimony to express my **SUPPORT for House Bill 409**. I am the founder of the MD Second Look Coalition, which I started on behalf of my partner who has been serving a life without parole sentence since age 19.

I believe HB 409 is a vital step toward correcting Maryland's outdated "automatic charging" system because it will eliminate automatic charging for children aged 14 and 15 and reduce the number of auto-charging offenses that apply to 16- and 17-year-olds.

One of the most concerning aspects of automatically charging youth as adults in Maryland is that it puts children in contact with adults in carceral facilities, exposing them to increased physical and sexual violence.¹ Youth incarcerated in adult facilities are also a shocking 36 times more likely to die by suicide than if housed in a juvenile facility.² Federal law requires children to be held separately from adults when incarcerated (under the Juvenile Justice and Delinquency Prevention Act), but Maryland continues to violate federal law. In fact, Maryland had 1,600 violations of the law in FY24, more than any other state in the country.³

My own loved one was incarcerated at 19 and describes his experience being incarcerated as a teenager and subjected to multiple strip searches, routine practice in adult facilities:

Starting my incarceration at the age of 19, I was subjected to many forms of human violation, isolation, humiliation, and a constant threat of violence, traumas which have left me forever scarred. When I was alone, I broke down out of the frustration of just being degraded, humiliated, and violated. That experience (a particularly invasive strip search) was foul to my brain. As someone who has been sexually abused as a child, that opened up old wounds that I thought were closed. It's amazing how I'm supposed to be sent to prison to curb my violence, and here I am, met at the door with it.

¹ National Prison Rape Elimination Commission, "National Prison Rape Elimination Commission Report," June 2009, <https://www.prearesourcecenter.org/sites/default/files/library/NPREC-Final-Report.PDF>.

² Neelum Arya, "Getting to Zero: A 50-State Study of Strategies to Remove Youth from Adult Jails" (UCLA School of Law, 2018), https://drive.google.com/file/d/1LLSF8uBlrcqDaFW3ZKo_k3xpk_DTmltV/view.

³ Commission on Juvenile Justice Reform and Emerging and Best Practices, "Maryland's JJDPa Compliance Crisis: Children in Adult Detention," 2025, <https://gocpp.maryland.gov/wp-content/uploads/Marylands-JJDPa-Compliance-Crisis-Children-in-Adult-Detention-COMMISSION-APPROVED-.docx.pdf>.

HB 409 is a compromise bill. It leaves the most serious offenses such as first-degree murder, assault and rape as being automatically subject to adult court jurisdiction. It proposes to start about 75% of cases currently subject to automatic treatment as an adult in juvenile court. While this bill is a start, all children deserve to be treated as children.

Thank you for your consideration and I request a favorable report for House Bill 409.

HB409_MaraGreengrass_FAV.pdf

Uploaded by: Mara Greengrass

Position: FAV

February 12, 2026

Mara Greengrass
Rockville, MD 20852

TESTIMONY ON HB409 - POSITION: FAVORABLE
Juvenile Court - Jurisdiction (Youth Charging Reform Act)

TO: Chair Bartlett, Vice Chair Davis, and members of the Judiciary Committee

FROM: Mara Greengrass

My name is Mara Greengrass. I am a resident of District 18. I am submitting this testimony in support of HB409, Juvenile Court - Jurisdiction (Youth Charging Reform Act).

I'm a lifelong Maryland resident, a member of Congregation Beth El of Montgomery County, and I believe very strongly in the Jewish idea of teshuvah, or repentance. The rabbis teach us that repentance is always possible for any perpetrator of a crime and our job as a society is to make that journey as easy as we can. Harsh punishments and unfair treatment of those convicted in adult court make it *harder* for teshuvah to occur, because there is no incentive to repent or make restitution. This is even more true when a child or teenager is sent to adult court.

Neuroscience clearly shows that children and teens have a less mature limbic system and prefrontal cortex, which combine with environmental and hereditary factors to make them more prone to irrational or improper actions. But it doesn't require a college degree to know that...anyone with kids knows their minds aren't fully formed and has seen that lead them in the wrong direction sometimes. It's not a disaster if it leads them to eating the last cupcake, but a teen whose older sibling is involved in less savory activities may be influenced into the same.

And given that budget woes are on the top of everyone's mind, this bill to prevent the autocharging of juveniles in adult court would seem to be an easy thing to support, because it would save the state money. We know that the vast majority of kids who are sent directly to adult court end up being sent back to juvenile court, wasting everyone's limited time (e.g., judges, attorneys, administrative staff) and the state's very limited funding.

Children and teens should be sent to juvenile court first, no matter their age or the crime they were involved in. Let the juvenile court staff, who are the most qualified, decide which teens should be sent to adult court. **I respectfully urge this committee to return a favorable report on HB409.**

HB 409 Testimony_Dr. Marlon Tilghman_BMI-MYJC_r1.p

Uploaded by: Marlon Tilghman

Position: FAV



VISION - *BRIDGE Maryland sees the state challenged by a history of inequity but engaged in community organizing for a more just tomorrow.*

MISSION - *BRIDGE Maryland uses intentional relationship building, organizing, and intensive leadership development in order to strengthen congregations and faith leaders to demonstrate and advance justice in the world.*

February 12, 2026

HB 409 Juvenile Court – Jurisdiction (Youth Charging Reform Act)

Position: FAVORABLE

Chair Bartlett, Vice Chair Davis, and Members of the House Judiciary Committee,

On behalf of BRIDGE Maryland, Inc., we urge a favorable report on HB 409, the Youth Charging Reform Act. **As an interfaith organization whose collective belief in the redemption of children is paramount, we see this bill as a good first step toward building a beloved community for our children and the safety of our communities.**

BRIDGE Maryland, Inc. believes HB 409 is also a vital step toward correcting Maryland's outdated "automatic charging" system because it will eliminate automatic charging for children aged 14 and 15 and reduce the number of auto-charging offenses that apply to 16- and 17-year-olds. Under current Maryland law, 14- and 15-year-olds, and most 16- and 17-year-olds, are automatically prosecuted in adult court.

Maryland is a national outlier in its practice of automatically charging young people as if they were adults. Per capita, we send more young people to adult court based on offense than every other state but Alabama, the epicenter of the Civil Rights movement of the 50's and 60's. The current system disproportionately affects Black youth, as nearly 80% of Maryland youth charged in adult court are Black. **Brian Stevens is quoted as saying that Civil Rights legislation was the last frontier for the movement, and Maryland could make history with this law.**

Moreover, the status quo currently costs the state over \$20 million annually. That is hugely wasteful, as 87% percent of kids charged as adults never ultimately have their case adjudicated in adult court. This funding could be redirected toward proven violence prevention and rehabilitation efforts. Of those charged as adults, 80% were placed in solitary confinement at some point, and over 80% reported abuse from staff or other incarcerated individuals, yet only 28.2% received trauma treatment. **Kids need to be treated as kids, with access to the education and support services that the youth system can offer, things they should not be denied simply due to a criminal accusation.**

SB323 is a compromise bill. It leaves the most serious offenses, such as first-degree murder, assault, and rape, as being automatically subject to adult court jurisdiction. **It proposes to start about 75% of cases currently subject to automatic treatment in juvenile court, where a Judge can weigh the child's circumstances and care first, rather than a punitive adult system.**

Starting youth cases in the youth justice system guards against the high rates of recidivism associated with being subject to the adult criminal justice system. This, for obvious reasons, contributes to future public safety. Simply put, this bill ultimately makes Maryland safer.

Since 2000, half of all U.S. states have narrowed or eliminated automatic adult charging. After over a decade of study and recommendations from three separate gubernatorial commissions, it is time for Maryland to act.

This legislation is long overdue. It's morally healing, fiscally responsible, and socially responsive to the needs of the child, their family, and the community at large.

Thank you for your consideration, and we request a favorable report for House Bill 409.

Respectfully submitted,

Marlon Tilghman

Rev. Dr. Marlon Tilghman

BRIDGE Maryland, Inc. Executive Board and MYJC Steering Committee

HB0409_MelissaGoemann_FAV.pdf

Uploaded by: Melissa Goemann

Position: FAV

February 12, 2026

Melissa Coretz Goemann
Silver Spring, MD 20901

TESTIMONY ON HB0409 - POSITION: FAVORABLE
Juvenile Court - Jurisdiction (Youth Charging Reform Act)

TO: Chair Bartlett, Vice Chair Davis, and members of the Judiciary Committee

FROM: Melissa Coretz Goemann

My name is Melissa Coretz Goemann and I am a resident of District 20. I am submitting this testimony in support of HB0409, the Youth Charging Reform Act.

I have spent most of my three decade career working in non-profit organizations as an advocate for youth justice reform at national and state-based organizations. Through this work, I learned the significant negative consequences to young people and to public safety that occurs when they are tried in the adult system. By limiting the automatic charging of youth as adults, this bill will ensure that the determination of whether to charge a young person as an adult is given the serious consideration by a judge that this significant, life-altering decision requires.

The negative impacts of treating youth as adults are substantial and often life-long, affecting individual youth, their families, and communities.¹ Youth held in adult facilities are extremely vulnerable to physical and sexual assault and have much higher rates of suicide than youth in juvenile facilities.² The adult system also lacks general educational programming, special education services, and appropriate physical and mental health care for youth.³ Youth with adult criminal records will likely have difficulty finding employment and may suffer from other collateral consequences such as restrictions on voting rights, access to higher education, joining the military, or living in public housing. These failings have a direct impact on public safety, as research shows that adult system processing and incarceration increases recidivism among teens.⁴

¹ See, e.g., Campaign for Youth Justice, “The Consequences Aren’t Minor: The Impact of Trying Youth as Adults and Strategies for Reform” (March 2007), https://www.njjn.org/uploads/digital-library/CFYJNR_ConsequencesMinor.pdf.

² Campaign for Youth Justice, “Jailing Juveniles: The Dangers of Incarcerating Youth in Adult Jails in America” (November 2007): 4, 11-13, https://papers.ssrn.com/sol3/papers.cfm?abstract_id=1697706; James Austin, et al., “Juveniles in Adult Prisons and Jails: A National Assessment” (Bureau of Justice Assistance, October 2000): 7-8, <https://www.ncjrs.gov/pdffiles1/bja/182503.pdf>.

³ Campaign for Youth Justice, “Jailing Juveniles,” 4-7.

⁴ “Effects on Violence of Laws and Policies Facilitating the Transfer of Juveniles from the Juvenile to the Adult Justice System: A Report on Recommendations of the Task Force on Community Preventive Services” (Centers for Disease Control and Prevention, April 2007): 6-8, www.cdc.gov/mmwr/pdf/rr/rr5609.pdf.

Adult sanctions for youth also do not account for fundamental differences in culpability. Studies of adolescent brain development have revealed that the part of a young person’s brain related to judgment and impulse control is generally not fully developed until the early to mid-twenties.⁵ As part of normal development, youth are more likely to take risks, act impulsively, and are highly susceptible to the negative influences of peers. Though these age-related factors may contribute to youthful mistakes, youth are uniquely capable of change. In fact, several recent U.S. Supreme Court decisions have cited these differences between youth and adults as necessary considerations when it comes to imposing extreme adult sentences and evaluating police custody.⁶ These decisions rely on both scientific evidence related to the psychology and development of children and youth, as well as a more general understanding that children possess a broad capacity for rehabilitation and positive change.

Finally, being tried as an adult is a sanction that falls disproportionately on the shoulders of Black youth. The most recent data reveals that over 77 percent of youth charged in adult court are Black. Such blatant disparities undermine the principle of fairness, highlighting the immediate need for serious consideration by a judge before a young person is transferred into the adult system.

Maryland sends more youth, ages 14-17, to adult court – automatically, without input from a judge – than any other state except Alabama. It is well past time to change this practice by passing the Youth Charging Reform Act which will limit the automatic charging of young people as adults. I respectfully urge this committee to return a favorable report on HB0409.

Respectfully Submitted,

Melissa Coretz Goemann

⁵ National Juvenile Justice Network (NJJN), “Using Adolescent Brain Research to Inform Policy” (Washington, DC: NJJN, September 2012); 1,

https://www.njjn.org/uploads/digital-library/Brain-Development-Policy-Paper_Updated_FINAL-9-27-12.pdf.

⁶ See, e.g., *Roper v. Simmons*, 543 U.S. 551 (2005) (eliminates the death penalty for crimes committed while youth are under age 18); *Graham v. Florida*, 560 U.S. 48 (2010) (bans life without parole sentences for youth under age 18 convicted of non-homicide offenses); *J.D.B. v. North Carolina*, 564 U.S. 261 (2011) (holds that age is relevant factor to consider when determining whether a child is in police custody for Miranda purposes); and *Miller v. Alabama and Jackson v. Hobbs*, 567 U.S. 460 (2012) (ban mandatory life without parole sentences for youth 17 and under).

SB0323_HB409.docx.pdf

Uploaded by: Melody Hession

Position: FAV



Delaware-Maryland Synod
Evangelical Lutheran Church in America

Testimony Prepared for the
Judiciary Committee
on
House Bill 409
February 10, 2026
Position: Favorable

Mr. Chairman and members of the Committee, thank you for the opportunity to testify. I am Reverend Melody Hession, assistant to the bishop for public policy in the Delaware-Maryland Synod of the Evangelical Lutheran Church in America, a faith community with congregations in every part of the state.

From the ELCA's social teaching on Criminal Justice, 2013: "The weakened distinction between juvenile and adult corrections has done great harm. Juveniles who are prosecuted or sentenced as adults are ill-prepared for the fundamentally adversarial environment of the adult judicial process. Very little allowance is made for youths' immaturity, lack of experience, or questionable ability even to understand their rights.

"Youth sentenced to adult prison, compared to their peers in the juvenile system, suffer higher rates of physical abuse, sexual abuse and suicide.¹ They are rarely provided age-appropriate educational or rehabilitative assistance.

"Most experts agree that laws encouraging the transfer of juvenile offenders to the adult system do not deter serious juvenile crime.² In fact, there is compelling evidence that transferred juveniles are more likely to offend in the future than their peers in the juvenile system.³ Even youth who receive a sentence of probation from adult criminal court reoffend more often than their peers in the juvenile system.

¹ C.J. Mumola, "Special Report: Suicide and Homicide in State Prisons and Local Jails," Bureau of Justice Statistics, U.S. Department of Justice, August 2005, 2-5. Retrieved from www.bjs.gov/content/pub/pdf/shsplj.pdf. See also National Prison Rape Elimination Commission, Report (June 2009), available at <https://www.ncjrs.gov/pdffiles1/226680.pdf>

² K.P. Griffin, S.P. Addie, B.S. Adams and K.B. Firestone, "Trying Juveniles as Adults: An Analysis of State Transfer Laws and Reporting. Juvenile Offenders and Victims: National Report Series Bulletin. (Washington D.C.: U.S. Department of Justice, Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention, 2011).

³ R.E. Redding, "Juvenile Transfer Laws: An Effective Deterrent to Delinquency?" OJJDP Bulletin (Washington, D.C.: U.S. Department of Justice, Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention, 2010).



**Delaware-Maryland Synod
Evangelical Lutheran Church in America**

This church supports an end to current practices of trying, sentencing and incarcerating youth in the adult criminal justice system.”

The Community of St. Dysmas is a congregation in our synod that gathers within the walls of Maryland State Prisons. The following are the words of one of our congregants, who was arrested and placed into an adult facility at the age of twenty:

“I am now 28 years old. I have no children and a loving support system of friends and family both inside and outside these walls. Even still, I often worry about my last formative psychological years being in a place such as this.”

Though she was not placed as a juvenile, her words should give us pause to consider the harm inflicted on any children spending their formative years in an adult prison.

We believe that Jesus is a God with particular concern for the most vulnerable persons in a society, and he specifically directed his care and attention towards children in his ministry. We do likewise, and urge a favorable report for HB409.

Reverend Melody Hession-Sigmon

HB 0409 Juvenile Court-Jurisdiction1A1.pdf

Uploaded by: Miner Brown

Position: FAV

HB 0409

Miner L. Moe) Brown

FAVORABLE

Title: Juvenile Court-Jurisdiction (Youth Charging Reform Act)

Judiciary Committee Chair: Delegate J. Sandy Bartlett

Sponsored by Delegates Bartlett, Toles, and Lehman

This testimony is written in [strong support](#) of House Bill 0409, Juvenile Court Jurisdiction (Youth Charging Reform Act).

I am a 37-year resident of MD and District 11B. I have worked with youth and observed them in various schools in the city and elsewhere for years as noted below. I am a parent, grandparent, great-grandparent, Eagle Scout & Silver Beaver Awardee, a long-time naturalist guide and the 1st Life Time Achievement Awardee at Irvine Nature Center (Baltimore County) which included nature programs with children in several schools in the city, a Red Hat volunteer for Habitat for Humanity in various Baltimore locations such as Sandtown and East Baltimore (9+ years), an original CASA Ally, and member of the Social Justice Committee at our congregation.

I personally thank Delegate Bartlett, Judiciary Committee Chair for her leadership role in introducing this bill this year. When enacted, automatic referrals of juveniles to the adult court system will be significantly reduce. **Maryland incarcerates more youth in adult prisons per capita than any other state except Alabama. This is nothing to be proud of! It is time for reform that recognizes national best practice and finally aligns Maryland with federal law.**

Current laws **require** that we automatically charge youth as if they were adults, with long-term devastating results to the child, their families, and communities. It is well documented that this current practice “disproportionately impacts children of color (more than 80% of MD children charged as adults are Black), diverts resources away from critical services for children and families, and places children in dangerous environments”- adult jails- “that more often result in subsequent violent or general criminal behavior.”

When Bill 0409 becomes Law it will also cost tax-payers less money as fewer youth will be held in adult detention for expense long periods of time isolated for their “protection”, receiving few services, no education, and treatment awaiting their hearing in the adult system. **We have been waiting far too long for justice to be served in Maryland. It is now time to complete the process by approving HB0409.**

HB409_MiriamEisenstein_FAV -.pdf

Uploaded by: Miriam Eisenstein

Position: FAV

Hearing: February 4, 2026
Miriam R. Eisenstein
Chevy Chase, MD

TESTIMONY ON HB409 - FAVORABLE
Juvenile Court- Jurisdiction-(Youth Charging Reform Act)

TO: Chair Bartlett, Vice Chair Davis, and members of the Judiciary Committee

FROM: Miriam R. Eisenstein

My name is Miriam R. Eisenstein. I am a resident of District 16 in Montgomery County. I am a retired attorney who has had some experience litigating cases concerning the rights of juveniles. In addition, I am a member of Adat Shalom Reconstructionist Congregation. Jewish tradition has been an important source of my values. Consistent with those values, I am submitting this testimony in favor of HB409: Juvenile Court- Jurisdiction - (Youth Charging Reform Act). The bill prevents children accused of certain crimes from being processed and tried as adults.

The rabbis of Talmudic times recognized that laws regarding children needed to progress to incorporate new understandings of what is properly corrective rather than retributive. Thus, they made radical changes in Biblical injunctions regarding the treatment of the so-called "rebellious child" (Deuteronomy 21, Talmud, Sanhedrin 71A), ruling out certain punishments entirely and limiting others. Most of the states in the United States have progressed farther than Maryland in their understanding of the needs of juveniles. It is now rare for children to be sent directly to adult criminal courts to answer for crimes they may have committed. Instead, they are sent initially to juvenile or "family" court. Maryland's law still retains vestiges of an older and less enlightened approach to juveniles.

If sages in the first millennium (A.D.) were capable of embracing progress in their treatment of children, surely the State of Maryland is able to do so as well. The harms done to children, and ultimately to society as a whole, by thrusting children into the adult criminal system, are well documented and well known. Children are subject to trauma, even to physical harm when awaiting trial in adult facilities. If they are sent to solitary confinement (by whatever euphemistic name), the damage may be lasting. Contact with the adult criminal system has been shown to aggravate antisocial tendencies and recidivism. We in Maryland have begun, but have not finished changing the juvenile justice system to conform with both what we know and what we value.

HB409 will advance the cause of updating our juvenile justice laws by removing a set of crimes from the original jurisdiction of the adult criminal courts. This bill is consistent with the values of embracing compassion and wisdom as well as justice for children. **Therefore, I respectfully urge this committee to return a favorable report on HB409.**

Gibson Banks Center testimony on House Bill 409 Ju

Uploaded by: Monique Dixon

Position: FAV

**Testimony Concerning House Bill 409
Juvenile Court – Jurisdiction (Youth Charging Reform Act)
Position: Favorable**

To: Delegate J. Sandy Bartlett, Chair
Delegate Debra Davis, Vice Chair
Members of the Judiciary Committee

From: Monique L. Dixon, Executive Director and Michael Pinard, Faculty Director, Gibson-Banks Center for Race and the Law

Date: February 10, 2026

On behalf of the Gibson-Banks Center for Race and the Law (“Gibson-Banks Center” or “Center”) at the University of Maryland Francis King Carey School of Law,¹ we appreciate the opportunity to submit written testimony concerning House Bill 409 (HB 409) which would limit the number of offenses for which a child could be automatically charged in adult criminal court. HB 409 is a step in the right direction toward ending Maryland’s inefficient, racially disproportionate, and harmful practice of *automatically* charging children as adults. The bill would allow the cases of more young people to begin in the juvenile court system where a judge may conduct a hearing to determine, *on a case-by-case basis*, if a young person’s case should be moved to the adult criminal legal system. Accordingly, we urge you to issue a favorable report for HB 409.

The Gibson-Banks Center works collaboratively to transform institutions and systems of racial inequality, marginalization, and oppression. Through education and engagement, advocacy, and research, the Center examines and addresses racial inequality, including the intersection of race with gender or disability, and advances racial justice in a variety of issue areas, including the youth and criminal legal systems. The Center served as a member of the Maryland Equitable Justice Collaborative (MEJC). Led by Maryland Attorney General Anthony Brown and Maryland Public Defender Natasha Dartigue, the MEJC researched, developed, and recommended reforms that would reduce racial disparities in Maryland’s incarcerated population. In March 2025, the MEJC released a report with 18 recommendations, including to limit the automatic charging of children in adult criminal court.² HB 409 would codify this recommendation.

¹ This written testimony is submitted on behalf of the Gibson-Banks Center and not on behalf of the University of Maryland Francis King Carey School of Law, the University of Maryland, Baltimore, or the University System of Maryland.

² See, MEJC, *Breaking the 71%: A Path Toward Racial Equity in the Criminal Justice System*, 70 (2025), https://oag.maryland.gov/News/Documents/pdfs/MEJC_Report.pdf. In this report, the Gibson-Banks Center dissented to MEJC’s recommendation to limit the automatic prosecution of youth as adults arguing that the failed practice should be eliminated entirely. *Id.* at 79-80. The Center continues to believe the practice must end. Recently, a working group of the Maryland Commission on Juvenile Justice Reform and Emerging and Best Practices (Commission) echoed this view. See

HB 409 would move more children who find themselves in trouble with the law to the youth legal system, which is designed to address their needs as well as the alleged offense, and is therefore more efficient and effective than automatic charging in the adult criminal legal system.

For centuries, Maryland policy makers have been of two minds about how to treat children and youth who are accused of committing a crime. On the one hand, since 1830, Maryland has maintained separate institutions and a juvenile court system for these children, acknowledging that they are different from adults and are more amenable to rehabilitative services.³ On the other hand, since the 1970s, Maryland law has allowed children to be charged and treated as adults in two ways.⁴ First, charges against a child could be filed in juvenile court, where a judge could waive jurisdiction and send the child to the adult criminal court after determining that the child “is an unfit subject for juvenile rehabilitative services;” this is known as a waiver.⁵ Second, Maryland law provides for the automatic charging of children and youth in adult criminal court for certain offenses⁶ with the opportunity to ask the adult criminal court judge to transfer the case to juvenile court if the judge determines it would be “in the interest of the child or society,” to do so; this is known as a transfer.⁷

In the mid-1990s, Maryland policymakers expanded the number of offenses for which a child could be automatically charged as an adult⁸ at a time when nationwide, violent crimes committed by young people had reached its peak; yet fearmongering and forewarnings by the media and criminologists of “super-predator” youth, particularly Black youth,⁹ who would continue to commit violent crimes

generally, Processes and System Coordination Workgroup of the Commission, *Maryland’s JDDPA Compliance Crisis: Children in Adult Detention*, 8-9 (2025), <https://gocpp.maryland.gov/wp-content/uploads/Marylands-JDDPA-Compliance-Crisis-Children-in-Adult-Detention-COMMISSION-APPROVED-.docx.pdf>, [Hereinafter Commission Workgroup Report].

³ See, Maryland Chapter 64, Acts of 1830 (establishing “A House of Refuge for Juvenile Delinquents”), <https://msa.maryland.gov/megafile/msa/speccol/sc2900/sc2908/000001/000212/pdf/am212--61.pdf>. See also, Maryland Department of Juvenile Services, History of Juvenile Justice in Maryland, <https://djs.maryland.gov/Pages/about-us/History.aspx> (last visited Feb. 9, 2026).

⁴ See, Patrick Griffin, *et al*, *Trying Juveniles as Adults: An Analysis of State Transfer Laws and Reporting*, 8, U.S. Department of Justice, Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention, (Sept. 2011)(displaying map of states, including Maryland, where before and during the 1970s state laws either allowed juvenile courts to waive jurisdiction over children, sending “hard cases” to adult criminal court or required the automatic charging of children in adult criminal court), <https://www.ojp.gov/pdffiles1/ojjdp/232434.pdf>.

⁵ See generally, MD. CODE ANN. CTS. AND JUD. PROC. § 3-8A-06 (2020).

⁶ MD. CODE ANN. CTS. AND JUD. PROC. § 3-8A-03 (2024).

⁷ MD CODE ANN CRIM PROC § 4-202(b)(3)(2024).

⁸ 1994 Maryland Laws Ch. 641 (removing over a dozen offenses from juvenile court jurisdiction), <https://msa.maryland.gov/megafile/msa/speccol/sc2900/sc2908/000001/000773/html/am773--2874.html>.

⁹ See generally, John J. Dilulio, Jr., *My Black Crime Problem, and Ours Why are so many blacks in prison? Is the criminal justice system racist? The answer is disquieting*, City Journal (1996), <https://fbaum.unc.edu/teaching/articles/DilulioCityJournal1996.pdf>.

persisted.¹⁰ While “the fear of an impending generation of superpredators proved to be unfounded ... and the scholar credited with originating that term has acknowledged that his characterizations and predictions were wrong,”¹¹ Maryland’s entrenched tough-on-youth crime approach has resulted in a reflexive and harmful system of automatically charging children in adult criminal court.

Maryland has held the shameful distinction of automatically sending children and youth to adult criminal courts at higher rates than any other state except Alabama.¹² In Maryland, children and youth as young as 14 may be automatically charged in adult criminal court if they are accused of committing one of 33 offenses.¹³ Notably, this entire system is inefficient and ineffective, as only a small percentage of children and youth receive a conviction in adult criminal court (16%).¹⁴ The cases of most children are either transferred to the juvenile court (45%) or dismissed (35%).¹⁵

Yet, hundreds of children and youth linger in youth detention centers or adult jails awaiting their transfer hearings. For example, the most recent data from the Maryland Department of Juvenile Services (DJS) shows that up to 68% of its pre-disposition detention population is youth charged as adults and their average length of stay is 147 days.¹⁶ By comparison, children and youth whose cases originate in the juvenile court system are detained pre-disposition for an average of 27 days.¹⁷ If enacted, HB 409 would not only expose fewer children to the adult criminal legal system, but would also increase efficiency for DJS. Limiting the number of offenses that results in the automatic charging of youth as adults would reduce the number of children detained pre-disposition for an average of 147 days. Consequently, as the *Fiscal and Policy Note* for HB 409 details, “DJS anticipates processing cases and providing services at a faster rate to its youth population; any associated cost savings due to operational efficiencies may be offset ... by an increased DJS population and increased demand for DJS services.”¹⁸

Importantly, HB 409’s limitation on the number of offenses for which a child may be automatically charged in adult criminal court would not prohibit a juvenile court judge from considering a

¹⁰ Marcy Mistrett and Mariana Espinoza, *Youth in Adult Courts, Jails, and Prisons*, 1, The Sentencing Project (Dec. 2021), <https://www.sentencingproject.org/reports/youth-in-adult-courts-jails-and-prisons/>.

¹¹ Brief of Jeffrey Fagan, *et al.*, Amici Curiae in Support of Petitioners, 8 (Jan. 17, 2012), *Miller v. Alabama*, 567 U.S. 551 (2012), <https://eji.org/wp-content/uploads/2019/11/miller-amicus-jeffrey-fagan.pdf>.

¹² The Sentencing Project, *National Trends in Charging Children as Adults*, 6 (July 20, 2021), <http://dls.maryland.gov/pubs/prod/NoPblTabMtg/CmsnJuvRefCncl/Sentencing-Project-National-Trends-in-charging-children.pdf>.

¹³ MD. CODE ANN. CTS. AND JUD. PROC. § 3-8A-03 (2024).

¹⁴ Vera Institute of Justice, *Preliminary Findings: Youth Charged as Adults in Maryland*, 13 (Dec. 2020), <https://dls.maryland.gov/pubs/prod/NoPblTabMtg/CmsnJuvRefCncl/Preliminary-Findings-Youth-Charged-as-Adults.pdf>.

¹⁵ *Id.* at 12.

¹⁶ Department of Legal Services, Maryland General Assembly 2026 Session, *Fiscal and Policy Note House Bill 409*, 4, https://mgaleg.maryland.gov/2026RS/fnotes/bil_0009/hb0409.pdf.

¹⁷ *Id.*

¹⁸ *Id.*

request for a waiver hearing to determine if a child’s case should be sent to adult criminal court. Rather, HB 409 would only prohibit *initially* charging children and youth in adult criminal court for some offenses.

HB 409 is a necessary first step to addressing the disproportionate charging, prosecution, and criminalization of Maryland’s Black children and youth and the physical and psychological harms that follow entry into the adult criminal legal system.

Black children and youth bear the burden of Maryland’s system of automatically charging children in the adult criminal court. In fiscal year 2025, Black children comprised 77% of youth charged as adults statewide,¹⁹ well above their percentage in the state’s youth population (30%),²⁰ while white children comprised 20% of youth charged as adults,²¹ well below their percentage in the state’s youth population (39%).²² Black children who are automatically charged in adult criminal court are also overrepresented among children detained pre-disposition as they await their transfer hearings (82%), while their white peers are underrepresented (6%).²³

National research shows that Black youth are overrepresented in the youth and adult criminal legal systems, in part, because they are often seen as being older and less innocent than their white peers.²⁴ Consequently, Black youth are often unfairly feared and criminalized by the general public and decisionmakers. This adultification and criminalization of Black youth is rooted in history²⁵ and continues to lead to unjust outcomes for Black youth.²⁶ By limiting the number of offenses for which a child could

¹⁹ Maryland Governor’s Office of Crime Prevention and Delinquency, Juvenile Charged as Adults Dashboard (June 30, 2025), <https://app.powerbigov.us/view?r=eyJrIjojNTZmYzZlN2MtNjcyNC00OGRjLTkwYjktYTZmYzZlN2M2UzZiwiZCI6IjYwYWZlOWUyLTQ5Y2Q5NDliMS04ODUxLTY0ZGYwMjc2YTJlOCJ9>. [Hereinafter “MD Dashboard”].

²⁰ Maryland Department of Juvenile Services, *Data Resource Guide Fiscal Year 2025*, Appendix D (Dec. 2025), https://djs.maryland.gov/Documents/DRG/Data_Resource_Guide_FY2025.pdf, [Hereinafter “Data Resource Guide”].

²¹ MD Dashboard, *supra* note 19.

²² Data Resource Guide, *supra* note 20 at Appendix D.

²³ Data Resource Guide, *supra* note 20 at 115.

²⁴ *See generally*, Kristin Henning, *The Rage of Innocence: How America Criminalizes Black Youth*, Vintage Books, (2021), <https://www.law.georgetown.edu/experiential-learning/clinics/our-clinics/juvenile-justice-clinic/racial-justice/the-rage-of-innocence>; *See also*, Phillip Goff, *et al*, *The Essence of Innocence: Consequences of Dehumanizing Black Children*, *Journal of Personality and Social Psychology*, Vol. 106, No. 4, 526 –545 (2014), <https://www.apa.org/pubs/journals/releases/psp-a0035663.pdf>.

²⁵ For example, George Stinney, a 14-year-old Black boy, was the youngest person executed in the U.S. in 1944; a South Carolina judge vacated Stinney’s conviction 70 years later. *See*, Equal Justice Initiative, *On this day Jun 16, 1944 Fourteen-Year-Old George Stinney Executed in South Carolina*, <https://calendar.eji.org/racial-injustice/jun/16>. Also, in 1989, media and elected officials dehumanized five Black and Latino teenagers in NYC – the Central Park Five – by calling them a “wolfpack.” They are now called the Exonerated Five. *See*, History.com Editors, *The Central Park Five*, Aug. 23, 2024, <https://www.history.com/topics/1980s/central-park-five>.

²⁶ Black children are criminalized in Maryland’s schools for example. During the 2023-24 school year, Black students comprised 33% of Maryland’s overall student population but represented 57% of students suspended and expelled from school

be automatically charged in adult criminal court, HB 409 may have a positive impact on Black youth who are disproportionately charged as adults, by giving them “more access to coordinated resources, individualized treatment, and a continuum of care not available in the adult system.”²⁷

Also, automatic charging exacts upon children and youth a heavy physical and psychological toll. Children and youth who are automatically charged as adults may be held in youth detention centers operated by DJS or adult jails operated by Maryland counties or the Maryland Department of Public Safety and Correctional Services.²⁸ Research has consistently shown that children held in adult facilities are at increased risk of physical or sexual assault or solitary confinement.²⁹

Additionally, “Maryland is significantly out of compliance with federal standards governing the pretrial detention of children charged as adults[,]”³⁰ including the requirement to keep children completely separated from adults in pretrial detention, known as sight and sound separation.³¹ Consequently, children and youth have reported being bullied and threatened with sexual violence by adults in Maryland’s adult jails.³² HB 409 could help address harms children face in adult jails by placing more children in the juvenile court system and youth facilities where age-appropriate services are available to them.

Adolescent brain development science shows that children are different from adults in ways that are relevant to culpability and rehabilitation.

HB 409’s limits on the automatic charging of children in adult criminal court is consistent with adolescent brain development science, which recognizes that children are different from adults as they are

and 56% of students arrested in school. Research has consistently shown that Black students do not misbehave more than their peers. *See*, Russell J. Skiba, PhD and Natasha T. Williams, *Are Black Kids Worse? Myths and Facts About Racial Differences in Behavior A Summary of the Literature*, 6 (March 2014), https://indrc.indiana.edu/tools-resources/pdf-disciplineseries/african_american_differential_behavior_031214.pdf.

²⁷ Maryland Department of Legislative Services, Maryland General Assembly, *Racial Equity Impact Note 2025 Session HB 1433*, 9 (2025), <https://mgaleg.maryland.gov/Pubs/BudgetFiscal/2025RS-HB1433-REIN.pdf>. HB 1433, which was introduced during the 2025 Session of the Maryland General Assembly, is similar to HB 409.

²⁸ Data Resource Guide, *supra* note 20 at 114. *See also*, MD CODE ANN, CRIM PRO, § 4-202(h)(2023)(stating that pending a transfer hearing, an adult criminal court could order a child automatically charged as an adult to be held in a secure youth detention center unless the young person is released on bail, youth detention centers do not have the capacity to house the child, or the court finds detention in youth detention centers would pose a harm to the child or others).

²⁹ *See*, Human Rights for Kids, *Disposable Children The Prevalence of Child Abuse and Trauma Among Children Prosecuted and Incarcerated as Adults in Maryland*, 17 (2024), <https://humanrightsforkids.org/publication/disposable-children-the-prevalence-of-child-abuse-and-trauma-among-children-prosecuted-as-adults-in-maryland-2/>; *See also*, Marcy Mistrett and Mariana Espinoza, *Youth in Adult Courts, Jails, and Prisons*, 2-3, The Sentencing Project, (Dec. 2021), <https://www.sentencingproject.org/reports/youth-in-adult-courts-jails-and-prisons/>; Just Kids Partnership, *Just Kids: Baltimore’s Youth in the Adult Criminal Justice System*, 11-13 (Oct. 2010), <https://justkidsmaryland.org/wp-content/uploads/2014/06/Just-Kids-Report.pdf>.

³⁰ Commission Workgroup Report, *supra* note 2 at 3.

³¹ *Id* at 2 (explaining the requirements of recipients of grants under the Juvenile Justice and Delinquency Prevention Act Reauthorization 2018, https://ojjdp.ojp.gov/sites/g/files/xyckuh176/files/media/document/jjdp-as-amended_0.pdf).

³² *Id.* at 4.

more impulsive and unable to contemplate the impacts of their actions and behaviors. Sections of the brains of children and youth that control impulses, planning, and risk avoidance continue to develop through their mid-20s, and once they are fully developed, children are likely to grow out of delinquent and criminal behavior.³³ Adolescent brain development has been relied upon in U.S. Supreme Court decisions declaring that sentencing children to the death penalty and life without the possibility of parole were unconstitutional because children are different from adults.³⁴

Children are children and need to be seen and treated as such. Accordingly, ending the automatic charging of youth as adults in Maryland is long overdue. Because we want as many children as possible to have access to age-appropriate services and accountability systems when they find themselves in trouble with the law, we urge the Judiciary Committee to issue a favorable report on HB 409.

³³ Brief for the American Psychological Association, *et al*, as Amici Curiae in Support of Petitioners, 6-25, *Miller v. Alabama*, 567 U.S. 460 (2012), <https://eji.org/wp-content/uploads/2019/11/miller-amicus-american-psychological-association.pdf>.

³⁴ *See generally*, *Roper v. Simmons*, 543 U.S. 551, 569-70 (2005), *Graham v. Florida*, 560 U.S. 48, 68-69 (2010), and *Miller v. Alabama*, 567 U.S. 460, 471-72 (2012).

YouthChargingReformAct_HB409_FiniganCarr_2026.pdf

Uploaded by: Nadine Finigan-Carr

Position: FAV

TESTIMONY ON HB 409 (Cross-filed with SB 323)

Juvenile Court – Jurisdiction

Youth Charging Reform Act

February 4, 2026

The University of Maryland, Baltimore Center for Violence Prevention (CVP) strongly supports HB 409, which would limit the number of charges that automatically place youth in the adult prison system. Despite having a separate juvenile justice system, youth are routinely charged and prosecuted in the adult criminal justice system. While crime has steadily decreased, these laws continue to subject youth to charges which are detrimental to their long-term well-being.

The Center for Violence Prevention is a community informed initiative of the University of Maryland, Baltimore in collaboration with the R Adams Cowley Shock Trauma Center at the University of Maryland Medical Center – the first of its kind. Our aim is to build resilient communities for all through the prevention and intervention of all forms of violence and trauma. We do this in an interdisciplinary, collaborative fashion where we conduct community-based participatory research, provide creative and impactful education, and inform and advocate for policies that strengthen our communities to prevent violence and trauma. Our support for this bill is aligned with the latter.

Research shows key developmental differences between youth and adults that impact youth’s decision making, impulse control, and susceptibility to influence from problematic peers and adults who are looking to exploit them. While these differences do not excuse youth from the responsibility of their actions, the US Supreme Court has repeatedly recognized that youth are less blameworthy and more capable of change and rehabilitation. Punishing youth the same way we do adults does not advance public safety. In fact, decades of research demonstrates that most crimes committed by youth are adolescent-limited and related to risk-taking behaviors consistent with their developmental stage. As youth mature, they are substantially less likely to re-offend. Locking them up for years extends their incarceration far beyond the time needed for them to be rehabilitated.

Many youth in the juvenile justice system have experienced or witnessed violence and trauma. These and other adverse childhood experiences are disproportionately experienced by Black and Latino children compared to white children. Specifically, Black children experience ACEs at a rate of 61% compared to 40% for white children. Youth placed in the adult criminal justice system face an increased risk of trauma from sexual abuse, physical assault, and suicide. Currently, 80% of the youth charged as adults in Maryland are Black children disproportionately subjecting them to additional trauma. Incarcerating children as adults also denies them access to many essential programs and services, including basic and special education, as well as treatment and counseling services which impedes their chances for rehabilitation and healthy development. Limiting the number of charges which get youth placed in the adult criminal justice system will allow them to be more likely to receive the services needed to better meet their needs. Everyone benefits when kids accused of breaking the law begin in the juvenile justice system, and a judge decides if they should be tried as an adult.

For these reasons, the UMB Center for Violence Prevention supports HB 409 and respectfully encourages a favorable report.

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Position: FAV



OUT FOR JUSTICE

Testimony in Support of House Bill 409 Youth Charging Reform Act

Committee Name: Judiciary

Hearing Date: 02/12/2026

Submitted by: Neka Duckett-Randolph, Membership, Advocacy, & Strategic Partnership Coordinator, Out For Justice

Good afternoon, Chair Barlett, Vice Chair, and Members of the Committee,

My name is Neka Duckett-Randolph, and I am a proud native Chicagoan and current Baltimore City resident. I am the Membership, Advocacy, and Strategic Partnerships Coordinator at Out For Justice, a member-led criminal justice reform organization with the mission to engage, educate, and empower individuals impacted by the legal system to build collective power for dismantling systemic oppression and harmful policies. We strive to humanize marginalized communities, prevent criminalization, reduce recidivism and promote second chances and successful reintegration through advocacy, education and supportive programming. I am writing today to urge this committee to issue a favorable report for HB409.

The truth is plain as day: **We are throwing kids away here in Maryland.** HB409 is a crucial **FIRST** step in the right direction to change that. The idea that a child, no matter their mistake, should be forced into an adult system before anyone takes a real look at who they are and what they've been through is a harmful system in practice, not justice.

Currently, most autocharge cases are transferred down to the youth court system after waiting four to five months. Youth are detained while they wait for a judge's waiver decision. **During this time -- nearly a semester of high school -- they receive no education.** If they were in a youth facility, they would have access to both educational and mental health resources that are unavailable to them in the adult system. **Research shows that putting kids in adult court makes them more likely to commit a [new and worse crime](#) compared to keeping them in the youth court system. Additionally, youth who spend time in adult prisons are more likely to be physically and sexually assaulted and held in solitary confinement.**

Starting all cases in the youth court and requiring prosecutors to waive the most serious cases up into adult court, would result in fewer kids losing valuable developmental time and wasting taxpayer resources in pretrial facilities. **This bill would free \$20 million annually,** which could be used to expand community-based services that get best results for increasing public safety. **Maryland youth charged as adults are sent to adult jails, putting the state out of compliance with federal law (the Juvenile Justice and Delinquency Prevention Act).**

The science is clear. The research is overwhelming. **Kids' brains are not fully developed, and their decision-making is impulsive, emotional, and influenced by their environments**



in ways that adults' aren't. And yet, we still choose a justice system that ignores that reality.

A report from Human Rights for Kids found that **90% of kids in the justice system have experienced serious trauma—homelessness, violence, abuse, losing a parent to prison.** Instead of addressing that, we put them in an adult system that further traumatizes them and increases the chances they will never recover. **Maryland can do better. Maryland must do better.**

And it's not just any kids that this happens to. We know exactly which kids this system swallows up. **Black kids. Brown kids. Foster kids. Poor kids. Kids without someone to fight for them.** I don't have to wonder why—it's the same reason the world has failed so many generations before them.

Passing this bill is a necessary **FIRST** step for Maryland to start treating kids as kids and undo the harm of this law. We must continue putting forth legislation until it is codified in our state law that **no child should automatically be sent to adult court, no matter the charge.** Let's trust our judges and professionals to make individualized decisions. Let's put kids in systems designed to help them, not break them. We cannot in good conscience continue to automate a deliberate process. It's inefficient, a violation of these children and our duty to protect them, and a gross misstep in our pursuit of public safety.

We don't have to be a state that sacrifices children to laws that were written before we knew what we know now. We don't have to be a state that waits for another generation to suffer before we act.

We can do better. We must do better.

And if we don't, I hope every single one of us is ready to answer when history asks why.

Thank you.

Nick Moroney - TESTIMONY IN SUPPORT OF HB 409 - Ju

Uploaded by: Nick Moroney

Position: FAV

TESTIMONY IN SUPPORT OF HB 409

JUVENILE COURT – JURISDICTION (Youth Charging Reform Act)

Judiciary Committee

February 12, 2026

Nick Moroney, Former Director, Juvenile Justice Monitoring Unit
(nickmoroney.baltimore@gmail.com; 301-906-1923)

I am a retired Maryland State employee who worked to constructively change conditions in the juvenile justice system from 2007 until 2025, and I fully support House Bill 409. A legislative fix is essential to put a stop to the chronic glut of young people charged as adults and held in juvenile services' detention centers and in other jails for long periods. Children and young people, poor and without political clout, are easy to forget about when targeted and denied their right to a proper hearing in court before being locked up for months or even a year or more.

Some people blame the youth themselves who fail to thrive after being cycled through this process. A few states' attorneys blame the Department of Juvenile Services, while some even argue that the adult correctional system would better serve young people. I hope you see that argument as both ridiculous and tragic. While it is true DJS offers flawed services, corrections offers no substantial services for young people.

While some prosecutors may believe it too politically risky to not recommend secure detention for young people as soon as they level charges against them, it would be more just not to do so. The Maryland justice system currently incentivizes young people who are locked up on an automatic charge to accept a plea bargain to end what can be an indefinite period in a youth or adult jail.

You can change all this. You can make the system work better for everyone. You can refuse to accept the status quo that allows people to be condemned to an adult or juvenile jail without any meaningful chance to exercise their due process rights. After this bill passes into law, young people accused of the most serious of crimes will still be automatically prosecuted in adult criminal court. So too will other young people because judges will hear prosecutors' arguments and accede to those arguments. But there will be no more mass locking up of young people and throwing away the key before they have a meaningful opportunity to be heard in court.

I wholeheartedly support House Bill 409 and urge this justice-informed committee to give this important bill a favorable report. I am sure the members of the General Assembly will overwhelmingly support this modest but vital proposal.

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Position: FAV



Testimony of Olivia Naugle

*Youth Justice Campaign Strategist
The Sentencing Project*

HB 409 – Favorable

Before the Maryland House Judiciary
Committee

February 12, 2026

Chair Bartlett, Vice Chair Davis, and members of the House Judiciary Committee:

Established in 1986, The Sentencing Project advocates for effective and humane responses to crime that minimize imprisonment and criminalization of youth and adults by promoting racial, ethnic, economic, and gender justice. The Sentencing Project is also a member organization of the Maryland Youth Justice Coalition (MYJC).

We urge the committee to issue a **favorable** report on HB 409. This legislation seeks to limit the number of youth who can, under Maryland law, be automatically charged as if they were adults for certain offenses. While we support ending the practice of automatically charging people under 18 as if they were adults entirely, and beginning all cases involving youth (17 and younger) in juvenile court, we recognize this compromise legislation is an important step forward.

We support this legislation to limit the practice of automatically charging youth as if they were adults for three reasons:

1. Charging youth as if they were adults harms public safety.
2. The racial disparities of youth automatically charged as if they were adults are staggering.
3. Maryland is a national outlier; its automatic transfer law is unusually harsh and unjust.

Charging Youth as If They Were Adults Harms Public Safety

Sending youth to the adult criminal justice system, for any offense, harms public safety. Youth in the adult system are more likely to commit future offenses and particularly more likely to commit the most violent offenses when compared with peers in the juvenile system.¹

The Center for Disease Control (CDC)'s Task Force on Community Preventive Services reviewed decades of literature and concluded that sending a youth to the adult system generally increases rates of violence among youth.² In addition, Maryland's process of automatically transferring children and adolescents accused of a lengthy but still specific list of offenses in the name of deterrence or public safety also contradicts findings from the National Research Council, which supports "a policy of retaining youth in the juvenile justice system" both to keep punishments proportional with the age of offenders and to prevent additional offending.³

While opponents often suggest that charging youth as if they were adults means that the state is taking crime seriously, the truth is that charging teenagers in adult courts actually creates more crime and harms public safety.

¹ Centers for Disease Control and Prevention. (2007). [*Effects on violence of laws and policies facilitating the transfer of youth from the juvenile to the adult justice system: A report on recommendations of the task force on community preventive services*](#); Redding, R. (2010). [*Juvenile transfer laws: an effective deterrent to delinquency?*](#) Office of Juvenile Justice and Delinquency Prevention.

²The Community Preventive Services Task Force (2003, April). [*Violence Prevention: Policies Facilitating the Transfer of Juveniles to Adult Justice Systems*](#). <https://www.thecommunityguide.org/findings/violence-prevention-policies-facilitating-transfer-juveniles-adult-justice-systems>

³ National Research Council (2013). [*Reforming Juvenile Justice: A Developmental Approach*](#). Washington, DC: The National Academies Press, p. 134.

Despite its flaws, the juvenile justice system is designed to be youth-serving. Adult courts are generally tasked with determining guilt or innocence and then assigning a punishment to fit the crime. Juvenile courts have the added responsibility of understanding the young person accused. All courts are concerned with recidivism; juvenile courts are built to prevent it. Post-conviction programs and professional staff in the adult system are not designed or trained to work with young people. This is especially important because youth convicted as if they were adults are likely to receive probation, and should be served by juvenile probation officers. In Maryland, most youth in the adult system are already served by DJS. Last year, the average daily population at DJS detention facilities was 262.9 youth, and 57% of them were awaiting their criminal court hearing.⁴

Moreover, charging teenagers as if they were adults has collateral consequences. Youth tried in the adult criminal justice system generally leave with an adult criminal record and, possibly, news coverage that the Internet does not forget. Such a formal - and informal - record is a significant obstacle to a youth's successful reentry into the community. The Council of State Governments has found 415 collateral consequences for a felony conviction in Maryland, the vast majority (367) of them limiting employment in some form.⁵ A teenager should not be saddled with such lifelong consequences based on a poor, though impulsive, decision.

A National Outlier - Maryland's Automatic Transfer Law is Unusually Harsh

In the 1960s, Maryland was one of just three states (Mississippi and Pennsylvania were the other two) to automatically charge youth (14 and older) as if they were adults on murder charges.⁶ By 1986, Maryland was one of just 14 states that automatically charged youth as if they were adults based on the offense, typically murder. Maryland, on the other hand, added armed robbery as a so-called adult charge in 1973; as of 1986, only six other states did the same.⁷

Throughout the 1980s and 1990s, this legislature repeatedly added offenses to that list. As of today, Maryland automatically transfers youth charged with 33 separate offenses into adult criminal courts. Maryland is currently a national outlier in its automatic charging policy. Per capita, the available data show that only Alabama automatically sends more of its young people into adult courts based on the charge, and Alabama's most recent numbers are so old (2016) that Maryland may actually rank last, not second-to-last, in this shameful statistic.

Meanwhile, six states (California, Hawaii, Kansas, Missouri, Oregon, and Texas) start *all* cases involving youth in juvenile court. As does Maryland, all six have judicial waivers that allow individual cases to move to adult criminal court.⁸

Racial Disparities

⁴ Tolentino, B. (2025). [Data Resource Guide FY2025](#), Maryland Department of Juvenile Services, p. 101.

⁵ The National Inventory of Collateral Consequences of Conviction was created by the Council of State Governments and is available at <https://niccc.nationalreentryresourcecenter.org/consequences>.

⁶ Feld, B. (1987). The Juvenile Court Meets the Principle of the Offense: Legislative Changes to Juvenile Waiver Statutes, *Journal of Criminal Law and Criminology* 78(3): 471-533 at 512-513.

⁷ Feld (1987) at 512-513.

⁸ Puzanchera, C., Sickmund, M., & Hurst H. (2022). [Youth and the juvenile justice system: 2022 national report. National Center for Juvenile Justice.](#)

Automatically charging youth as adults is a racial justice issue; there are staggering racial disparities in youth charged as if they are adults in Maryland. The available data compiled by the Governor's Office of Crime Prevention and Policy⁹ show that youth of color are vastly more likely to be charged as if they were adults. In fact, over 80% of youth charged in adult court in Maryland are Black. Moreover, among those youth automatically charged as if they were adults, white youth are vastly more likely to be reverse waived into the juvenile courts. In the MDEC Counties, white youth whose cases were not dismissed were transferred to juvenile court 94 percent of the time. In those same counties, only 26 percent of non-dismissed cases involving youth of color were transferred to juvenile court.

Youth Charged as If They Were Adults Are Not Typically Sentenced as Adults.

Maryland law, sensibly, allows for reverse waivers as one safety valve for the state's aggressive and unusual list of charges that must be filed in adult courts. Criminal court judges are then tasked with determining whether their courtrooms or those of family court judges, are the appropriate venue to proceed.

Youths transferred into adult court are often not sentenced there. In fact, roughly 85 percent of youth automatically sent to the adult justice system either have their case dismissed or sent back to the juvenile system.¹⁰ Clearly, too many young people begin their cases in adult courts under current law. The status quo sends hundreds of teenagers into adult courts to wait for a process that will dismiss the charge entirely or waive the youth back into the juvenile court more than 85 percent of the time. This is an astonishingly inefficient and costly system likely to coerce guilty pleas from teenagers.

Conclusion

We know that charging youth as adults harms youth wellbeing and community safety. Decisions to send youth to adult court should be made with careful consideration. Automatic charging is a particularly inefficient way to decide about transfers because it only considers the initial charge. A juvenile court judge's discretion should be used based on the circumstances of the case, rather than simply basing the decision solely on the immediate offense. Juvenile court judges are trained to consider factors such as childhood trauma and adolescent brain development when making decisions regarding youth. Automatic charging sidesteps the juvenile courts' involvement in the transfer process.

The Sentencing Project urges the committee to issue a favorable report on HB 409. This evidence-based reform is long overdue.

Thank you for your time and attention. If you have any questions or need any additional information I am happy to assist and can be reached at the email address below.

Olivia Naugle

⁹ [Juveniles Charged as Adults](#), created by the Governor's Office of Crime Prevention and Policy.

¹⁰ [Maryland's JIDPA compliance crisis: Children in adult detention](#), created by the Processes and System Coordination Workgroup of the Commission on Juvenile Justice Reform and Emerging and Best Practices.

Youth Justice Campaign Strategist
The Sentencing Project
onaugle@sentencingproject.org

HB409 - SSJC - Favorable.pdf

Uploaded by: Paul Holmes

Position: FAV



**Testimony on HB 409 - Favorable
SB323 - Juvenile Court - Jurisdiction (Youth Charging Reform Act)
Senate Judicial Proceedings Committee**

February 12, 2026

Chair Bartlett, Vice Chair Davis and Members of the Judiciary Committee,

The Silver Spring Justice Coalition offers **favorable** testimony in support of **HB 409, Juvenile Court - Jurisdiction (Youth Charging Reform Act)**. The Silver Spring Justice Coalition is an organization of community members, faith groups, and civil and human rights organizations from throughout Montgomery County that works to reduce the presence of police in our communities; eliminate violence and harm by police; establish transparency and accountability; and redirect public funds toward community needs.

This legislation represents a critical, evidence-based step toward a fairer, more effective, and cost-saving youth justice system in Maryland.

Everyone benefits when youth accused of breaking the law begin their cases in the juvenile justice system, where a judge - rather than a mandatory statute - determines whether that case should be tried in adult court. Yet Maryland continues to automatically charge huge numbers of children as adults. In Fiscal Year 2025 alone, more than 1,000 young people were charged as adults, the vast majority automatically, based solely on the charge at arrest. After judicial review, many of those cases were returned to juvenile court, demonstrating that automatic charging is both inefficient and unnecessary. The automatic filing process is extremely expensive and time consuming, costing over \$20 million a year.

Currently, Maryland automatically sends more children ages 14 - 17 to adult court than any other state except Alabama and that practice reveals enormous racial disparities. Over 77% of youth charged in adult court in Maryland are Black, and Black youth are more likely to be sent to adult prison and receive longer sentences than their white counterparts for similar offenses.

Moreover, the practice of automatic charging is counter productive. Research shows that providing timely, appropriate rehabilitative services to youth is associated with better outcomes, including lower recidivism, compared with extended detention or delayed support. It's also not safe. Research shows that youth charged as adults are at increased risk of physical and sexual assault and isolation from their families, which may contribute to future criminality.

Since 2013, three separate commissions appointed by three different Governors - including the Commission on Juvenile Justice Reform, Emerging & Best Practices created by the General Assembly - have all recommended ending automatic charging. The Youth Charging Reform Act reflects those recommendations and offers a reasonable compromise by limiting, though not eliminating, automatically charging children as adults.

This bill narrows automatic charging for 16- and 17-year-olds to just 12 serious offenses, including murder and carjacking, down from the current 33. It also entirely ends automatically charging 14- and 15-year-olds as adults, ensuring that all of their cases begin in juvenile court. The bill does not prevent youth from being tried as adults. Prosecutors may still seek to transfer cases, and judges retain full authority to decide, on a case-by-case basis, whether adult court is appropriate. Additionally, Juvenile Judges and Magistrates will continue to examine cases of youth charged with serious offenses and decide, on a case-by-case basis, who is detained or released before trial.

It is past time to limit the automatic charging of children as adults in Maryland. The **Silver Spring Justice Coalition** strongly urges the Senate Judicial Proceedings Committee to issue a **favorable report** on **HB 409**.

Submitted by Paul Holmes, Silver Spring
For the Silver Spring Justice Coalition

HB 409 - Youth Charging Reform Act.docx.pdf

Uploaded by: Philip Caroom

Position: FAV



TO: Chair Sandy Bartlett and House Judiciary Committee
FROM: Phil Caroom, MAJR Executive Committee
DATE: February 12, 2026

Maryland Alliance for Justice Reform (MAJR - www.ma4jr.org) supports HB 409 to wisely narrow Maryland’s statute which currently permits excessive charging of juveniles in adult court. Although not an official statement for the Maryland courts, I offer these remarks as a recently retired Juvenile administrative judge and based on more than 30 years cumulative experience in the system also as a prosecutor, defense attorney, and Juvenile Court master - n/k/a magistrate.

Legislators should recognize five key facts in relation to adult vs. juvenile jurisdiction:

- 1) Maryland’s Juvenile Justice system offers much more extensive and individualized rehabilitative services to every juvenile committed to custody than adult state prisons offer.
- 2) Juveniles, given appropriate treatment services and time, have a much greater opportunity for rehabilitation than adults age 25 and over. Scientific studies, repeatedly accepted by the U.S. Supreme Court, make clear that “emerging adults” (those under age 25) have brains which still are developing and commonly may be expected to gain better judgment and behavior as they reach maturity. For example, see the discussion in “*The Intersection between Young Adult Sentencing and Mass Incarceration*,” Wisconsin Law Review (2018). Through my juvenile court years, I have seen repeated success stories when serious juvenile offenders were fully rehabilitated.
- 3) It is well-known that commingling juveniles with a population of “higher risk” adult offenders increases the risk of future criminal behavior by the juveniles. For example, see “Effects [of] transfer of youth from the juvenile to the adult justice system.” <https://www.cdc.gov/mmwr/pdf/rr/rr5609.pdf>. The same negative effect would result from later incarceration.
- 4) Prosecutors are not required to receive any training as to juveniles or their prospects for rehabilitation. Thus, their decisions automatically to charge juveniles may be comparatively uninformed choices. The current system that permits so many children to be automatically charged as adults has resulted in huge racial disparities, according to one recent report, such that nearly 84% of those charged as adults are African-Americans. See, e.g., Univ.of Balt.Law School Forum, “Charging Children As Adults: The Case For Repealing Maryland’s Automatic Waiver Statute,” Feb.2024.
- 5) Finally, the practice of charging juveniles as adults mostly today is used as a convenient plea-bargaining tool by prosecutors. It’s reported, for example, that 87% of such adult charges filed against juveniles between 2017 and 2019 ended up dismissed. See Baltimore Sun, 1/20/25. However, the dismissal of the adult charges doesn’t mean there was no impact on the juveniles involved: Maryland’s Department of Juvenile Services estimates that only about 25% of those who have been charged and detained as adults ever succeed in completing their high school education. This lack of education, in turn, results in a much higher, subsequent recidivism rate. Id.

HB 409 is an excellent first step towards ending Maryland’s overcharging of juveniles¹ which exceeds that of any other U.S. state, except for Alabama. For all these reasons, MAJR strongly supports HB 409.

—
PLEASE NOTE: Phil Caroom files this testimony for MAJR and not for the Md. Judiciary or any other unit of state government.

¹ If any amendment to HB 409 were considered, one improvement might add the requirement that the juveniles still charged as adults must be alleged to be the *principal or perpetrator of the offenses charged*. Currently, juveniles may be charged as adults even if they were only accessories with minimal involvement, for example, never even possessing a handgun used by adults in an offense. See, e.g., Bellamy v. State, 403 Md. 308, at 334 (2008).

MAJR, further, would support a complete repeal of automatic charging of juveniles in adult court as other provisions in Maryland law still would permit prompt transfers to adult court for the much smaller percentage of juveniles who appropriately should be there. See Md.Code, Courts & Jud.Proc.Art., sec. 3-8A-06, et seq. These decisions, thus, would be better made by trained juvenile judges with full knowledge of the juvenile rehabilitation vs. the adult correction systems.

HB0409_PoppyMehlman_FAV.pdf

Uploaded by: Poppy Mehlman

Position: FAV

February 10, 2026

Poppy Mehlman
Rockville, 20852

TESTIMONY ON HB0409 - POSITION: FAVORABLE
Juvenile Court - Jurisdiction (Youth Charging Reform Act)

TO: Chair Bartlett, Vice Chair Davis, and members of the Judiciary Committee

FROM: Poppy Mehlman, on behalf of the B'nai Israel Congregation Mitzvah Corps

My name is Poppy Mehlman. I am a resident of District 17. **I am submitting this testimony in support of HB0409, Juvenile Court - Jurisdiction (Youth Charging Reform Act), on behalf of the student advocates of the Teen Mitzvah Corps of B'nai Israel Congregation in Montgomery County**

As a sophomore at Walter Johnson High School, I am within the age range of youth impacted by Maryland's automatic charging laws. I feel obligated to speak out about a state system that directly affects people my age and their ability to be rehabilitated following juvenile detainment. The current incarceration system treats teenagers as fully formed adults. This approach denies teens like me the opportunity to learn from mistakes and make positive choices for the future, which I know from the experience of myself and my peers navigating challenges is necessary for our development.

Under the current law, Maryland automatically charges juveniles as adults for 33 different charges. Adolescents as young as 14 can be charged as adults for certain violent offenses, and by ages 16 to 17, the list of charges that send children directly into adult court significantly expands. This does not take into account a child's specific circumstances, background, or ability to change, which treats all youth accused of these offenses as irredeemable. Rather than automatic charging, judges should have discretion to decide whether a minor should remain in the juvenile system or be tried as an adult. Additionally, Maryland sends more youth to adult court per capita than any other state except Alabama, which makes it even more important to consider how these laws affect Maryland communities and families.

Minors charged as adults are often detained for much longer than they would be in juvenile court, while awaiting processing in an adult system. During this time, if they are in an adult facility, not only are they removed from school and separated from family and those who support them, they are also denied access to structured education, counseling, and rehabilitation services available in the juvenile system. Adult facilities are designed for adults and placing children in these environments exposes them to

violence and isolation, which can interfere with all types of development, from social to cognitive, during a critical stage in their lives. As a student myself, I know how essential education and guidance are for learning and growth, which makes it alarming to know that some peers could be placed in circumstances that disrupt this. I have seen when my peers have been out of school for an extended period how difficult it is to keep up academically and socially, while also making it harder to graduate on time.

In the long term, the consequences of automatic charging show that youth processed in adult court are more than twice as likely to reoffend than those who remain in the juvenile system. A conviction in adult court goes onto a permanent record that affects future opportunities, such as college admission, jobs, and housing which makes it harder for minors to rehabilitate back into society. Additionally, the system also disproportionately impacts Black teens, who make up 80% of those sent to adult court even though they only make up 30% of the population. Since these policies are producing inequitable outcomes, this raises the concern about fairness and the need for a system that evaluates each child individually rather than automatically.

The Youth Charging Reform Act would correct these problems by ensuring that almost all juvenile cases start in juvenile court, which will allow judges to consider each child's individual circumstances before deciding if adult court is appropriate. By reducing the number of automatic adult charges, this would prioritize youth rehabilitation and education, which would give young people an opportunity to grow and get the help they need. When youth are treated their age rather than adults, they're more likely to stay in school, avoid future charges, and succeed later in life, which helps to make them a contributor to a good community.

Maryland now has an opportunity to fix the system that currently is harming young people and adopt the Youth Charging Reform Act. HB0409 guarantees that children will be treated as children and held accountable in developmentally appropriate ways. **To give these teens a chance to build stable futures and get the help they need, I respectfully urge this committee to return a favorable report on HB0409.**

HB409_RachelMetz_FAV.pdf

Uploaded by: Rachel Metz

Position: FAV

February 12, 2026

Rachel Metz
Silver Spring, MD 20902

TESTIMONY ON HB409 - POSITION: FAVORABLE
Juvenile Court - Jurisdiction (Youth Charging Reform Act)

TO: Chair Bartlett, Vice Chair Davis, and members of the Judiciary Committee

FROM: Rachel Metz

My name is Rachel Metz. I am a resident of District 18. I am submitting this testimony in support of HB409, Juvenile Court - Jurisdiction (Youth Charging Reform Act).

My support is based on both values and data. In terms of values, I believe that youth should be given support in correcting problematic behavior and charting a course towards fulfilling adult lives. The adult prison system is not set up to do this.

On the contrary, research shows that youth charged as adults are at increased risk of physical and sexual assault and isolation from their families, which may contribute to future criminality. And [Maryland-specific data](#) show that youth transferred out of adult court and treated by DJS have much lower recidivism rates than those in DPSCS. This bill would not eliminate consequences for youth - youth charged with serious crimes would not just be released back into the community and judges would be able to decide if adult court is appropriate in particular situations. But it does establish a norm of treating children as children rather than as adults.

This is why three commissions appointed by three different Governors have recommended ending automatic charging, including in the report released last year by the Commission on Juvenile Justice Reform, Emerging & Best Practices (CJJR) created by the General Assembly.

I respectfully urge this committee to return a favorable report on HB409.

Eckel FAV HB409 - Youth Charging Reform Act.pdf

Uploaded by: Rianna Eckel

Position: FAV

Chair Bartlett, Vice Chair Davis and Honorable members of the Judiciary Committee,

My name is Rianna Eckel, I am a resident of District 43A, and a member of Showing Up for Racial Justice Baltimore (SURJ). SURJ Baltimore is a group of individuals working to move white folks as part of a multi-racial movement for equity and racial justice in Baltimore City, Baltimore County, and Howard County. We are also working in collaboration with Out For Justice. **I am writing in support of HB409, the Youth Charging Reform Act.**



Showing Up for Racial Justice

When I was 15 years old, I was arrested for shoplifting. Due to a number of factors, it didn't become an event that defined the rest of my life. I was just a kid, and it was a stupid mistake. It is painful for me to think about all of the young people in Maryland who have their youthful mistakes become life-defining events due to our youth charging laws, and the trauma inflicted on young people in the adult system. HB409 is crucial because it would end the practice of charging 14- and 15-year old children as adults, and ensure that only 16- and 17-year-olds accused of the most serious crimes, such as rape and murder, are charged in adult court.

Unfortunately, after more than a century of progress in juvenile justice, in the 1990s Maryland reversed course and began to pass laws purporting to be "tougher" on youth crime, including requiring many charges against minors to be prosecuted in adult court by default.¹ Maryland, once progressive in its view of youth crime, is now a national outlier in its practice of automatically charging young people as if they were adults. Per capita, we send more young people to adult court based on offense type than every other state but Alabama.² Additionally, the current system disproportionately affects Black youth, as nearly 80% of Maryland youth charged in adult court are Black.³

The practice of charging children as adults is inhumane. It is also economically wasteful, as the vast majority of these cases are either transferred to juvenile court or dismissed.⁴ Finally, it does not even do what it is intended to do, since statistics indicate that automatic charging of youth as adults does not decrease youth crime generally or reduce recidivism by the youth so charged.⁵ By significantly decreasing the automatic charging of youth as adults, we can bring Maryland more into line with modern juvenile justice standards, redirect resources to treating rather than simply imprisoning young offenders, and ultimately improve the safety of our communities by preventing re-offending. It is for these reasons that I am encouraging you to vote **in support of HB409, the Youth Charging Reform Act.**

Thank you for your time, service, and consideration.

Sincerely,
Rianna Eckel
2300 Hunter St, Baltimore MD 21218
Showing Up for Racial Justice Baltimore

¹ Jason R. Tashea, & Al Passarella, *Youth Charged as Adults: The Use and Outcomes of Transfer in Baltimore City*, 14 U. Md. L.J. Race Relig. Gender & Class 273 (2015). <https://digitalcommons.law.umaryland.edu/rrogc/vol14/iss2/4>

² The Sentencing Project, National Trends in Charging Children, Presentation to the JJRC (July 20, 2021). <http://dls.maryland.gov/pubs/prod/NoPblTabMtg/CmsnJuvRefCncl/Sentencing-Project-National-Trends-inCharging-Children.pdf>

³ Juvenile Justice Reform Council Supplemental Report, http://dls.maryland.gov/pubs/prod/NoPblTabMtg/CmsnJuvRefCncl/JJRC-Report-Final_2021SupplementalReport.pdf

⁴ In 2017-19, 48% of juveniles charged as adults in Baltimore City were returned to juvenile court, and 33% were dismissed or otherwise closed without a verdict. In MDEC counties the figures were 41% and 36% respectively. Juvenile Justice Reform Council Supplemental Report p 33.

⁵ Lila Kazemian, *Pathways to Desistance From Crime Among Juveniles and Adults: Applications to Criminal Justice Policy and Practice*, Nov. 2021 (internal citations removed), <https://www.ojp.gov/pdffiles1/nij/301503.pdf>

Testimony in support of HB0409 - Youth Charging Re

Uploaded by: Richard KAP Kaplowitz

Position: FAV

HB0409_RichardKaplowitz_FAV
02/12/2026
Richard Keith Kaplowitz
Frederick, MD 21703-7134

**TESTIMONY ON HB#0409 - POSITION: FAVORABLE
Juvenile Court - Jurisdiction (Youth Charging Reform Act)**

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#/0409, **Juvenile Court - Jurisdiction (Youth Charging Reform Act)**

The Equal Justice Initiative has documented significant problems with charging youth as adults.
1

[6 states], Maryland, [6 other states] have no minimum age for the adult prosecution of children. Very young children are vulnerable to unfair pressure when accused of crimes. The absence of a minimum age also exposes very young children to being held in adult correctional facilities, where they are at increased risk of sexual, physical, and psychological abuse.

Hundreds of state and federal laws – from child-labor laws and compulsory education to age-based restrictions on driving, marriage, and even tattoos – recognize that young children need greater protections and more supervision than older teens. Children under 14 are especially immature and impulsive. They have not yet developed mature judgment or the ability to accurately assess risks and consequences. More so than older teens, they are vulnerable to peer pressure and are quick to comply with the wishes of authority figures, making them highly susceptible to false confessions.

The American Bar Association has stated ²

- At its formation, the juvenile justice system was designed to protect youth. The goal was treatment and rehabilitation as opposed to punishment.
- Unfortunately, the United States has a long history of over-criminalizing and policing youth, especially Black and Brown youth.
- Youth should not be tried in adult court because it does not promote rehabilitation, does not deter youth crime, and imposes immense harm on children.

This bill will alter the jurisdiction of the juvenile court by repealing provisions specifying that the juvenile court does not have jurisdiction over a child alleged to have committed any crime punishable by life imprisonment. We should favor rehabilitation over punishment for juveniles.

I respectfully urge this committee to return a favorable report on HB0409.

¹ <https://eji.org/news/13-states-lack-minimum-age-for-trying-kids-as-adults/>

² <https://www.americanbar.org/groups/litigation/resources/newsletters/childrens-rights/should-juveniles-be-charged-adults-criminal-justice-system/>

FINAL 2026 MD HB 409 Testimony - Logan Seacrest.pd

Uploaded by: Robert Melvin

Position: FAV



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Free Markets. Real Solutions.
www.rstreet.org

Testimony from:

Logan Seacrest, Resident Fellow, Criminal Justice and Civil Liberties, R Street Institute

Testimony in Support of House Bill 409, the “Youth Charging Reform Act”

February 12, 2026

House Judiciary Committee

Chairwoman Bartlett and members of the committee,

My name is Logan Seacrest, and I am a fellow of Criminal Justice and Civil Liberties at the R Street Institute, a nonprofit, nonpartisan public policy research organization. Our mission is to engage in policy research and outreach to promote free markets and limited, effective government. This is why HB 409, the Youth Charging Reform Act, is of special interest to us.

Maryland remains an outlier in how it treats young people in the legal system. In 2025, Maryland automatically charged more than 1,000 children as if they were adults, without judge or prosecutor input, more than any other state except for Alabama.¹ Most of these cases are eventually transferred back to juvenile court or dismissed, never resulting in an adult criminal conviction.²

The Youth Charging Reform Act promotes limited, effective government by changing this inefficient and expensive process. This bill will reduce the number of cases that start in the wrong court, preventing the waste of judicial resources on transfer hearings and waivers, saving the state millions of dollars per year.³

¹ Elizabeth Calvin and Emily Virgin. "Maryland Should Do Better by Children Accused of Crimes," March 12, 2025. <https://www.hrw.org/news/2025/03/12/maryland-should-do-better-children-accused-crimes>.

² Juvenile Justice Reform Council, "Final Report," Maryland Department of Legislative Services, January 2021. <http://dls.maryland.gov/pubs/prod/NoPblTabMtg/CmsnJuvRefCncl/JJRC-Final-Report.pdf>.

³ Maryland Department of Legislative Services, "Fiscal and Policy Note: House Bill 422, Juvenile Court - Jurisdiction," Maryland General Assembly, 2025. https://mgaleg.maryland.gov/2026RS/fnotes/bil_0009/hb0409.pdf

Importantly, this measure does not end or prohibit the prosecution of youth as adults. However, it does make those decisions more deliberate, giving prosecutors and judges more discretion over serious cases, not less.

This legislation still requires cases involving 16- and 17-year-olds charged with any of 12 serious offenses—including murder and carjacking—to begin in adult court. Prosecutors also retain the ability to petition for the transfer of other serious cases to adult court. Similarly, judges will continue to have the discretion to decide who is detained or released. The bill simply ensures that most youth cases begin where they should start: in a system designed to hold youth accountable while delivering age-appropriate rehabilitation services.

Maryland's current system of automatically charging youth as adults sets youth on a lifelong path of justice system involvement.⁴ Children charged as adults have higher rates of recidivism and are more likely to commit violent crimes later in life, compared to comparable individuals in the juvenile system.⁵ Furthermore, exposing young people to adult jails increases the risk of physical violence, sexual assault, and isolation, factors that often contribute to future criminality.⁶

Youth charged with serious offenses need to be held accountable. However, accountability should not come at the expense of effective public safety or fiscal responsibility. By passing the Youth Charging Reform Act, Maryland will improve long-term outcomes for Maryland's youth, reduce an extravagant misuse of government resources, and bring the state in alignment with national best practices and the latest scientific evidence on juvenile justice.

I respectfully ask that the committee issue a favorable report for HB 409.

Logan Seacrest
Resident Fellow
Criminal Justice and Civil Liberties
R Street Institute
lseacrest@rstreet.org

⁴ Nicole Scialabba, "Should Juveniles Be Charged as Adults in the Criminal Justice System?", American Bar Association, Oct. 3, 2016. <https://www.americanbar.org/groups/litigation/committees/childrens-rights/articles/2016/should-juveniles-be-charged-as-adults>.

⁵ Robert Hahn et al. "Effects on Violence of Laws and Policies Facilitating the Transfer of Juveniles from the Juvenile Justice System to the Adult Justice System: A Report on Recommendations of the Task Force on Community Preventive Services." Center for Disease Control MMWR Recommendations and Reports, 56: RR-9, November 30, 2007, pp. 1-11, <https://www.cdc.gov/mmwr/pdf/rr/rr5609.pdf>;

⁶ National Prison Rape Elimination Commission, "Report of the National Prison Rape Elimination Commission National PREA Resource Center, June, 2009, <https://www.prearesourcecenter.org/resource/national-prison-rape-elimination-commission-report>.

Testimony HB0409 pdf.pdf

Uploaded by: Shelley Winkler

Position: FAV

Date of Hearing: February 12, 2026
Shelley J. Winkler
Washington Grove, MD 20880

TESTIMONY ON HB0409 - POSITION: FAVORABLE

Juvenile Court - Jurisdiction (Youth Charging Reform Act)

TO: Chair Bartlett, Vice Chair Davis, and members of the Judiciary Committee

FROM: Shelley J. Winkler

My name is Shelley Winkler. I am a resident of the Town of Washington Grove, Maryland. I am submitting this testimony in support of HB0409, Juvenile Court - Jurisdiction (Youth Charging Reform Act).

I have lived in this area for nearly three decades. During that time I have volunteered extensively for my community, and also for the public elementary, middle and high schools my children attended. Most of the public schools my children attended were Title I schools, and I had a cherished opportunity to get to know youth from various backgrounds with varying levels of home/community support. Every single one of these children had so much positive energy to offer our community. There were times, though, that the lack of family support, or worse difficulties faced by the parents of some of these students, particularly by the time these youth were in high school, began to affect the ability of these students to put their full positive energy into school or extracurricular activities. It was painfully apparent that some of these children did the best they could despite the issues they were dealing with at home, but also that they were dealing with so much that school could not always be their priority.

A niece of mine has spent some years working with imprisoned, or previously imprisoned, youth in Massachusetts. She has shared their first person accounts of some of their stories on film. I would be happy to provide a link and password to anyone interested. Listening to these youth firsthand, one only can begin to understand the various traumas experienced in their short years — from having parents unable to guide them, to living in neighborhoods where committing crimes is part of the youth culture almost by necessity, to needing to fend for themselves just to get to school or home or to obtain food, and on. Every single one of these youth were endearing, despite all of their hardships, and it was clear that what they needed was not punishment but support.

Support of this Bill and ending the practice of automatically charging children as adults in Maryland courts is a critical step to providing justice for all.

I respectfully urge this committee to return a favorable report on HB0409.

JJREBP Written Testimony HB0409.pdf

Uploaded by: Sukyi McMahon

Position: FAV

TESTIMONY IN SUPPORT OF HOUSE BILL 409
February 12, 2026
**COMMISSION ON JUVENILE JUSTICE REFORM
AND EMERGING AND BEST PRACTICES**

The Commission on Juvenile Justice Reform and Emerging and Best Practices was established by statute to evaluate Maryland's juvenile justice system, identify emerging and best practices, and make recommendations to improve outcomes for youth while promoting public safety and system accountability.

In carrying out this charge, the Commission convened a multi-agency Processes and System Coordination Workgroup to examine Maryland's growing noncompliance with the Juvenile Justice and Delinquency Prevention Act (JJDP), with a particular focus on the detention of children in adult facilities. That work included extensive review of data, statutory analysis, and consultation with the Department of Juvenile Services, the Judiciary, the Governor's Office of Crime Prevention and Policy, county detention officials, and other stakeholders. The resulting report, entitled [*Maryland's JJDP Compliance Crisis: Children in Adult Detention*](#),¹ was approved by the Workgroup and subsequently adopted by the full Commission as an official Commission position.

The Commission's analysis found that Maryland's automatic charging statute is a primary structural driver of the State's ongoing JJDP noncompliance and the prolonged detention of children in adult facilities. Under current law, children are automatically charged as adults based solely on age and charge, without an individualized judicial determination. As a result, youth are routinely placed in adult jails immediately following arrest.

In recent reports documented by the Commission, **upwards of 85 percent of youth automatically charged as adults ultimately have their cases dismissed or transferred back to juvenile court**, often after spending weeks or months in adult detention. Despite these outcomes, children charged as adults experience extended timelines, waiting an average of 125 days for a transfer hearing and often more than a year, and in some cases up to two years, for final disposition. Cases initiated in juvenile court move on much faster timelines, with detained youth required by statute to receive adjudication within 30 days and spending an average of 27 days in a pre-disposition facility. Because the daily cost of detention is \$1,174, the extended stays associated with adult charges result in an average cost of nearly \$147,000 per child.

During that time, they are deprived of developmentally appropriate services, educational continuity, and rehabilitative programming. The Commission found that these placements expose youth to unsafe and inappropriate conditions and contribute directly to Maryland's violations of federal requirements governing the removal of youth from adult facilities and sight-and-sound separation.

The Commission's report concludes that Maryland's current statutory framework is misaligned with federal law and modern juvenile justice best practices. The automatic charging statute casts an unnecessarily wide net, funneling hundreds of children into adult detention even though most do not remain in adult court. This structure delays access to juvenile services, lengthens case timelines, and compounds federal violations.

¹ Commission on Juvenile Justice Reform and Emerging and Best Practices, Prepared by the Processes and System Coordination Workgroup (2025). *Maryland's JJDP Compliance Crisis: Children in Adult Detention*. <https://gocpp.maryland.gov/wp-content/uploads/Marylands-JJDP-Compliance-Crisis-Children-in-Adult-Detention-COMMISSION-APPROVED-.docx.pdf>

The Commission further found that these practices do not advance public safety. Children held in adult facilities are more likely to experience trauma, educational disruption, and disconnection from family and community supports. These outcomes undermine accountability and rehabilitation, particularly when cases are later dismissed or returned to juvenile court.

From a systems perspective, the Commission determined that incremental administrative fixes are insufficient. As long as automatic charging remains in place, Maryland will continue to face compliance challenges, operational inefficiencies, and avoidable harm to youth. The issue is structural, not procedural.

Maryland faces a significant risk of federal funding loss due to ongoing noncompliance with the Juvenile Justice and Delinquency Prevention Act following its 2018 reauthorization. Even under an optimistic scenario in which the State moves toward alignment with federal requirements, the Commission recently found that this represents an **estimated loss of roughly \$2 million in total federal funding over the next three years that would otherwise support community-based youth programs.**²

Based on its findings, the Commission formally recommended **ending the practice of automatic charging while retaining judicial discretion to waive appropriate cases to adult criminal court.** The Commission emphasized that this approach reflects national best practice, aligns with federal law, and restores individualized judicial decision-making to the most consequential jurisdictional determinations.

The Commission's recommendation does not eliminate adult court as an option for serious cases. Rather, it restores juvenile court as the default starting point and ensures that decisions to prosecute a child as an adult are deliberate, evidence-based, and made by a judge.

The Commission's work makes clear that Maryland's automatic charging statute is a central driver of prolonged youth detention in adult facilities, federal noncompliance, and outcomes that the system itself later reverses. Replacing automatic charging with a framework that begins cases in juvenile court, while preserving judicial discretion, directly addresses the structural failures identified in the Commission's report.

For these reasons, the Commission on Juvenile Justice Reform and Emerging and Best Practices supports legislation to reform Maryland's automatic charging statute as a necessary step toward a more compliant, effective, and developmentally appropriate juvenile justice system.

The Commission on Juvenile Justice Reform and Emerging and Best Practices urges the Senate Judicial Proceedings Committee to report favorably on HB 409.

² Governor's Office of Crime Prevention and Policy (2025). *Maryland's Compliance with the Juvenile Justice and Delinquency Prevention Act (JJDP)*.
<https://gocpp.maryland.gov/wp-content/uploads/MACo-Compliance-Presentation-8-2025-1.pdf>

HB 0409_Susan Tafler_FAV.pdf

Uploaded by: Susan Tafler

Position: FAV

Date of Hearing: February 12, 2026
Susan W. Tafler
Odenton, Maryland 21113

TESTIMONY ON HB409 - POSITION: FAVORABLE
Juvenile Court - Jurisdiction (Youth Charging Reform Act)

TO: Chair Bartlett, Vice Chair Davis, and members of the Judiciary Committee

My name is Susan Tafler. I am a resident of Odenton, District 21. I am submitting this testimony to the Judiciary Committee in support of HB409, the Youth Charging Reform Act. This important legislation seeks to address significant components of our state's unacceptable system of automatically charging kids as adults. Passing HB409 would allow more kids who are accused of crimes to receive support and rehabilitation, reducing violent crime and recidivism while treating them more fairly and humanely. It would also reduce the amount of time that these children wait for their cases to be heard and would prevent them from being incarcerated in adult jails. HB409 will simply change where juvenile cases start and would still allow cases to be waived up to adult court after judicial review

The Jewish values that I have grown up with have long recognized the differing capacities of children and adults. *Yetzer harah*, the "evil inclination," is seen as a drive toward pleasure that can be tempered by *yetzer hatov*, the "good inclination" or moral sense that leads to benefits toward oneself and society. The ability to "tame" the basic instincts, *yetzer harah*, with higher level reasoning, *yetzer hatov*, grows stronger as we mature, warranting different treatment of children and adults.

I taught high school biology for a good number of years, and I think I know what teenagers are like. In my classroom I certainly had my share of kids who were immature, impulsive, and disruptive and a few who have gotten themselves into trouble in the larger community. I could understand that adolescent brains are not adult brains! I did feel confident that given support and steady guidance those young troublemakers could eventually mature and settle down to turn into pretty good adults. I find it appalling that Maryland has been sending children as young as 14 to adult detention facilities. Autocharging especially harms Black youth, who are disproportionately targeted by police and our justice system. In fact, 81% of kids charged in adult court in Maryland are Black. Not only is this practice damaging to the children facing prosecution, it does not further the safety of the communities they live in. **I respectfully urge this committee to return a favorable report on HB409, the Youth Charging Reform Act.**

HB409_FAV_OFJ_Terry (1).pdf

Uploaded by: Terry Speaks

Position: FAV



Testimony in Support of House Bill 409 Youth Charging Reform Act

Committee Name: Judiciary

Hearing Date: 02/12/2026

Submitted by: Treveric Speaks, Leadership Development Organizer, Out For Justice

Thank you Chair Barlett, Vice Chair, and members of the committee. My name is Treveric Speaks, and I am here today to offer testimony in strong support of HB 409. I strongly oppose the practice of automatically charging youth as adults in the state of Maryland.

I come before you not just as an advocate, but as someone who lived through this experience firsthand. At the age of 16, I was tried as an adult. I was still a child—emotionally, mentally, and developmentally—yet I was forced into an adult legal system that was never designed to protect or rehabilitate youth.

In Maryland, the majority of youth who are initially charged as adults are eventually sent back to juvenile court. This reality alone shows that the system recognizes that many of these young people should never have been charged as adults in the first place. However, by the time that correction is made, the damage has already been done.

Being placed in adult court and adult facilities causes serious and lasting trauma. Adult prisons are not built for children. They expose youth to fear, violence, and psychological harm that stays with them long after their case ends. No one truly understands the weight of that trauma unless they have lived it. I did—and it follows you into adulthood, impacting education, employment, mental health, and the ability to rebuild your life. Children deserve rehabilitation, guidance, and support—not adult punishment. Automatically charging youth as adults does not improve public safety. It only increases harm, deepens trauma, and makes successful reentry more difficult.

Children are our responsibility. As lawmakers and as a society, we have a duty to protect them, even when they make mistakes. I respectfully urge this body to end the practice of automatically charging youth as adults and to keep young people in youth-centered systems that focus on accountability, rehabilitation, and growth.

If we truly believe in justice, second chances, and the future of our children, then we must stop treating children like adults in our legal system.

Thank you for the opportunity to testify.

HB409 - Youth Charging Reform Act_TH.pdf

Uploaded by: Theresa M. Hoffman

Position: FAV

Dear Members of the Judiciary Committee,

This testimony is being submitted by Showing Up for Racial Justice Baltimore, a group of individuals working to move folks as part of a multi-racial movement for equity and racial justice in Baltimore City and in Baltimore and Howard Counties. We are also working with Out For Justice. I am a resident of District 43b. **I am testifying in support of HB409, the Youth Charging Reform Act.**



Showing Up for Racial Justice

HB409 would end the practice of charging 14- and 15-year old children as adults and ensure that only 16- and 17-year-olds accused of the most serious crimes, such as rape and murder, are charged in adult court.

Unfortunately, after more than a century of progress in juvenile justice, in the 1990s Maryland reversed course and began to pass laws purporting to be “tougher” on youth crime, including requiring many charges against minors to be prosecuted in adult court by default.¹ Maryland, once progressive in its view of youth crime, is now a national outlier in its practice of automatically charging young people as if they were adults. Per capita, we send more young people to adult court based on offense type than every other state but Alabama.² Additionally, the current system disproportionately affects Black youth, as nearly 80% of Maryland youth charged in adult court are Black.³

The practice of charging children as adults is inhumane. It is also economically wasteful, as the vast majority of these cases are either transferred to juvenile court or dismissed.⁴ Finally, it does not even do what it is intended to do, since statistics indicate that automatic charging of youth as adults does not decrease youth crime generally or reduce recidivism by the youth so charged.⁵ By significantly decreasing the automatic charging of youth as adults, we can bring Maryland more into line with modern juvenile justice standards, redirect resources to treating rather than simply imprisoning young offenders, and ultimately improve the safety of our communities by preventing re-offending. **It is for these reasons that I am encouraging you to vote in support of HB409, the Youth Charging Reform Act.**

Thank you for your time, service, and consideration.

Sincerely,
Theresa M. Hoffman
803 Seaward Rd., Towson, MD 21286
Showing Up for Racial Justice Baltimore

¹ Jason R. Tashea, & Al Passarella, *Youth Charged as Adults: The Use and Outcomes of Transfer in Baltimore City*, 14 U. Md. L.J. Race Relig. Gender & Class 273 (2015). <https://digitalcommons.law.umaryland.edu/rrgc/vol14/iss2/4>

² The Sentencing Project, National Trends in Charging Children, Presentation to the JJRC (July 20, 2021). <http://dls.maryland.gov/pubs/prod/NoPbITabMtg/CmsnJuvRefCncl/Sentencing-Project-National-Trends-inCharging-Children.pdf>

³ Juvenile Justice Reform Council Supplemental Report, http://dls.maryland.gov/pubs/prod/NoPbITabMtg/CmsnJuvRefCncl/JJRC-Report-Final_2021SupplementalReport.pdf

⁴ In 2017-19, 48% of juveniles charged as adults in Baltimore City were returned to juvenile court, and 33% were dismissed or otherwise closed without a verdict. In MDEC counties the figures were 41% and 36% respectively. Juvenile Justice Reform Council Supplemental Report p 33.

⁵ Lila Kazemian, *Pathways to Desistance From Crime Among Juveniles and Adults: Applications to Criminal Justice Policy and Practice*, Nov. 2021 (internal citations removed), <https://www.ojp.gov/pdffiles1/nij/301503.pdf>

HB409(Juv Ct-Jurisdiction) 2026_ Ditz_ FAV.pdf

Uploaded by: Toby Ditz

Position: FAV

Thurs, Feb 5, 2026

Toby Ditz

Baltimore, MD 21217

TESTIMONY ON HB409: Favorable
Juvenile Court - Jurisdiction (Youth Charging Reform Act)

TO: Chair Bartlett, Vice Chair Davis, and members of the Judiciary Committee

FROM: Toby Ditz

I am Toby Ditz, a resident of District 40 in Baltimore City. I am submitting testimony in **support of HB409.**

I am also a retired historian of the United States. One of my specialties is the history of family life. Historical scholarship shows that this country has never been willing to grant poor and Black children the same protections as we do middle class white children. Until the late nineteenth century, all children of the poor were treated as little laborers, not as vulnerable youngsters requiring special care. But our failure to respect or even to recognize Black childhood is also the legacy of enslavement, with its brutal labor regimes and utter disregard for the integrity of Black families— a legacy which was then reinforced by the era of Jim Crow segregation. As implicit bias studies have shown again and again, racist stereotypes of Black children persist strongly to this day. We see them as more dangerous and impulsive than white children, and as older than they are.

The modern criminal justice system has been one of the main inheritors and perpetrators of our differential treatment of white and Black children. The criminalization of Black childhood is at its starkest when we treat children as *if they were adults* in criminal courts. There, they do not have access to rehabilitative and educative services that should be available to the young, and they have greater exposure to violence and solitary confinement (a violation of human rights law).

The practice of automatically charging children in adult courts is also pointlessly cruel because the majority of pre-conviction detention cases will ultimately end up in juvenile court or will be dismissed.

Maryland, we can do better. We must act decisively to disrupt the dismaying history of disparate treatment of Black children in our criminal justice system. Let's start by making sure children are treated as children when they first encounter our courts. **I respectfully urge this committee to return a favorable report on HB409.**

Support_ HB 409 - Juvenile Court - Jurisdiction (Y

Uploaded by: Tonaeya Moore

Position: FAV



HB 409 - Juvenile Court - Jurisdiction (Youth Charging Reform Act)
House Judiciary Committee
February 12, 2026
SUPPORT

Chair Bartlett, Vice-Chair, and members of the committee, thank you for the opportunity to submit testimony in support of House Bill 409. This bill will adjust state law to remove automatic transfers for certain offenses. Qualifying cases would originate in the juvenile court instead of defaulting to adult court, while still leaving the opportunity for the prosecution to petition to elevate the case to adult courts.

The CASH Campaign of Maryland promotes economic advancement for low-to-moderate income individuals and families in Baltimore and across Maryland. CASH accomplishes its mission through operating a portfolio of direct service programs, building organizational and field capacity, and leading policy and advocacy initiatives to strengthen family economic stability. CASH and its partners across the state achieve this by providing free tax preparation services through the IRS program 'VITA', offering free financial education and coaching, and engaging in policy research and advocacy. **Almost 4,000 of CASH's tax preparation clients earn less than \$10,000 annually. More than half earn less than \$20,000.**

Current law requires the defense counsel to petition the court to move the case back to juvenile courts after being automatically transferred. This disproportionately affects young people in low-income families who become justice involved. The Maryland Public Defender's Office has reported chronic staffing shortages and increasing caseloads, this limits the attorneys' capacity to file optional motions, like those needed to pursue individualized motions to move jurisdiction from adult court to juvenile.¹ Furthermore, 83.3% of the young people who were charged as an adult were Black, DJS states "racial and ethnic disparities in youth justice reveals that youth of color are twice as likely to be detained and committed to custody as white youth in Maryland".² Therefore, reliance on the defense's capacity functions as a barrier for poor youth and disproportionately harms Black juveniles, transforming procedural discretion into a mechanism that reinforces racial and economic inequality.

Finally, research regarding adolescent development in juveniles who are justice-involved shows that rehabilitation is far more feasible because youth differ from adults in cognition and responsiveness to interventions.³ Additionally, education is affected when a student faces charges when they are removed from school or subjected to further discipline. If confined, upon reentry, they face barriers of reenrollment, loss of academic credit, and placement in alternative, inferior schools. This not only negatively affects their education, but future success in education and earning potential. HB 409 takes a meaningful step in removing structural barriers that undermine rehabilitation, educational attainment, and fair treatment for justice involved youth.

Thus, we encourage you to return a favorable report for HB 409.

¹ Maryland public defender's office seeks more help. Maryland Matters.

<https://marylandmatters.org/2025/12/01/maryland-public-defenders-office-seeks-more-help/>

² Department of Juvenile Services. Research brief – Putting youth crime in Maryland in Context.

https://djs.maryland.gov/Documents/MD-DJS-Juvenile-Crime-Data-Brief_20230912.pdf

³ Trauma histories among justice-involved youth: Findings from the National Child Traumatic Stress Network. European Journal of Psychotraumatology, 4(1). <https://doi.org/10.3402/ejpt.v4i0.20274>

Joshi_Uday_Resident of District 46_HB 409_FAV.pdf

Uploaded by: Uday Sharad Joshi

Position: FAV

Uday Sharad Joshi

February 10, 2026

Contact: udayjoshi@umaryland.edu

**Written FAV Testimony in Support of House Bill 409
Youth Charging Reform Act
Judicial Proceedings Committee**

My name is Uday Sharad Joshi, and I am a resident of **District 46** in Baltimore City. For more than 25 years, I have worked with young people and families adversely impacted by the juvenile justice system in Maryland and across the country. **I am writing in strong support of House Bill 409, the Youth Charging Reform Act, because I have seen firsthand the harm caused by charging children as adults, and the far better outcomes when we choose a different path.**

Under current Maryland law, children as young as fourteen can be automatically charged as adults for certain offenses, without any judge ever considering their developmental stage, life circumstances, or capacity for change. This policy is a holdover from the “tough on crime” era, not a reflection of modern science, public safety, or common sense.

I want to share the story of a young person I will call Ahmed (alias).

Ahmed made a serious mistake during the summer between eighth and ninth grade. He was barely an adolescent. One of three children to a single mother who had to work constantly, 7 days and nights a week, just so her kids could survive. Because of automatic charging, he was sent to an adult prison without individualized review. In adult custody, Ahmed experienced fear, isolation, and exposure to violence that no child is equipped to survive. He lost access to education, appropriate mental health care, and the protections meant for youth. The emotional, physical, and spiritual suffering was more than a very recent adolescent could bear. It broke him into a thousand pieces.

Today, Ahmed is eighteen. All he wants is a job, a small home, and the chance to raise a family. Instead, he is trying to rebuild himself after being traumatized by a system that treated a child as irredeemable. That harm was not necessary for accountability, and it did not make our communities safer.

The research and my decades of experience are clear: prosecuting youth as adults causes profound harm and increases the likelihood of further involvement in the justice system. Youth held in adult facilities are more likely to be assaulted, denied education, and suffer long-term trauma. Many are ultimately sent back to juvenile court anyway, after weeks or months in adult detention. Maryland now leads the nation in violations of the Juvenile Justice and Delinquency Prevention Act because of this practice.

House Bill 409 offers a thoughtful and necessary correction. It ends automatic charging and restores discretion to judges, allowing serious cases to be transferred to adult court only after individualized review. This bill does not eliminate accountability; it ensures that decisions are based on evidence, development, and public safety rather than statute alone.

This is also a racial justice issue. More than 80 percent of youth automatically charged as adults in Maryland are Black. These disparities reflect structural inequities, not differences in behavior. Replacing automatic punishment with individualized decision-making is a critical step toward fairness.

Most importantly, HB 409 aligns Maryland law with what works. Juvenile courts are designed to hold youth accountable while addressing root causes through education, mental health care, and family engagement. Adult court does not do this.

House Bill 409 does not excuse harm. It recognizes a fundamental truth: children are different from adults, and our justice system should reflect that reality. Treating children as children is not leniency; it is smart, humane, and responsible public policy.

For these reasons, I respectfully urge a favorable report on House Bill 409.

Thank you for your time and consideration.

Uday Sharad Joshi

HB 409 - LBCMD 2026 Priority Support Letter.docx.p

Uploaded by: Ufuoma Agarin

Position: FAV



LEGISLATIVE BLACK CAUCUS OF MARYLAND, INC.

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February 12, 2026

Chair J. Sandy Bartlett
Judiciary Committee
101 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 409 - Juvenile Court - Jurisdiction (Youth Charging Reform Act). This bill introduces essential reforms to Maryland's juvenile justice system, ensuring that the rule preventing the juvenile court from dealing with cases involving children accused of crimes punishable by life imprisonment is removed. **House Bill 409 is a 2026 Legislative priority for the Black Caucus.**

Black youth in Maryland are disproportionately charged and sentenced as adults, which represents how the system is failing, as children are not fully developed to be placed in adult prison. According to data from the Maryland Psychological Association, the adolescent brain is not functioning the same as an adult brain which is why children and adolescents in the judicial system are not built to accommodate their needs and should be prevented from experiencing adult imprisonment. These disparities contribute to higher rates of incarceration as disproportionately around 80 % of juvenile cases are auto charged being those of African American youth despite representing 30 % of the state population. The goal of the judicial system is to decrease crime, but processing children as adults will not make that difference.

HB 409 ensures that charging children as adults may also affect their development into becoming healthy adults. According to the Gault Center, prosecuting children as adults may interrupt their development, harm their identity development, and allow them to lose opportunities to thrive as adults. It has also been stated that prosecuting young individuals as adults can create challenges once they are released, as they may struggle to make an honest living both economically and socially.

Additionally, youth who have experienced adult court have faced high rates of trauma. The Gault Center also states that nearly 70% have experienced six or more adverse childhood experiences prior to their incarceration. Around 73% reported experiencing physical abuse, 40 % experience sexual abuse, and around 75 % experienced emotional abuse as a child. More cases within the juvenile system reduce the likelihood of. To promote transparency and accountability, House Bill 409 ensures that juvenile cases are handled with a focus on helping the youth. This approach not only benefits the affected youth

but also strengthens communities by addressing that the youth should be charged in juvenile court and not adult court, as they are still developing.

By addressing the disproportionate impact of the adult criminal justice system on Black youth, House Bill 409 advances principles of justice and equity while allowing Maryland to redirect resources toward rehabilitation and community support. The bill's provisions reflect the Caucus's commitment to addressing systemic disparities and advocating for reforms that uphold human rights within the criminal justice system.

For these reasons, the Legislative Black Caucus of Maryland strongly supports House Bill 409.

Legislative Black Caucus of Maryland

HB 409 - SWASC - YCRA - FAV - kr.pdf

Uploaded by: UM SWASC

Position: FAV

TESTIMONY IN SUPPORT OF HOUSE BILL 409
Juvenile Court - Jurisdiction (Youth Charging Reform Act)
House Judiciary Committee
February 12, 2026

Social Work Advocates for Social Change supports HB 409, which adjusts state law to remove automatic transfers of juveniles to adult courts for certain offenses, ultimately reducing exposure to the adult system for Maryland children. Our coalition's position is informed by direct practice, research, and policy expertise, as well as the professional standards articulated in the National Association of Social Workers (NASW) Code of Ethics.

Maryland charges and incarcerates more children in our adult carceral system per capita than any other state except for Alabama: a shameful distinction made possible because of Maryland's laws.¹ Current Maryland law permits the automatic charging of children as young as fourteen as adults for certain offenses, without individualized judicial review. Automatic charging of juveniles is an antiquated idea left over from the "tough on crime" mindset of the 80s and 90s – and an era of racist "super predator" narratives. These types of interventions are not only ineffective in promoting public safety, but also ineffective in reducing violent behavior and recidivism by offenders.^{2,3} Moreover, this approach conflicts with well-established research on adolescent development and runs counter to the NASW ethical mandate to ensure that interventions are proportionate, fair, and responsive to developmental differences.

Expanding the juvenile court's jurisdiction is more efficient than continuing to charge children as adults. Under Maryland's current system, children charged as adults have their cases transferred to the juvenile court or dismissed at a rate of more than 80%.⁴ As the adult court processes the case, children spend, on average, three and a half months detained in adult facilities awaiting a transfer hearing. The transfer hearing determines whether the case will remain in adult court or be transferred to juvenile court. Passing HB 409 would decrease the number of children detained and the length of time they spend in detention waiting for the adult court to process their cases for transfer to the juvenile court. HB 409 ensures cases that ultimately end up in the juvenile court will begin there, thus streamlining an existing process.

Exposing children to the adult system undermines public safety. Processing and punishing children as adults harms young people and undermines public safety and community wellbeing. The educational disruptions that youth experience, even if they are not ultimately convicted and incarcerated long-term in the adult system, compromise their life outcomes and public safety. Extensive research has demonstrated that youth incarceration both leads to decreased likelihood of high school graduation and shows strong correlations between low educational attainment and crime.⁵ Reducing barriers to school completion can significantly improve public safety, including reducing rates of the most serious crimes.⁶ Charging children as adults only to have their case transferred to the juvenile court or dismissed altogether weakens their academic prospects and increases recidivism rates among low-risk children to begin with, dealing a significant blow to public safety and the prospects for these children.⁷

Maryland's current practice is harsh and out of step with most of the country, while disproportionately impacting Black children. In 1945, Maryland became the second state to begin charging children as adults for murder.⁸ Eighty years later, more than 85% of children automatically charged as adults in Maryland are Black, while Black residents account for only one third (31.6%) of the population.⁹ Maryland is leading the way, but in the wrong direction. In a 2024 report covering the high prevalence of trauma among children prosecuted and incarcerated as adults in Maryland, Human Rights for Kids recommended that Maryland amend waiver and transfer statutes, starting all cases involving children in the juvenile court.¹⁰ HB 409 does not go so far as to implement that recommendation, but it moves our justice system in the right direction.

HB 409 reflects contemporary research, professional ethics, and nationally recognized best practices in youth justice policy. By centering developmentally informed decision-making, the bill advances public safety, promotes equity, and upholds the ethical standards of the social work profession. Treating children in accordance with their developmental state is not inconsistent with accountability and essential to a humane and effective justice system.

Social Work Advocates for Social Change urges a favorable report on HB 409.

Social Work Advocates for Social Change is a coalition of MSW students at the University of Maryland School of Social Work that seeks to promote equity and justice through public policy and to engage the communities impacted by public policy in the policymaking process.

¹ Disposable children: The prevalence of child abuse and trauma among children prosecuted as adults in Maryland - human rights for kids: Working to end children's rights abuses. (2024) <https://humanrightsforkids.org/wp-content/uploads/Disposable-Children-The-Prevalence-of-Child-Abuse-and-Trauma-Among-Children-Prosecuted-As-Adults-in-Maryland.pdf>

² ACLU. American Civil Liberties Union. (2017) <https://www.aclu.org/news/smart-justice/diversion-programs-are-cheaper-and-more-effective-incarceration-prosecutors>

³ A guide to juvenile justice. Brennan Center for Justice. (2018) <https://www.brennancenter.org/our-work/analysis-opinion/guide-juvenile-justice>

⁴ Maryland Commission on Juvenile Justice Reform and Emerging and Best Practices. (2025). *Maryland's JJDPa compliance crisis: Children in adult detention*. <https://gocpp.maryland.gov/wp-content/uploads/Marylands-JJDPa-Compliance-Crisis-Children-in-Adult-Detention-COMMISSION-APPROVED-.docx.pdf>

⁵ The Sentencing Project. (2022); Moretti, E. (October 2005). *Does education reduce participation in criminal activities?* Research presented at the 2005 Symposium on the Social Costs of Inadequate Education. Teachers College, Columbia University, New York, NY.

⁶ Carnevale, A.P. et al. (2021). *The monetary value of economic and racial justice in postsecondary education: Quantifying the potential for public good*. Postsecondary Value Commission. <https://files.eric.ed.gov/fulltext/ED612641.pdf>

⁷ Feeney, M., & Lesley, A. (2024, May 10). *Raise the age: Ensuring all kids have access to the juvenile justice system*. Human Rights for Kids. <https://humanrightsforkids.org/publication/raise-the-age-ensuring-all-kids-have-access-to-the-juvenile-justice-system/>

⁸ Feld, B. C. (1987). The juvenile court meets the principle of the offense: Legislative changes in juvenile waiver statutes. *The Journal of Criminal Law and Criminology* (1973-), 78(3), 471–533.

⁹ U.S. Census Bureau (2025). *Quickfacts: Maryland*. <https://www.census.gov/quickfacts/fact/table/MD/RHI225223>

¹⁰ Disposable children: The prevalence of child abuse and trauma among children prosecuted as adults in Maryland - human rights for kids: Working to end children's rights abuses. (2024) <https://humanrightsforkids.org/wp-content/uploads/Disposable-Children-The-Prevalence-of-Child-Abuse-and-Trauma-Among-Children-Prosecuted-As-Adults-in-Maryland.pdf>

Former Prosecutors and Secretaries - SB323/HB 409

Uploaded by: Vincent Schiraldi

Position: FAV

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

HB409 Youth Charging Reform Act.pdf

Uploaded by: Zainab Chaudry

Position: FAV



Council on American-Islamic Relations

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

February 12, 2026

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

Re: Testimony In Support of HB 409 Juvenile Court - Jurisdiction (Youth Charging Reform Act)

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 409, the Youth Charging Reform Act. 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 legal system treats children in a manner consistent with research, fairness, and public safety. HB 409 represents a critical and long-overdue step toward ensuring that Maryland's youth justice system is developmentally appropriate, equitable, and effective.

HB 409 restores judicial discretion and individualized justice. Under current Maryland law, certain children - some as young as 14 - are automatically charged in adult criminal court based solely on the offense charged, without an individualized review of their age, circumstances, or rehabilitation potential. Maryland remains one of the few states that still relies heavily on automatic charging policies that remove judicial discretion at the earliest stage of a case.

HB 409 restores a common-sense approach by allowing cases involving youth to begin in juvenile court, where judges can evaluate each child individually and determine whether transfer to adult court is appropriate. This reform does not eliminate accountability. Instead, it ensures that decisions about prosecuting youth as adults are made through a deliberate and individualized judicial process.

This legislation reflects modern research on adolescent development. Extensive scientific research confirms that adolescents differ from adults in impulse control, risk assessment, and decision-making. Young people also have a significantly greater capacity for rehabilitation and positive behavioral change. Policies that automatically place children into adult court fail to recognize these well-established developmental realities.

When youth are placed in the adult criminal system, they are more likely to experience trauma, face dangerous detention environments, and reoffend later in life. By contrast, youth who receive developmentally appropriate interventions and services through the juvenile system are more likely to successfully reintegrate into their communities and avoid future system involvement.

HB 409 promotes public safety through rehabilitation. Public safety is strengthened when youth justice policies focus on rehabilitation rather than purely punitive responses. Evidence consistently shows that prosecuting children in adult court increases recidivism rates, while juvenile system interventions reduce long-term reoffending. HB 409 promotes safer communities by prioritizing approaches proven to reduce future crime and support youth development.

[Washington D.C.](#)

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

This bill helps address racial and systemic disparities. Automatic charging policies have historically produced significant racial disparities within the justice system. Youth of color are disproportionately charged in adult court and face harsher legal outcomes as a result. These disparities contribute to long-term inequities in education, employment, and community stability.

HB 409 advances fairness by ensuring that charging decisions are based on individualized judicial review rather than automatic statutory exclusions. This reform promotes equity while maintaining judicial authority to transfer serious cases to adult court when warranted.

Marland should align with national best practices. Many states across the country have moved away from automatic charging laws in favor of judicial review models that balance accountability with rehabilitation. HB 409 brings Maryland in line with evidence-based national best practices and international youth justice standards that recognize children should be treated differently from adults in the legal system.

The Youth Charging Reform Act strengthens fairness, promotes public safety, supports rehabilitation, and ensures children are treated according to their developmental needs. HB 409 does not remove accountability for serious offenses; rather, it ensures that decisions about charging youth as adults are made thoughtfully and based on individual circumstances.

For these reasons, CAIR respectfully urges a favorable report on House Bill 409.

Thank you for your consideration and commitment to a more just and effective youth justice system.

Sincerely,

Zainab Chaudry, Pharm.D.
Director, CAIR Maryland
Council on American-Islamic Relations
zchaudry@cair.com

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2026_02_12 House Bill 409 Juvenile Court Jurisdict

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STATE OF MARYLAND
OFFICE OF THE ATTORNEY GENERAL

ANTHONY G. BROWN
Attorney General

February 12, 2026

The Honorable J. Sandy Bartlett
Chair, Judiciary Committee
6 Bladen Street, 100 House Office Building
Annapolis, Maryland 21401

Re: House Bill 409 – Juvenile Court – Jurisdiction (Youth Charging Reform Act) (Support with Amendments)

Dear Chair Bartlett,

The Office of the Attorney General (OAG) supports House Bill 409 – Juvenile Court - Jurisdiction (Youth Charging Reform Act) with the amendments described below. House Bill 409 significantly limits the offenses for which children are automatically charged as adults in Maryland's criminal justice system.

House Bill 409 implements Recommendation #17 from the Maryland Equitable Justice Collaborative (MEJC), which calls for limiting the automatic adult charging of children to more serious felonies or providing more opportunities for judicial review before transferring children to adult court. This recommendation reflects the need to address systemic inequities in Maryland's juvenile justice system.

Currently, Maryland law allows children 14 and 15 years of age to be charged as adults for first-degree murder and first-degree rape and 16- and 17-year-olds to be automatically charged as adults for 33 offenses.¹ This approach does not consider the individual circumstances of a child's involvement in an alleged offense, their prior history, or their amenability to treatment. The practice has been increasing, with the number of children charged as adults growing by 24.9%

¹ Section 3-8A-03 of the Maryland Judicial Proceedings Act

between 2015 and 2024, and 87.4% of youth charged as adults in FY 2024 being charged automatically.²

The impact of these policies falls disproportionately on Black children. Although Black children make up only 31% of Maryland's youth population, they represented 81% of those charged as adults between 2021 and 2023, making them over seven times more likely to be charged as adults than their White peers.³ Additionally, Maryland has the fourth-highest rate in the nation of people incarcerated for crimes they committed as children, with 6% of Maryland's prison population in 2023 serving time for a crime committed as a child. This number is double the national average.⁴

Additionally, roughly 85 percent of youth automatically sent to the adult justice system either have their case dismissed or are sent back to the juvenile system, representing a significant system failure that exposes children to adult court proceedings without ultimate adult prosecution.⁵ During the pendency of these charges and any resulting trial, youth receive few if any rehabilitative opportunities, as adult prisons lack the post-conviction programs and specialized staff necessary for youth development.⁶ This gap in services during what may be months or years of pre-trial detention means that even youth whose cases are ultimately dismissed have been denied access to the educational, mental health, and rehabilitative interventions they would have received in the juvenile system.

House Bill 409 aligns Maryland with national best practices. More than half of all states have recently narrowed eligibility for children being charged as adults, and eight states now require all juvenile cases to start in juvenile court.⁷ This legislation represents a critical step toward ensuring that Maryland's juvenile justice system prioritizes rehabilitation over punishment and provides children with appropriate opportunities for treatment and reform.

We appreciate the intent of this legislation to limit the automatic adult charging of children and address the disparate impact on Black youth. However, to ensure effective implementation and appropriate public safety considerations, we respectfully recommend the following amendment:

Proposed Amendment - Add "Pattern of Violent Crime" Definition and Exception:

² Youth Charged as Adults data from Maryland Department of Public Safety and Correctional Services via Governor's Office of Crime Prevention and Policy (GOCPP) dashboard, pulled January 2025.

³ Youth Charged as Adults data from Maryland Department of Public Safety and Correctional Services via Governor's Office of Crime Prevention and Policy (GOCPP) dashboard, pulled August 2024.

⁴ Human Rights for Kids, "Crimes Against Humanity: The Mass Incarceration of Children in the United States," 2023, [Human-Rights-For-Kids-Crimes-Against-Humanity-The-Mass-Incarceration-of-Children-in-theUS.pdf](https://www.humanrightsforkids.org/wp-content/uploads/2023/09/Human-Rights-For-Kids-Crimes-Against-Humanity-The-Mass-Incarceration-of-Children-in-the-US.pdf).

⁵ Report of the Processes and System Coordination Workgroup of the Commission on Juvenile Justice Reform and Emerging and Best Practices, October 23, 2025. <https://gocpp.maryland.gov/wp-content/uploads/Marylands-JJDPA-Compliance-Crisis-Children-in-Adult-Detention-COMMISSION-APPROVED-.docx.pdf>

⁶ 'Lamentable' policy of automatically trying some juveniles as adults must change, former judge says," February 26, 2025. <https://marylandmatters.org/2025/02/25/lamentable-policy-of-automatically-trying-some-juveniles-as-adults-must-change-former-judge-says/>

⁷ William Brangham, "Advocates push to end the automatic charging of juveniles as adults in certain crimes," PBS News Hour, November 2022.

First, in § 3-8A-01, add the following definition:

"Pattern of violent crime" means that the child is alleged to have participated in, within a six-month period, two or more of the following, when charged in the same charging document, provided the crimes were not part of the same incident:

1. *Murder in the first or second degree;*
2. *Rape in the first or second degree;*
3. *Robbery or robbery with a dangerous weapon;*
4. *Carjacking or armed carjacking;*
5. *Home invasion;*
6. *First-degree assault; or*
7. *An attempt to commit any of these offenses.*

Then, in § 3-8A-03, at page 4, between lines 20 and 21, where the bill lists cases over which the juvenile court "does not have jurisdiction," add:

(4) A child at least 16 years old alleged to have committed a pattern of violent crime, as defined in § 3-8A-01.

This amendment ensures that the bill addresses children engaged in truly persistent patterns of serious violent behavior while preventing the inappropriate application of automatic adult charging to unrelated standalone offenses or single incidents involving multiple charges. By requiring that offenses be charged in the same charging document under Maryland Rule 4-203(a), the amendment ensures that they are "of the same or similar character or connected together or constituting parts of a common scheme or plan." By requiring that offenses not stem from the same incident, it prevents including a child who commits one violent offense that results in multiple charges.

With this amendment, this legislation will effectively balance public safety considerations with the critical need to ensure that Maryland's juvenile justice system provides children with fair and appropriate opportunities for rehabilitation. We have shared proposed amendment language with the bill sponsor and remain available to work collaboratively with the Committee to refine this legislation.

For the foregoing reasons, the Office of the Attorney General respectfully urges the Committee to give **House Bill 409** a favorable report with the amendments described above.

Sincerely,



Anthony G. Brown

CFCC Testimony in Support HB409.pdf

Uploaded by: Aubrey Edwards-Luce

Position: FWA

**The University of Baltimore School of Law’s Sayra and Neil Meyerhoff Center for
Families, Children and the Courts (CFCC)**

In Support with Amendments of HB 409

Juvenile Court – Jurisdiction (Youth Charging Reform Act)

TO: Chair Bartlett, Vice-Chair Davis and Esteemed Members of the Judiciary Committee:
FROM: CFCC Executive Director Aubrey Edwards-Luce, MSW, Esq.

February 10, 2026

The Sayra and Neil Meyerhoff Center for Families, Children and the Courts (CFCC) at the University of Baltimore School of Law envisions communities where children and families thrive without unnecessary involvement in the legal system. CFCC engages communities to work towards transforming systems that create barriers to family well-being.

CFCC supports HB 409 with amendments, as the bill seeks to reform Maryland’s unjust system of automatically charging youth as adults by eliminating the automatic charging of youth aged 14 and 15 and reducing the chargeable offenses for 16 and 17-year-olds. **CFCC proposes amendments to end the automatic charging of all youth for all offenses.** This would enable a judge to waive a youth’s case into the adult system on a case-by-case basis and also ensure that the initial judicial review would be completed in the juvenile system. **If amended as proposed, HB 409 will protect a youth’s constitutional right to family integrity, align our legal system’s practice with the science of adolescent development, protect youth from harmful conditions, and facilitate youth’s access to developmentally appropriate services.**

I. HB 409 will protect a youth’s right to family integrity.

The Constitution provides that families have a fundamental right to family integrity, which includes preserving the family entity, without unwarranted state interference.¹ The parent-child bond is extremely imperative for the healthy upbringing of a child and severing that bond can result in a traumatic experience for both the child and the parent.² Specifically, research reveals that children with an incarcerated parent are more likely to experience mental health issues,

¹ Shanta Trivedi, *My Family Belongs to Me: A Child’s Constitutional Right to Family Integrity*, 56 Harvard Civil Rights - Civil Liberties Law Review (2021).

² Indiana University, *Analysis Finds More Research Needed On Impact Of Maternal Incarceration On Children*, (May 15, 2023), <https://policyinstitute.iu.edu/news-media/stories/maternal-incarceration-brief.html#:~:text=A%20child's%20school%20experience%20also,quit%20school%20than%20other%20children>.

which include depression and anxiety.³ This phenomenon will negatively exacerbate when an incarcerated parent is a youth who is automatically charged as an adult, as they are separated from their families for a much longer time awaiting their hearing than they would have had they initially been placed in the juvenile system.⁴

Further, a youthful parent held in an adult system may need to comply with court orders, which include completing education or finding employment, all while coping with the emotional effects of losing the parent-child bond during that time of confinement.⁵ The impacts of automatically charging a youth as an adult not only pose a risk to the incarcerated parent and their interest in maintaining family integrity but also detrimentally contribute to their child's trauma, creating a ripple effect which negatively impacts the mental and emotional development of future generations.⁶ HB 409, with the proposed amendment, will mitigate the negative impact that separation of parent and child will have on family integrity and prioritizes the parent-child bond through rehabilitation of the youth parent, all of which the adult system is incapable of providing.⁷

If amended HB 409 will significantly reduce the unnecessary harm of charging youth as an adult, ensuring an age-appropriate judicial review and access to essential developmental services while safeguarding their exposure to harmful conditions and upholding their right to family integrity.

II. If amended, HB 409 will align our legal system's practice with the science of adolescent development.

Sending youth to the adult criminal system is a serious action. It communicates, contrary to modern-day research, that a young person is undeserving or beyond the hope of the rehabilitation found in the juvenile legal system. It tells teenagers that they are hardened criminals. It says to young people that they need the harsher punishment that is found in the adult criminal system. In most case, automatically charging youth as if they are adults is in direct contradiction to their well-being, our communities' safety, and children's right to family integrity.

In general, adolescent brains are different from adult brains in their ability to control their impulses and to consider the future consequences of their actions. The type of charge that a young person receives cannot tell us whether that young person has the type of maturity that

³ *Id.*

⁴ Acoca, Leslie, *Are Those Cookies For Me Or My Baby? Understanding Detained And Incarcerated Teen Mothers And Their Children*, <https://isc.idaho.gov/cp/docs/Understanding%20Detained%20and%20Incarcerated%20Teen%20Mothers%20and%20Their%20Children.pdf>, (Last visited Jan. 31, 2025)

⁵ *Id.*

⁶ *Id.*

⁷ Mooney, Emily, *Maryland: A Case Study Against Automatically Charging Youth As Adults*, (Oct. 2019), <https://www.rstreet.org/wp-content/uploads/2019/10/Final-Short-No.-76.pdf>.

could conceptually be appropriate for the adult criminal system. The charge should not be determinative of whether our legal system should treat children as if they are adults.

The rates of adverse childhood experiences and abuse experienced by children who were tried as adults weighs in favor always allowing a judge to make this critical decision. Research from Human Rights of Kids reports that over 70% of survey respondents who were children that were waived into the adult criminal system had experienced physical abuse before their incarceration.⁸ A youth's charge cannot tell you if she is actually a child sex-trafficking victim who killed her trafficker. Nor can the charge tell you if the alleged youthful offender is an older brother who acted to protect their little sister from gang violence. Such a very serious decision should be determined by a judge who can take into account the totality of the child's circumstances and the details of the alleged offense. If all cases involving young people started out in the juvenile court system, then these types of details could be taken into consideration before children are placed in the adult system and put at risk of experiencing the types of harm described below.

III. HB 409 will protect youth from unnecessary harm to their psychological and physical wellbeing.

Charging youth as if they were adults places them at risk of harm because the adult system was not designed to accommodate youths' needs for safety and developmentally appropriate services.⁹ Research reveals that youth placed in adult facilities are reported to be more fearful and are likely to form relationships with anti-social individuals while incarcerated, posing harm to their psycho-social development.¹⁰ Further, a child's proximity to violence in the adult justice system exacerbates the likelihood of their harm and disintegration of their well-being.¹¹ Often, youth who are charged as if they were adults are placed in solitary confinement in adult facilities as they await their hearing.¹² These children are in solitary confinement for approximately 23-24 hours a day, which is similar to torture.¹³

⁸ Human Rights for Kids. Disposable Children: The Prevalence of Child Abuse and Trauma Among Children Prosecuted As Adults in Maryland, (Nov. 20, 2024), <https://humanrightsforkids.org/publication/disposable-children-the-prevalence-of-child-abuse-and-trauma-among-children-prosecuted-as-adults-in-maryland-2/> (Last visited Jan. 31, 2025).

⁹ Moodee, JT, et al., *Maryland Public Defender's Office Calls For An End To The Automatic Charging Of Minors As Adults*, (Jan. 16, 2025), <https://www.cbsnews.com/baltimore/news/maryland-juvenile-justice-general-assembly-legislation-legal-system/>.

¹⁰ Silver, Ian A., et al., *Incarceration of Youths in an Adult Correctional Facility and Risk of Premature Death*, <https://pmc.ncbi.nlm.nih.gov/articles/PMC10323704/>, (Last visited Jan. 31, 2025).

¹¹ Human Impact Partners, *Juvenile InJustice: Charging Youth as Adults is Ineffective, Biased, and Harmful*, (Feb. 2017), <https://humanimpact.org/hipprojects/juvenile-injustice-charging-youth-as-adults-is-ineffective-biased-and-harmful/#:~:text=When%20we%20lock%20up%20young,that%20can%20worsen%20family%20poverty.>

¹² Johnson, Kevin, *Consequences of Trying Children as Adults Often Ignored*, (Jan. 9, 2024), <https://nationalpress.org/topic/juveniles-criminal-justice-prosecution-courts-journalism/>.

¹³ *Id.*

Additionally, automatically charging a youth as an adult can confine them for an unreasonable and unwarranted amount of time.¹⁴ This torture is highly detrimental and unnecessary and will have a terrible impact on the child’s development. Youth will be accountable for their behavior even if they initially wait for their hearing in the juvenile court system. Juvenile court hearings can initiate the process of transferring the youth to the adult system on a “as needed” basis.¹⁵ HB 409 with the proposed amendment will ensure an unnecessary exposure of children to the harsh conditions of the adult justice system, which was built as a purely punitive measure for criminals, not for youth awaiting a hearing.

IV. HB 409 will facilitate youth’s access to developmentally appropriate services.

The automatic charging of a youth as an adult can result in the denying youth access to crucial services, as the adult system does not provide these services. These services include the opportunity to seek treatment, education, and counseling, all of which are essential for healthy growth and development.¹⁶ Further, research supports that education can reduce the likelihood of a youth re-offending, emphasizing the importance of ensuring that all youth have proper access to minimize the possibility of recidivism.¹⁷ HB 409, with the proposed amendments, will ensure that children will have immediate access to developmentally appropriate services they do not receive when placed in the adult facilities.

For these reasons, the CFCC strongly supports HB 409 with amendments and urges a favorable report with amendments.

¹⁴ Mooney, Emily, *Maryland: A Case Study Against Automatically Charging Youth As Adults*, (Oct. 2019), <https://www.rstreet.org/wp-content/uploads/2019/10/Final-Short-No.-76.pdf>.

¹⁵ Byers, Christine, *Failure To Change Or A Failed System? The Complexity Of Charging Children As Adults*, (Aug. 31, 2020), <https://jlc.org/news/failure-change-or-failed-system-complexity-charging-children-adults>.

¹⁶ Silver, Ian A., et al., *Incarceration of Youths in an Adult Correctional Facility and Risk of Premature Death*, <https://pmc.ncbi.nlm.nih.gov/articles/PMC10323704/>, (Last visited Jan. 31, 2025).

¹⁷ Juvenile Law Center, *Youth Tried as Adults*, <https://jlc.org/issues/youth-tried-adults#:~:text=Prosecuting%20Youth%20as%20Adults%20Puts,with%20the%20%20opportunity%20to%20apply>, (Last visited Jan. 31, 2025)

House Bill 409 - Written Testimony.pdf

Uploaded by: Allan Culver

Position: UNF

WRITTEN TESTIMONY REGARDING HOUSE BILL 409 (UNFAVORABLE)

Madam Chair, members of the committee, my name is Haven Shoemaker, State's Attorney for Carroll County and this testimony is submitted in opposition to House Bill 409, Juvenile Court – Jurisdiction in its current form. Not every crime committed by a juvenile is appropriate to be centered around the rehabilitation of the juvenile. The most violent of criminal offenses committed by juveniles require a more balanced approach that includes considering the rights of the victim and the safety of the community.

Numerous mechanisms are included in the current process to protect juveniles:

- Age requirements for initial charging.
- Juveniles may request a transfer hearing to be remanded to the juvenile system.
- Juveniles have a bail review in front of a judge on the next day of court to determine if they're eligible to return to the community.
- Even after conviction, the juvenile may request a review to determine if the case should be remanded to the juvenile system.

There is a misconceived perception that a large number of juveniles charged as adults are of a very young age. However, between 2013 and 2020, an average of 975 juveniles were charged with automatic adult offenses. Of those 975, 95% were 16 to 17 years of age and 61% were 17 years of age. (INFORMATION COURTESY OF THE JUVENILE JUSTICE REFORM COUNCIL)

Lately there has been a movement to close and eliminate juvenile detention facilities and many of these facilities needed to be closed. However, no juvenile facilities have been developed to replace the ones that were closed. Eliminating adult jurisdiction will cause violent juvenile offenders, who may be more appropriate for an adult detention facility, to be housed in already overburdened, overcrowded juvenile facilities with other juveniles who will be in danger.

I urge an unfavorable report to House Bill 409 in its current form or request that the matter be tabled for further discussion to see if an agreement can be worked out to allow certain violent crimes to remain as automatic adult jurisdiction for juveniles.

Haven N. Shoemaker
State's Attorney for Carroll County
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Letter Of Support HB409 (2026).pdf

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Position: UNF



OFFICE OF THE STATE'S ATTORNEY FOR BALTIMORE CITY

February 12, 2026

Chair, Judiciary Committee
House Office Building
6 Bladen Street
Annapolis, MD 21401

RE: Opposition – HB 409 – Juvenile Court - Jurisdiction (Youth Charging Reform Act)

Dear Chairwoman Bartlett, Vice Chair Davis, and Honorable Members of the Committee,

HB409 as introduced would simply alter the jurisdiction for juvenile crimes and while the ideology behind the bill is one many people seem to understand, there are deep faults that lie within that could potentially cause catastrophic consequences for everyone it aims to protect. By eliminating automatic charging of youth aged 14 and 15 and also reducing the list of charges for youth 16 and 17 years of age, it will flood an already burdened and broken juvenile justice system, leaving those who were intended to benefit from the change, with uncertain futures.

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

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

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



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

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

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

Give DJS the time they need to get the services and programming in place before making such a drastic change in the law. And then see how those services/programming fare for the youth: is it working, is it not working, what needs to be added/changed, etc.? Having an idea without safeguards or boundaries in place, because that is your own personal belief, is a dangerous thing and will lead to unfortunate consequences for all.

The Offices of State's Attorneys throughout the State remain committed to a juvenile system that is just, fair and effective and capable of delivering accountability while supporting rehabilitation where appropriate. Collectively, we are opposed to this bill due to the pandoras box this has the potential to open if it is decided to not charge juveniles in certain felony cases as is currently decided by the nature of the crime committed.

For instance, in cases of attempted murder, or first or second-degree assault, if you allow juveniles to remain in the juvenile system without fear of serious consequences, the older criminals will start preying on them and having them commit these heinous crimes, which will cause shootings and homicides to explode across the state.



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In closing, I suggest the following:

- 1) Implementation of a 3-year moratorium.
- 2) Creation of a Juvenile Jurisdiction Workgroup.
- 3) Collaboration in the development of the juvenile jurisdiction policies that are best for our state that enables us to consider costs, staffing, state of Department of Juvenile Services facilities as referenced in the Ombudsman Report and timelines.

This is an extremely complex bill that would be awful for addressing juvenile crime in our state if not done right. For these reasons and more, I oppose HB409, not on its merits but based on where we are as a state and the current state of our juvenile system. I believe we deserve it to our youth and to Secretary Tolentino to give them a fair chance at success by getting it right the first time, and giving as many resources as possible to the juvenile system to ensure that these young men and women don't become statistics or wind up in the adult system where we have nothing for them but a jail sentence and a jumpsuit.

Yours in service,

Ivan J. Bates

Ivan J. Bates
States Attorney for Baltimore City

20260210 HB0409 Opposition.pdf

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Position: UNF



JAMIE L. DYKES
STATE'S ATTORNEY

DATE: February 10, 2026

BILL NUMBER: SB 0323/HB 0409

POSITION: Unfavorable

Limiting direct file would increase the risk to public safety and substantially impair prosecutors' and the courts' ability to address serious juvenile crime. The Department of Juvenile Services (DJS) is already a strained system, lacking sufficient safeguards, supervision capacity, and outcome-based accountability to ensure meaningful rehabilitation for the high-needs youth it serves.

At the outset, I must address the repeated assertion that 85% of juveniles charged as adults are transferred back to juvenile court. That statistic does not reflect the experience in Wicomico County.

Our data demonstrate that direct file is used responsibly and reserved for the most serious conduct and/or for recidivist offenders:

- **2023:** Eight juveniles were charged in adult court. One was transferred (12.5%), with the consent of the State. One case was dismissed due to lack of victim cooperation.
- **2024:** Seventeen juveniles were charged as adults. Five were transferred (29.4%), four with the State's consent. One of those five was later indicted on additional charges and prosecuted in adult court.
- **2025:** Fourteen juveniles were charged as adults. Five were transferred (35.7%), all with the State's consent. One case was dismissed for lack of victim cooperation; one was placed on the STET docket as part of a global resolution.

By contrast, cases originally filed in juvenile court that were later waived to adult court were exceedingly rare:

- 3.6% in 2023
- 2.9% in 2024
- 4.7% in 2025

These figures confirm that direct file is not overused. It is a measured tool, reserved for the most serious and violent cases and/or for repeat offenders undeterred by DJS treatment. Eliminating or limiting this

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prosecutorial tool will unnecessarily inhibit the ability of law enforcement and State's Attorneys to guard the public safety.

Escalating Youth Violence and Systemic Failure

Since 2023, Wicomico County has experienced a significant rise in gang-related youth violence involving drug distribution, car theft, illegal firearms, and murder. Gang membership is largely juvenile.

On April 16, 2023, a gang-related shooting resulted in the murder of a 16-year-old and the wounding of a 21-year-old outside a restaurant. The perpetrators, ages 15 and 16, have both been convicted of murder as adults.

Six weeks later, in a continuation of that conflict, we experienced our first mass shooting, a 15-year-old was killed and seven (7) others were wounded at a July 4 gathering. The perpetrators, 15, 16, and 27, have all been convicted.

Critically:

- The 15-year-old defendant in the July 4 murder was AWOL from a DJS placement.
- The 16-year-old defendant in the July 4 incident was one of the two involved in the earlier April 16 homicide.
- Each juvenile charged as an adult had extensive prior juvenile contacts:
 - Six (6) prior contacts for the 16-year-old involved in both shootings
 - Thirteen (13) prior contacts for the 15-year-old in the April homicide
 - Ten (10) prior contacts for the 15-year-old in the July homicide

These cases reflect escalating violence despite repeated juvenile system intervention.

Additional recent cases reinforce these concerns:

- A juvenile who cut off his ankle monitor and absconded from DJS supervision was later charged with murder and illegal firearm possession after shooting a victim in the face while AWOL. He has ten (10) prior juvenile contacts.
- Another juvenile failed to appear for a waiver hearing after being charged with burglary. While an arrest writ was outstanding, he turned eighteen and committed another burglary as an adult. Both cases now proceed in adult court.

These are not isolated lapses. They reflect structural deficiencies in DJS supervision, enforcement authority, and capacity.

State's Attorneys across Maryland can provide similar examples of violent offenses committed by juveniles who were under supervision but not effectively managed or rehabilitated.

The harm is not limited to the homicide victims themselves. Families of victims are devastated. Communities are destabilized. And young offenders, after repeated unsuccessful intervention, learn the lesson that criminal behavior carries no consequence for them and, ultimately, leads them to face more severe adult consequences that earlier, more effective intervention might have prevented.

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Rehabilitation must be effective.

Currently, DJS often measures inputs, such as hours of services provided, rather than meaningful outcomes. Tracking time spent, including the completion of schoolwork packets with little or no structured adult engagement, is not the same as delivering intensive therapeutic intervention that reduces violent behavior, improves compliance, and enhances public safety.

Our children, both those within the juvenile system and those in the broader community, are not better served when supervision fails and performance is measured by activity instead of results. Across this State, prosecutors see the consequences firsthand. Whatever aggregate statistics may suggest, the on-the-ground reality in our communities demonstrates that too many youth are not being effectively redirected before serious harm occurs.

For certain serious and repeat violent offenders, the Youthful Offender Program at Patuxent Institution provides more structured supervision and rehabilitative intensity than DJS is currently able to deliver.

Patuxent Institution, operated by the Maryland Department of Public Safety and Correctional Services, houses a specialized Youthful Offender Program serving individuals generally between 18 and 25 years of age convicted of serious crimes. Unlike traditional incarceration, Patuxent provides:

- Cognitive-behavioral treatment
- Educational and vocational programming
- Substance abuse treatment
- Mental health services
- Individualized case planning
- Structured, compliance-driven supervision

Importantly, Patuxent has the authority to impose meaningful structure, enforce accountability, and retain custody when individuals present ongoing risk. It offers containment and therapeutic intensity that DJS placements, particularly for juveniles who repeatedly abscond or escalate, cannot provide.

For the most serious repeat offenders, these tools are more robust and more capable of interrupting the trajectory toward continued violence.

The juvenile justice system, as currently structured and resourced, is not equipped to adequately protect public safety in cases involving serious, violent offenders. Eliminating or significantly limiting direct file, particularly by removing most firearm offenses from eligibility, would further restrict the ability of law enforcement and prosecutors to respond effectively to the most dangerous conduct.

The risk will not be theoretical. It will be borne by victims, their families and communities.

Before enacting further limitations, I urge a realistic assessment of DJS's operational capacity and measurable outcomes, including review of the Ombudsman's report. I also urge you to consider the concerns raised by the Maryland Judicial Council Legislative Committee memo filed relative to SB0323 on January 28, 2026. With so many clear warnings from independent entities, it is difficult to understand the rush to legislate a solution that DJS is so ill-equipped to manage and sustain.

Public safety policy must be grounded in verified performance.

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Attached are screenshots obtained during Wicomico County's 2023 homicide investigations reflecting the gang-related activity at issue. These images illustrate both the nature of the conduct and the level of firepower involved.

For these reasons, this Office respectfully urges an unfavorable report on SB 0323 / HB 0409.



OFFICE OF THE STATE'S ATTORNEY FOR WICOMICO COUNTY

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www.wicomicostatelaw.com

HB 409 - unfavorable - juvenile court - jurisdicti

Uploaded by: Kirsten Brown

Position: UNF

Ivan Bates
President



Kirsten N. Brown
Executive Director

Maryland State's Attorneys' Association
3300 North Ridge Road, Suite 185
Ellicott City, Maryland 21043
kbrown@mdsaa.org ~ 301-748-1312

DATE: February 10, 2026

BILL NUMBER: HB 409

POSITION: Unfavorable

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

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

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

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

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

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

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

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

MSAA is asking for an unfavorable report.

Letter in Opposition HB 409.pdf

Uploaded by: Laura Wilt

Position: UNF



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 🌐 mdcrimevictims.org

LETTER IN OPPOSITION TO HOUSE BILL 409: Youth Charging Reform

February 10, 2026

Headquarters

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On behalf of the Maryland Crime Victims' Resource Center (MCVRC), I write to express strong opposition to House Bill 409. MCVRC provides legal services for crime victims statewide and is the nation's largest nonprofit of its kind. I write on behalf of our ever-increasing number of clients devastated by juvenile offenders mishandled in a powerless juvenile court system. Marylanders are not safe when juvenile offenders are handled by an ineffective agency intake system and by courts without enforcement authority.

MCVRC understands that there are changes that should be made to the charging system for youth charged as adults, but HB409 recklessly disregards that Maryland's juvenile court system is incapable of handling the most serious offenders. It is the intake, the pre-trial procedures and the ability to place youth that most need reform before moving these serious offenders.

Since 2022, juvenile justice in Maryland has been voluntary treatment over punishment- arguably ideal for much of youthful offenders, but inadequate for the most serious offenders and offenders with a history of non-compliance with voluntary measures. These juveniles must have careful evaluations and judicial review before the decision is made to put their case into such a powerless juvenile system.

Starting such serious cases in the adult system- with a presumption that the juvenile will transfer to juvenile court if in the best interest of the youth *or* the community- protects everyone. Starting in juvenile however, fast-tracks recidivism and more victims being hurt.

If enacted, HB 409 applies these juvenile court rules to Armed Robberies, First Degree Assaults, Firearm offenses, and other violent crimes:

- DJS employees decide on pretrial detention. The revolving cycle of police arrests and DJS releases has plagued our city streets with repeat offenders and additional victims.
- Juvenile Courts have no power to determine the length of a juvenile sentence. The statutes and Appellate Court decisions are clear: "The juvenile court may not

impose a minimum period of commitment on a juvenile who has been adjudicated delinquent.”¹

- DJS controls placement duration (average 107 days), not the Court.- The most recent data published by DJS shows that in their facility for the most serious offenders the average length of stay is 107 days. DJS decides when a juvenile will be released; courts may not keep youth in placement for security or safety reasons, only treatment.
 - DJS has only one hardware secure facility for juvenile male placements. There is only one maximum-security placement in Maryland for males, and it only holds 27 males with an average length of stay of 107 days. After that the offender will be back on the street. DJS Data Resource Guide.
 - Juvenile Court’s Probation Orders lack enforcement capability. Unless juveniles commit a new crime, have violations of contact with a victim, or completely abscond, a violation of probation is meaningless. A court can chastise and give them a speech, but nothing more.
 - Juvenile Court trials must occur within 30 days or the juveniles are released from detention. These time requirements eliminate any ability to obtain expert witnesses, analyze DNA or firearm evidence, obtain forensic or crime scene evidence testing. Juveniles charged armed robberies, 3rd Degree Sexual Assaults, 1st degree assaults (serious injury or with a weapon). Rules like this and more need to be changed.

A voluntary system is not a plan to keep our community safe with the most serious of offenders.

The current system to start the charges in adult court has the following protections for juveniles, ensuring that if they are amenable to treatment, they will be sent to juvenile court:

- Attorneys provided immediately at the point of arrest, detention, and throughout every court proceeding.
- Direct file is limited to a specific list of violent crimes.
- Adult Court rules require moving to juvenile detention centers pending trial except in a rare and extreme situation. (With passage of HB 389 even the exceptions would be eliminated.)²
- A thorough, evidence-based decision by a judge about juvenile court jurisdiction. When charged in the adult system, the first and most critical decision the court makes is whether to move the juvenile’s case to juvenile court. The juvenile is provided with one or two public defenders, and there are psychological evaluations (often multiple) ordered; all

¹ In re Julianna B., 947 A.2d 90, 130, 179 Md.App. 512, 580 (2008) (internal citations omitted) (Juvenile committed Second Degree Murder. The Court transferred her to the juvenile court system. The Appellate Court ruled that the trial judge’s order and stated intent to keep the juvenile in the juvenile placement until she was 21 was illegal. Court was without such power.).

² Even this exception would be eliminated with the passage of HB 389/SB 296. HB389 would eliminate all juveniles in adult detention.

state-funded. A court considers extensive evidence to make this decision in contrast to important decisions being made by an administrative agency with no power to enforce rules.

- The vast majority of the youth charged as an adult are moved to juvenile court after this process of multiple evaluations and analysis by a judge. This in-depth process provides due process for the juveniles, allows victims to be heard, and provides more safety provisions for the community. This process, including expert evaluations, enables informed recommendations. This process maximizes success for youth and community alike.

Maryland's Juvenile laws are a system of suggestions without enforcement power. MCVRC implores lawmakers to vote against passage of the Youth Charging Reform Act, SB 323/ HB 409.³ To support this Bill is to ignore how impotent the laws in place are and how the system is unable to respond to these most serious crimes.

Maryland Crime Victims' Resource Center has seen the heartache and felt the fear of our victims who had a gun held to their head, or their house broken into, or their daughter sexually assaulted--only to have DJS release the juvenile suspect after only three months in a committed placement. Our state and our communities will suffer if House Bill 409 is voted into law.

We can agree: Most juveniles deserve second chances in juvenile court, and that Maryland should not be holding juveniles in adult jails. The legislature can accomplish both of these goals by passing HB 389/SB 296, Limitations on Juvenile Contact with Incarcerated Adults. Currently, after a serious violent crime arrest juveniles are temporarily held in adult jails before the next business day when they see a judge. Jails are not built for juveniles, and juveniles often must be held in solitary confinement so they can be sight and sound separated from the adults. At the court hearing, judges are then authorized to order that these juveniles be held in a juvenile facility or release them.⁴ Many lawmakers claim that this stay in adult detention is the reason they will vote for Houe Bill 409, but the harm caused by the consequences of HB 409 is exponentially worse.

The youth should be out of the jails --- BUT if that is the goal, vote for and pass HB 389/SB 296, "Limitations on Juvenile Contact with Incarcerated Adults".⁵ Year after year this proposal to get youth out of adult jails is brushed under the rug; hidden from consideration. Instead of solving this problem, every year the efforts to eliminate direct-file are allowed to overshadow this fix.

³ Again, MCVRC urges that to keep both the community and the juveniles safe, a reasonable solution to juvenile detention in adult jails would be to pass SB 296/ HB 389: Juveniles - Detention and Confinement - Limitations on Juvenile Contact With Incarcerated Adults.

⁴ The juveniles can be moved immediately from the jail, but in most cases the Department of Juvenile Service is not ready for them. The Department delays moving these youth for many days and sometimes weeks causing a legitimate outcry from youth advocates. Our legislature needs to realize this is the Department clearly communicating that when the decision is theirs, they will release these juveniles onto the street with the ineffective electronic monitoring we've all read about. Such as the Frederick County youth on electronic monitoring that brutally raped and murdered a neighbor in 2024, or the teen just convicted of two murders in Columbia while on ankle monitoring.

⁵ <https://mgaleg.maryland.gov/2026RS/bills/hb/hb0389F.pdf>

HB 409 is dangerous. It will put serious offenders into a system where the courts have no power. Serious consideration by the adult court must take place before moving these cases into the rehabilitative juvenile justice system. These serious decisions are made by a judge in the Transfer process already our law.

Thank you for considering our concerns about HB 409 and your broader commitment to protecting all Marylanders- juveniles and victims alike.

Sincerely,



Laura Corbett Wilt, Senior Supervising Attorney

240-335-4004; lwilt@mdcrimevictims.org

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

hb409.pdf

Uploaded by: Robert Cassilly

Position: UNF

ROBERT G. CASSILLY
Harford County Executive



ROBERT S. McCORD
Director of Administration

February 10, 2026

The Honorable Sandy Bartlett
Chair, House Judiciary Committee
101 Taylor House Office Building
Annapolis, Maryland 21401

RE: Letter of Opposition on HB 409 – “Juvenile Court Jurisdiction - (Youth Charging Reform Act)”

Dear Madam Chair and Committee Members,

I am writing on behalf of Harford County to respectfully oppose House Bill 409.

Harford County strongly supports rehabilitation, intervention, and meaningful services for youth involved in the justice system. However, HB 409 goes too far by significantly expanding juvenile court jurisdiction to include serious offenses that currently warrant adult criminal court consideration. This shift raises serious concerns about public safety, accountability, and the ability of the juvenile system to address violent and high-risk behavior.

Current law appropriately recognizes that while juveniles deserve special consideration, there are limited circumstances where the severity of an offense requires access to the adult criminal justice system to ensure community safety and meaningful consequences. HB 409 removes important safeguards by eliminating automatic exclusions for certain serious offenses, regardless of the nature of the crime or the risk posed to the public.

Local governments, law enforcement agencies, and State’s Attorneys are already working within a carefully balanced framework that allows prosecutors and courts to evaluate youth cases individually and seek transfers when appropriate. HB 409 disrupts that balance and restricts discretion in a way that could lead to dangerous outcomes for victims, neighborhoods, and first responders. This bill removes oversight of the process of elected States Attorneys and substitutes bureaucratic discretion.

In addition, expanding juvenile court jurisdiction without a corresponding expansion of resources places significant strain on the juvenile justice system. The State will face increased operational and fiscal impacts, including detention capacity, supervision

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The Honorable Sandy Bartlett

February 10, 2026

Page 2

demands, treatment services, and court administration without any guarantee that the system is equipped to manage more serious and violent cases.

Public confidence in the justice system depends on a structure that protects youth while also ensuring accountability and community safety. HB 409 risks eroding that confidence by removing elected official oversight and critical distinctions between minor delinquency and serious criminal conduct.

For these reasons, Harford County respectfully urges the Committee to oppose HB 409. We believe meaningful juvenile justice reform must strike a careful balance. One that prioritizes rehabilitation without compromising public safety or undermining local law enforcement and prosecutorial judgment.

Thank you for your consideration.

Sincerely,



Robert G. Cassilly

2026-02-10 Ltr from R. Harvey.pdf

Uploaded by: Robert Harvey

Position: UNF

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February 6, 2026

The Honorable J. Sandy Bartlett
Chair, Judiciary Committee
Maryland House of Delegates
100 Taylor House Office Building
Annapolis, MD 21401

RE: HB 409

Dear Chair Bartlett:

I write in opposition to HB 409.

The juvenile justice system in Maryland is broken. The Department of Juvenile Services (DJS) suffers from chronic understaffing, especially at its residential facilities. As a consequence, DJS has had to resort to overtime, costing taxpayers thousands of dollars. DJS programs are not effective. They generally are short-term and do not focus on achieving real behavioral change. Finally, DJS does not have the capacity in its residential facilities to meet existing needs.

These observations are not mine. They reflect the words used by Acting Secretary Tolentino to describe the agency she inherited a little more than 6 months ago. I recognize that the Acting Secretary is moving to address these problems, but she is not there yet, not by a long shot. Before any more responsibility is given to DJS, the resources must be allocated to insure that DJS can do the job.

HB 409 will undermine public safety. Let me explain why.

When a juvenile is arrested and charged as an adult, the decision on whether to detain or release that juvenile is made by a Judge, in open court, after receiving input from the State's Attorney and from defense counsel. There is transparency.

On the other hand, when a juvenile is arrested and brought into the juvenile justice system, the decision on whether to detain or release that individual is made, not by a Judge, but by a DJS intake worker. There is no input from the State, or from defense counsel for that matter. There is no transparency.

The decision on whether to detain or release a juvenile at the time of initial charging has critical public safety implications. After all, juveniles who are released can reoffend or threaten or harass the victim. Do we really want these decisions, in cases involving the most serious kinds of

offenses, to be made by caseworkers or by Judges who are trained in the law and accountable to the citizens? The answer to this question is clear.

DJS has jurisdiction over a juvenile offender, no matter what, until he or she turns twenty-one. In reality, meaningful DJS intervention ends when the youth turns eighteen. Why? Because juvenile programs are tailored for juvenile offenders, not 18-year-old adults. Moreover, there is a prohibition against housing juveniles and adults in the same facility.

When a juvenile is tried in the adult system, the jurisdiction of the Court extends for a much longer period of time, increasing the odds of meaningful treatment and rehabilitation. At a minimum, there is a 5-year period of probation during which the Court can order the offender to participate in treatment programs, monitor his or her progress, and take appropriate action if the offender does not follow through. In the adult system, there is also the program at Patuxent Institution that is specifically designed to treat and rehabilitate youthful offenders. It is a long-term program, focused on behavior modification, and it has enjoyed some success.

In conclusion, the current system of charging certain juveniles as adults serves the public policy goal of protecting public safety. It also offers youthful offenders the opportunity to obtain meaningful treatment and rehabilitation. Unfortunately, the juvenile justice system, in its present condition, cannot do the same thing. For those reasons, I am opposed to HB 409.

Sincerely,

A handwritten signature in blue ink, appearing to read 'R. H. Harvey, Jr.', with a long horizontal flourish extending to the right.

Robert H. Harvey, Jr.
State's Attorney

MCPA MSA HB 409 Youth Charging Reform OPP.pdf

Uploaded by: Samira Jackson

Position: UNF



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 12, 2026

RE: **HB 409 - Juvenile Court - Jurisdiction (Youth Charging Reform Act)**

POSITION: **OPPOSE**

The Maryland Chiefs of Police Association (MCPA) and the Maryland Sheriffs' Association (MSA) **OPPOSE HB 409**. This bill would significantly alter Maryland's existing juvenile justice framework by expanding juvenile court jurisdiction and eliminating current statutory provisions that allow certain serious and violent offenses to be charged initially in adult criminal courts.

While police chiefs and sheriffs support a juvenile justice system that prioritizes rehabilitation whenever appropriate, current law already provides a balanced and effective process. The existing framework preserves judicial discretion and allows for careful, case-by-case evaluation of when a juvenile case should remain in juvenile court or be heard in adult court. This process ensures that decisions are informed by the severity of the offense, the youth's prior history, and the need to protect public safety.

MCPA and MSA are concerned that the changes proposed in HB 409 would limit the ability of the justice system to respond appropriately to the most violent juvenile offenders and could negatively impact public safety. The current statutory structure includes important safeguards that allow cases involving serious violence, weapons, or repeated dangerous behavior to be heard in adult court when warranted, while still permitting transfer back to juvenile court when appropriate. Maintaining this process helps ensure accountability, protects communities, and preserves public confidence in the justice system.

MCPA and MSA have also heard numerous times that placements are not sufficient at DJS facilities to house juveniles who may need those types of services. If true, the requirements in HB 409 have the potential to further exacerbate these circumstances. A lack of adequate facility space could potentially have negative, unintended consequences for the youth and affect the provision of services by DJS.

Understanding the importance of this issue, MCPA and MSA stand ready to work with the Committee and stakeholders to strike the correct balance between assisting juveniles and protecting communities and public safety.

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HB 409 - Juvenile Court - Jurisdiction.pdf

Uploaded by: Scott Shellenberger

Position: UNF

Bill Number: HB 409

Scott D. Shellenberger, State's Attorney for Baltimore County

Opposed

WRITTEN TESTIMONY OF SCOTT D. SHELLENBERGER,
STATE'S ATTORNEY FOR BALTIMORE COUNTY,
IN OPPOSITION OF HOUSE BILL 409
JUVENILE COURT - JURISDICTION

I write in opposition to House Bill 409 that will start many crimes committed by juveniles in Juvenile Court instead of adult court as has been the Law for many years in Maryland.

The list of crimes are violent crimes or dangerous crimes and to start them all in Juvenile Court would pose a public safety risk. In addition, the Department of Juvenile Services (DJS) will need additional resources because every State's Attorney will likely try to "waive up the juvenile" to adult court which will require DJS to do more waiver/transfer summaries.

In addition, with the shortened time limitations that must be adhered to both DJS and State's Attorney's Office will need additional staff to handle the work load.

Let me outline a few of the cases that had this Bill been in effect when these Defendants committed their crimes, they would have all started in Juvenile Court.

Baltimore County – Nicholas Browning

On February 2, 2008 Nicholas Browning snuck into his home, put a gun to the back of his father's head and executed him while he slept on the couch. He then went upstairs where he proceeded to execute his mother, brother Gregory age 14, and brother Benjamin age 11.

At the time he committed these murders he was 15 years old. He was also 6'2", 200 pounds, with an I.Q. of 125.

Before he left the home after the murders, he staged the scene to look like a burglary. He opened his mother's jewelry cabinet and scattered its contents across the floor. He disconnected the Xbox and Wii video games and placed them on the pool table.

Browning then returned to a friend's home where he was at a sleepover. The next day he played video games and went to the mall with his friends while calling his parent's home leaving messages expressing his love for his family.

He confessed to the murders. He admitted that he had a long-standing plan to kill his family. He murdered them all because he wanted his family's money.

Should he be treated as a juvenile?

What is more concerning, the Bill seems to not let the State waive a 15 year old up. When Nicholas Browning turned 21 years old he would have been released. 6 year punishment for killing 4 people.

The killer who is the size of a man, with high intellect is one of the most manipulative, conniving, dangerous people I have come across in recent years. Do we want this Defendant in a juvenile facility for a year while the waiver summary is being done?

He pled guilty to four murders. Received two life sentences. He is serving his sentence in North Branch, Maryland, one of the most secure correctional facilities we have in the State. During the six month wait to waive him up to adult court, where is he housed - The Hickey School. This is not a secure facility like the Baltimore County Detention Center.

Nicholas Browning did not deserve to be treated as a juvenile for the State to hope to waive him up to adult court. He would be too dangerous.

Speaking of the Hickey School, now let me tell you about another Defendant who would have been affected by HB 409.

Baltimore County – Felix Fitzgerald

In 1999 Fitzgerald was an inmate at the Charles Hickey School and the victim was the school nurse. Keep in mind this crime happened in the place that the Defendants' will be housed if you change the law. Obviously since Fitzgerald was at the Hickey School he was still a juvenile. For some reason, the nurse's station was in the building with either the cafeteria or gym and was virtually deserted when those facilities were not being used.

On the date of the incident, the Defendant jumped over the dutch door into the nurse's station that was a room not much bigger than a closet. He was wearing a t-shirt over his face. He grabbed the nurse from behind, strangled her and anally raped her. No one could hear her pleas for help. Although the victim was a nurse, she was so traumatized by this incident that she could no longer work in that capacity and eventually moved out of State. The Defendant received a forty year sentence for First Degree Sex Offense. Do we want him treated as a juvenile? That is how he was being treated when he committed his crime.

Where is he to be housed pending the waiver hearing? At the Hickey School where he committed his crime?

Baltimore County – Ty'aris Washington

Ty'aris Washington, 16, and his 14 year old co-defendant in 2016 when the crimes were committed. On November 16, five males walked towards three victims, including a 6 year old. One male who had a black bandana covering the lower part of his face, had a handgun in his hand and stated, "Give me your shit." One of the males pushed a victim to the ground and took her phone. Another male slapped another victim in the face with an open hand multiple times and grabbed her purse off her body, she resisted, but the assailant continued to take the purse, breaking one of her fingers in the process. Yet another male took the purse of the third victim. They then got back in the car and fled.

Approximately fifteen minutes later a witness observed three or four male suspects throwing a car seat and other items out of a vehicle. The items were later determined to belong to one of the victims. The witness stopped and asked what they were doing and the Defendant ran on foot to the parking lot of a 7-Eleven across the street where he observed them drop purses. Those purses were later identified as belonging to two of the victims.

Approximately thirty minutes later officers were dispatched for a hit and run involving a silver Chrysler Town and Country with extensive damage matching the description of the vehicle involved in the robbery. Investigation would reveal a tampered ignition and that the vehicle was reported stolen two days earlier in Baltimore City. A witness heard the crash and looked outside, observing suspicious subjects and called 911 telling them the suspects were headed north. While following their path of flight a red leather wallet and a BOA check were found belonging to the victims.

Within a minute of the hit and run, officers were dispatched to an armed carjacking just up the street. Another victim advised he was approaching his Volkswagen Jetta when he observed a group of approximately five males walking down the street. He was about to unlock his car when he was surrounded by the males. One of the individuals pulled a gun out and pointed it at the victim's head demanding his keys, cell phone and wallet. After handing over his keys and cell phone the victim grabbed the gun and pushed it over his head and then the two began to struggle. During the struggle another individual put a sharp pointed object in his ribs. The suspects then fled the area stopping briefly to dump the contents of the victim's vehicle on the side of the road. Ty'aris Washington was one of the Defendant's. He does not belong in juvenile court for his participation in this crime spree.

The 14 year old juvenile would not be able to be charged as an adult with Robbery taken out by HB 409. This would be a juvenile case.

Baltimore County – Destiny Fields

When she was 15 years old, she and a younger juvenile named Joy Jones, planned to attack a group home worker. They beat her with a fire extinguisher, dragged her down the basement stairs, barricaded the door with chairs and other furniture so she couldn't escape, then stole her car keys and took the victim's car for a joyride. This Defendant crashed the car then called her dad bragging about it. Originally sentenced to twenty years suspend all but five years on Robbery with a Deadly Weapon, ten years

consecutive all suspended, on False Imprisonment. She had several Violation of Probation's and it was successfully argued for all the back-up time at her last Violation of Probation hearing. The Defendant was also convicted in Baltimore City of driving a stolen car with a handgun under the seat.

Does she belong in Juvenile Court?

Howard County – Monti Fleming

In 2006, at the age of 15, the Defendant was convicted of First Degree Murder. He and the victim had a verbal argument. The victim walked away. While he was walking away the Defendant shot at him striking him in the back and killing him. The Judge described his actions as brutal and barbaric. He was sentenced to fifty years in prison.

The Defendant was also convicted of two additional cases. The Defendant was convicted of armed robbery where he robbed and pistol whipped the victim. He was also convicted of Attempted First Degree Murder. The Defendant accused the victim of speaking to the police about drug dealing in the area. The victim went home. The Defendant went to the victim's home and asked him to come outside. The victim did. When the victim went outside the Defendant started shooting at him. The victim was shot in the leg.

Does he belong in Juvenile Court?

Howard County – Melvin Jacome

In October of 2018, the Defendant, age 15, planned to rob an individual during a marijuana transaction. The Defendant came to the robbery with a semi-automatic Keltec handgun loaded with hollow-point bullets and affixed with a green laser pointer. When the robbery fell apart the two groups separated. The Defendant got back into his vehicle and opened fire. He fatally struck the 14 year old victim.

Are these the kind of Defendants you want in Juvenile Court? Six juveniles who committed adult crimes. I am sure there are many more. Should they really start as juveniles?

Over the last several years the Legislature and Rules Committee has done a great deal to protect the rights of juveniles. In 2009 and updated in 2015, the Legislature passed Criminal Procedure 10-105(a)(7) and 10-106. This expungement procedure allows for the immediate expungement of an adult criminal record once a case has been waived back to juvenile court. There is no need to wait until the juvenile case is completed or juvenile probation is done.

The Legislature also changed Criminal Procedure 4-202. This statute establishes a presumption that juveniles charged as adults will be housed in a juvenile facility

unless there is no space, the juvenile is released or the State proves and a judge finds on the record that such a transfer is not in the interest of public safety. Another change that was not available before.

In cases where juveniles are charged as adults and residing in an adult facility the State's Attorney's Office must act quickly.

Criminal Procedure 4-202.1 requires a preliminary hearing date on these juveniles to be set within fifteen days. The adult time period is thirty days. This is one half the time required in adult cases. This means an attorney will screen these cases quickly and if it is determined the case should proceed, then they will take the case to a Grand Jury or preliminary hearing. This assures that another independent body finds probable cause to proceed with the case. Yet another protection put in place for the juvenile.

The time periods in these cases will prevent a complete investigation if everything must move so quickly. The Department of Juvenile Services will not be able to handle this additional workload. Public safety must be paramount. This is a Bill that endangers public safety.

There is no reason to change the statutory scheme that was put in place decades ago to handle violent juveniles. When you review the crimes committed by the above Defendants all of these crimes are very adult crimes and the criminals should be treated as adults.

I urge an unfavorable report of HB 409.

Late testimony

Uploaded by: Travis Marion

Position: UNF



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Office of the Mayor
www.RisingSunMD.org

Travis Marion, Mayor

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February 11, 2026

Maryland House Judiciary Committee
100 State Circle
Annapolis, Maryland 21401

Dear Chair and Members of the House Judiciary Committee,

We are writing to respectfully express our opposition to House Bill 409, the Juvenile Justice Reform Act. While we recognize the importance of continually evaluating and improving Maryland's juvenile justice system, we have significant concerns that this legislation, as drafted, may create unintended consequences that negatively impact public safety, accountability, and community confidence in the justice system.

House Bill 409 would substantially change how serious offenses committed by juveniles are charged by expanding juvenile court jurisdiction and limiting circumstances in which certain cases may be heard in adult courts. Although rehabilitation is an essential goal, there are instances involving violent or serious criminal behavior where adult-level accountability remains appropriate. Weakening long-standing statutory thresholds risks placing individuals accused of the most serious offenses into a system that may not be adequately equipped to address the gravity of those crimes or ensure public safety.

The bill also increases discretion without establishing sufficiently clear and consistent public safety standards. While discretion can play an important role in individualized justice, expanding it without firm statutory guidance may lead to inconsistent outcomes across jurisdictions and create uncertainty for victims, law enforcement, and the public. Clear and predictable laws are especially critical in cases involving violent conduct.

Additionally, there is concern that limiting adult charging options may reduce deterrence for older juveniles who commit serious or repeat offenses. The juvenile justice system has important rehabilitative tools, but it also has inherent limitations regarding length of confinement and long-term supervision. In certain cases, those limitations may not align with the need for accountability or the protection of the broader community.

We are also concerned about the potential impact on victims and their families. Retaining serious offenses exclusively within the juvenile system can reduce transparency, limit access to information, and undermine confidence that justice has been fully served. Any reform to the juvenile justice system should ensure that victims' rights and perspectives remain a central consideration.

Reform of the juvenile justice system is necessary and worthwhile, but it must be balanced and carefully structured. Legislation should promote rehabilitation while maintaining accountability, provide discretion while preserving clear standards, and pursue reform without compromising public safety. For these reasons, we respectfully urge the Committee to oppose House Bill 409 in its current form.

Thank you for your time and consideration.

Sincerely,



Mayor Travis Marion

Town of Rising Sun



Chief F.D. "Chip" Peterson Jr.

Chief of Police, Town of Rising Sun

SAG LOS Bill 323 409 - signed.pdf

Uploaded by: Sydni Jenkins

Position: INFO



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

Mayor Lajan Cephas
Chair

LETTER OF INFORMATION FOR SENATE BILL 323 AND HOUSE BILL 409

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.¹

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)).**"² 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.

Senate Bill 323 (cross-filed with HB 409) would remove several offenses from the initial exclusive jurisdiction of the adult criminal court, which would significantly decrease the number of youth exposed to the mental and physical dangers of an adult jail. However, this is a step in the right direction, there is not sufficient evidence to conclusively state that this bill would lower the number of youth in adult jails enough to get Maryland into compliance with the JJDP.

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

² [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
Removal of juveniles charged as adults	n/a	14.68	93.26	119.59
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 JJDPA 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.

SB323/HB409 attempts to ensure that this funding will be available for diversion and prevention programs and that the majority of 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 JJDPA, which Senate Bill 323/House Bill 409 intends to address.

Sincerely,

A handwritten signature in black ink, appearing to read "Lajan Cephay-Bey". The signature is fluid and cursive, with a long, sweeping underline that extends to the right.

Mayor Lajan Cephay-Bey
Chair, Maryland State Advisory Group

hb409.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
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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 409
Juvenile Court – Jurisdiction (Youth Charging Reform Act)
DATE: January 28, 2026
(2/12)

INFORMATIONAL COMMENT PAPER

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.

While this bill is within the legislative prerogative, it does raise concern around implementation. The Judiciary wishes to make the legislature aware of these possible unintended consequences.

The first concern is compliance with hearing time frames. Courts Article, § 3-8A-15 requires an adjudicatory or waiver hearing to be held no later than 30 days after a detention petition is granted. In the types of cases that this bill would return to juvenile court jurisdiction, it will be difficult at the present time for the required studies to be ordered and completed within that time frame, with the result that children with serious charges may be released from detention for failure to comply with the time requirements. In practical terms, it can be quite difficult to complete an adult murder trial within 120 days; the problems are multiplied in a juvenile court trial for similar charges.

Further, the location of where to hold these children while they are detained is also an issue. There are limited available detention placements and, perhaps even 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 violent and in need of both skilled supervision and specialized placements.

Finally of equal concern is the Public Defender's lack of sufficient juvenile justice panel attorneys. This lack already is leading to a delay in court proceedings while counsel is located or assigned counsel has sufficient calendar time to try a particular case. The Judiciary anticipates that this problem may be exacerbated by the addition of more cases that may require a panel attorney.

cc. Hon. J. Sandy Bartlett
Judicial Council
Legislative Committee
Kelley O'Connor