

# SB 498/HB 266

## Juvenile Court – Jurisdiction

### Background:

Under current law, youth between the ages of 14 and 17 who are accused of one of 33 offenses are **automatically** charged as adults. This decision is made upon arrest, based solely on age and alleged charge, and well before a judge has looked at the individual circumstances of the alleged crime or the background of the youth.

### What does SB 498/HB 266 do?

SB 243 removes automatic adult court jurisdiction for youth between the ages of 14-17 who are accused of one of 33 offenses. All youth will start their case in the juvenile justice system. However, current law allows for the state's attorney to file a motion where a juvenile court judge may move a youth's case from the juvenile to the adult system.

### Why do we need SB 498/HB 266?

- It increases public safety by ensuring youth receive the treatment they need. Youth who spend even one day in the adult system are three times more likely to reoffend and reoffend more violently than those treated in juvenile system.
- It corrects a policy that casts too wide a net, catching and harming youth who don't need to be there. According to a report by the Maryland Department of Juvenile Services, sixty percent of youth automatically charged as adults either have their case dismissed or are sent to the juvenile justice system.
- It holds kids accountable in a timely fashion. The adult criminal justice system does not have strict statutory time frames like the juvenile court. Youth processed in the adult court system wait an average of four months just to have their transfer hearing. If all youth's cases started in the juvenile court most would be resolved faster ensuring the child receives the treatment they need.
- It prevents youth who are automatically charged as adults from facing a lifetime of collateral consequences. Youth who receive a guilty finding will have an adult criminal record for the rest of their lives, barring them from obtaining meaningful employment, finding housing and furthering their education.
- It acknowledges that youth are fundamentally different from adults and are likely to age out of crime as they mature and the decision-making and risks and consequences areas of their brains fully develop.

### Youth can still go to the adult system, just not automatically.

Maryland law already allows youth to be moved from the juvenile system to the adult system if the child is under 15 and is accused of first degree murder, first degree rape or first degree sexual offense OR if a child is 15 or over and is accused of any crime. Prior to an adjudication hearing, a state's attorney may file a motion to ask the court to move the youth's case from the juvenile system to the adult. The state must prove the youth cannot be rehabilitated in the juvenile system, but the judge has to assume that the child committed the alleged crime.

CLIA, a Baltimore-based nonprofit, is the lead organization for the Just Kids Campaign. CLIA develops young people to be leaders by connecting them to opportunities to amplify their voices, cultivate their skills, and actively participate in the process of positive community change.

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