



RACIAL EQUITY IMPACT NOTE

DEPARTMENT OF LEGISLATIVE SERVICES
MARYLAND ▪ GENERAL ▪ ASSEMBLY

2022 Session
HB0294

Juvenile Court - Jurisdiction

Summary

This bill expands the jurisdiction of the juvenile court to establish original jurisdiction over (1) children older than age 14 who are alleged to have done an act which, if committed by an adult, would be a crime punishable by life imprisonment; (2) children older than age 16 who are alleged to have committed specified crimes; and (3) children who have previously been convicted as an adult of a felony and are subsequently alleged to have committed an act that would be a felony if committed by an adult. The bill repeals existing statutory provisions that (1) govern the potential transfer of such children from criminal court to the juvenile court (“reverse waiver”) under specified circumstances and (2) designate the acts currently excluded from the juvenile court’s jurisdiction as “reportable offenses” in the Criminal Procedure and Education Articles.

Maryland Demographics

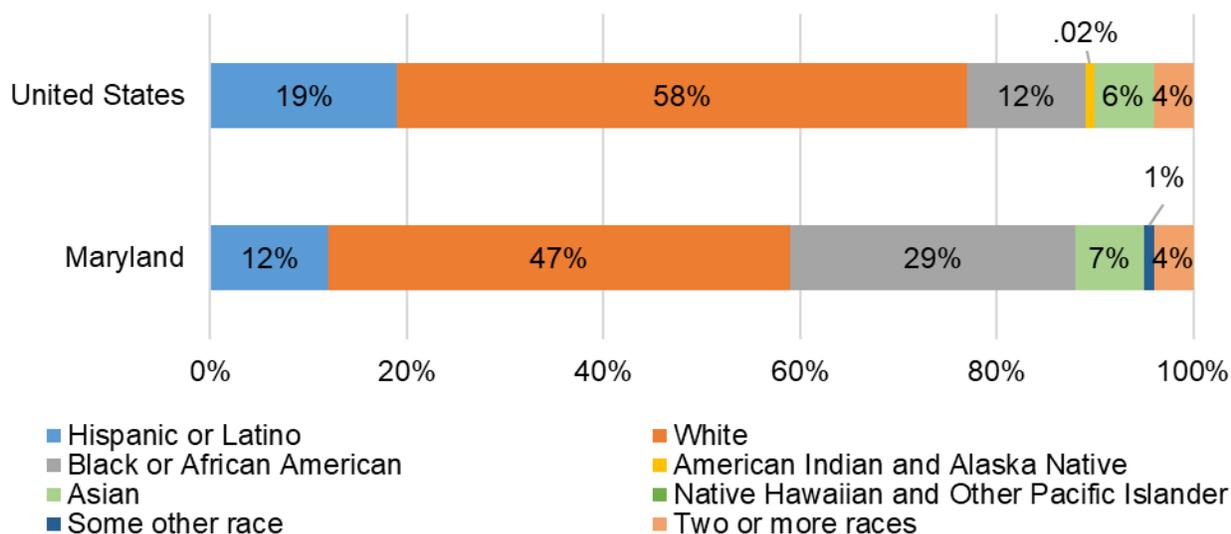
Race and Ethnicity of the Maryland Population

Maryland’s 2020 census population is 6,177,244, a 7% increase from the 2010 census count and approximately 2% higher than the 2019 census population estimates. In addition to an increase in population, Maryland’s racial demographics have become more diverse. Maryland is now a state in which racial minorities make up a majority of its total population. Notable changes relevant to this shift are the increase in groups who identify as “other” and “multiracial” (*i.e.*, two or more racial identities), which total 5% of the State’s population. Additionally, the change in demographics is due to the decrease in the number of individuals who only report “White” as their racial group. Despite this decrease, non-Hispanic Whites remain the largest single race demographic group in the State of Maryland comprising 47% of the State’s population.

Compared to the U.S. population overall, Maryland’s population of individuals who identify as a single race is more diverse. Maryland is ranked as the fourth most diverse state by the U.S. Census Bureau’s [Diversity Index](#). As shown in **Exhibit 1**, in Maryland, 47% identify as White alone compared to 58% of the national population. Similarly, 51% of the population identify as

non-White or multi-racial compared to 38% of the national population. In both the State and national population, the largest shares of the non-White population are individuals who are Black or African American, with 29% of the State population identifying only as Black or African American and another 2.5% identifying as Black in combination with some other race. Maryland’s Asian population is 7%, which is slightly higher than the Asian share of the national population of 6%. The State’s overall population by ethnicity, however, is slightly less diverse than the U.S. population; 12% of the State’s population identified as Hispanic or Latino compared to 19% of the U.S. population.

Exhibit 1
U.S. and Maryland Population by Race and Ethnicity
2020



Source: U.S. Census Bureau, 2020 Census Redistricting Data (Public Law 94-171), Table ID P2, HISPANIC OR LATINO, AND NOT HISPANIC OR LATINO BY RACE.

Racial Equity Impact Statement

The bill expands the original jurisdiction of the juvenile court by repealing exceptions to the court’s general jurisdiction that require cases in which juveniles are charged with specified serious crimes to be heard in circuit court. Under current law, the juvenile court generally has jurisdiction over a child alleged to be delinquent, in need of supervision, or who has received a citation for specified violations. The juvenile court does not have jurisdiction over children at least age 16 who are alleged to have committed specified violent crimes (*e.g.*, abduction, kidnapping, second-degree murder, second-degree rape, armed carjacking, etc.), children age 14 and older charged with a crime punishable by life imprisonment, and children who have previously been convicted as an adult of a felony and are subsequently alleged to have committed an act that would be a felony if committed by an adult.

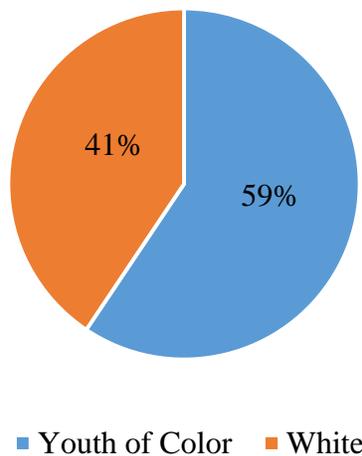
Demographics of Youth in the Criminal Justice System

Nationally, Black and Hispanic youth are overrepresented in the criminal justice system, including within the juvenile justice system. According to the U.S. Department of Justice (DOJ), the referral rate for delinquency cases involving Black youth in 2019 was about three times the rates for White and Hispanic youth. In addition, DOJ indicated that cases were more likely to be petitioned for formal processing for Black youth than for White or Hispanic youth.

In Maryland, notable patterns of racial and ethnic inequities exist statewide among youth charged with crimes of violence heard in the juvenile court as well as for youth charged as an adult who must appear in circuit court.

In 2020, Maryland's estimated population for individuals under 18 years of age was approximately 1.3 million. As shown in **Exhibit 2**, 41% of this population identify as non-White or as youth of color.

Exhibit 2
Maryland Population
Under 18 Years of Age



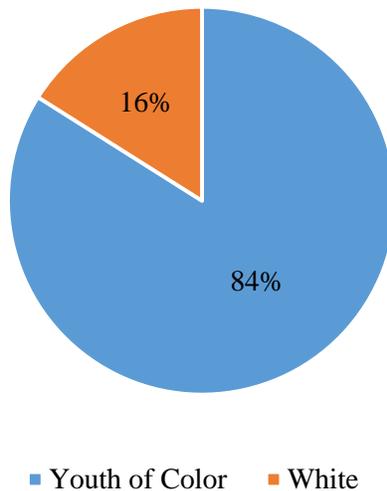
Source: U.S. Census Bureau, 2020; Department of Legislative Services

Juvenile Justice Data Reporting in Maryland

Under the Criminal Procedure Article, the Maryland Statistical Analysis Center (MSAC) within the Governor's Office of Crime Prevention, Youth, and Victim Services (GOCPYVS) is required to research and evaluate data pertaining to juveniles charged as adults in the State. This data is reported monthly to GOCPYVS by the Criminal Justice Information System Central Repository (CJIS). MSAC must submit semiannual reports addressing the results of its research data to the Governor and the General Assembly. The reports include criminal justice data and information on gender, race, and age.

In 2020, GOCPYVS reported a total of 630 youth were charged as adults for crimes of violence in the State. As shown in **Exhibit 3**, 84% of these individuals were youth of color, with the majority being Black or African American.

Exhibit 3
Maryland Youth Charged as Adults for Crimes of Violence
2020

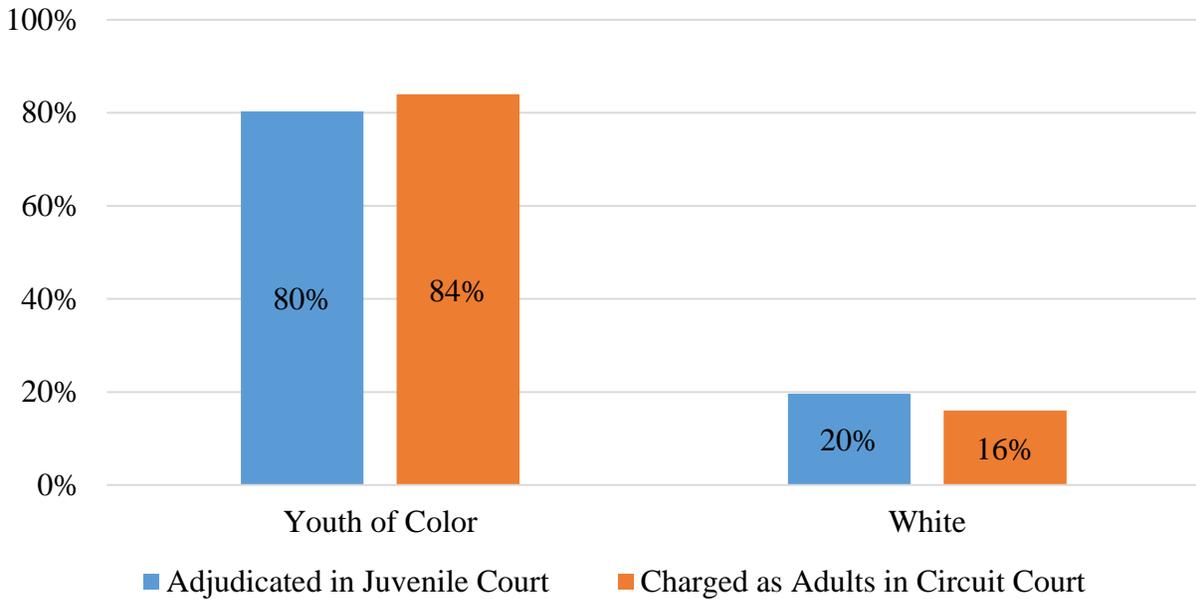


Source: Governor’s Office of Crime Prevention, Youth, and Victim Services; Department of Legislative Services

The Department of Juvenile Services (DJS) annually reports juvenile data in its Resource Data Guide. In 2020, DJS reported a total of 801 youth were adjudicated for crimes of violence. Of the 801 youth, 80% are youth of color. DJS does not currently distinguish between racial minorities in its reporting, so the data includes all racial minorities (the great proportion of which are Black) as well as Hispanic youth.

Exhibit 4 compares the racial distribution for youth charged with crimes of violence as adults in the circuit court and those adjudicated as juveniles.

Exhibit 4
Youth Charged with Crimes of Violence
Juvenile Court vs. Circuit Court
2020



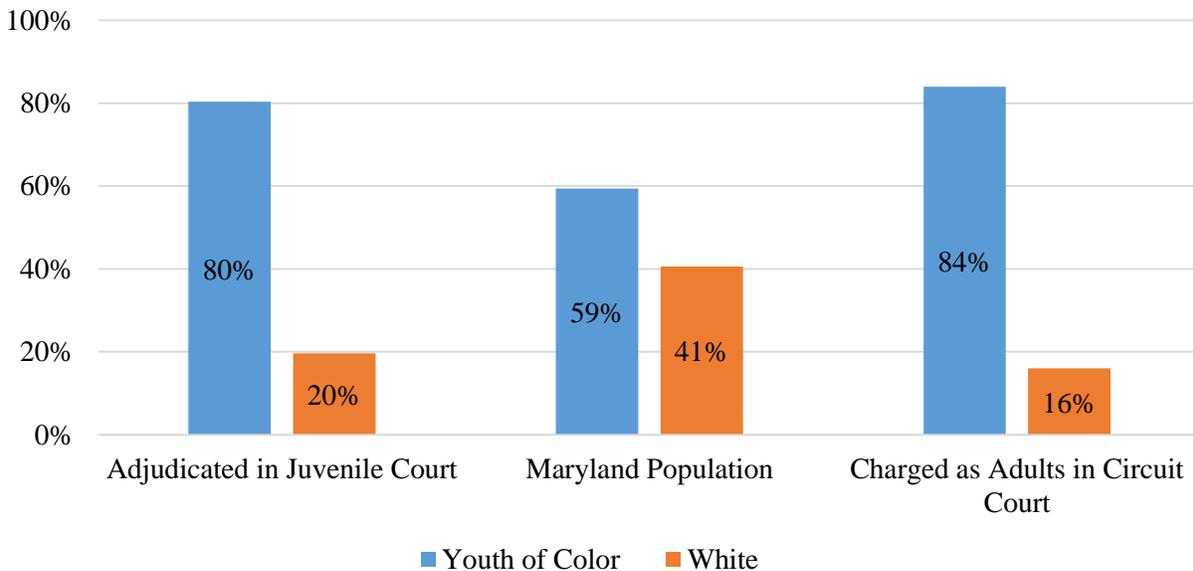
Source: Department of Juvenile Services; Governor’s Office of Crime Prevention, Youth, and Victim Services; Department of Legislative Services

The circuit court and juvenile court processes share similar racial distributions for youth charged with crimes of violence. In the circuit court, 84% of youth charged as an adult for crimes of violence are youth of color compared to 80% youth of color adjudicated as a juvenile. White youth charged as an adult for these crimes encompass 16% of circuit court cases and 20% of juvenile court cases.

Racial Disproportionality and Disparity in Charge Frequency in the Juvenile Court System

As seen in **Exhibit 5**, just as youth of color are overrepresented on both the circuit court and juvenile court dockets for crimes of violence, they are similarly overrepresented when compared to their share of the overall population under 18 years of age. These statistics provide evidence of substantial disproportionality in the proportion of youth of color charged with crimes of violence.

Exhibit 5
Youth Population Adjudicated in Juvenile Court and Charged as Adults Compared to Overall Share of Population
2020

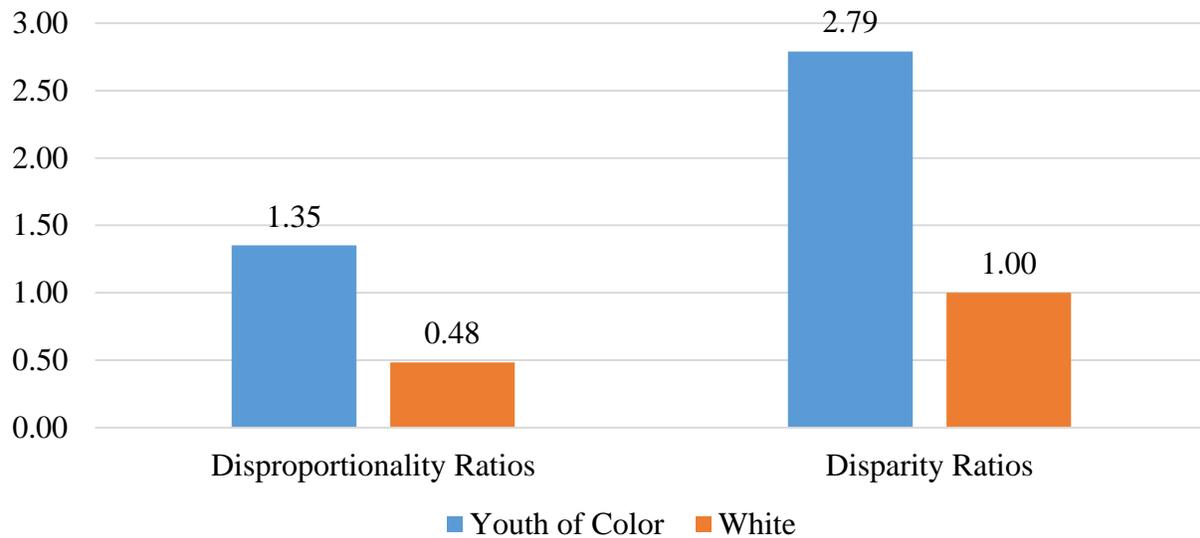


Source: Department of Juvenile Services; Governor’s Office of Crime Prevention, Youth, and Victim Services; Department of Legislative Services

Specifically, **Exhibit 6** shows that the disproportionality ratio for charges of crimes of violence by youth of color adjudicated in the juvenile court is 1.35. This means juveniles of color are overrepresented, or more likely to be charged, given their share of the overall under age 18 population in the State. The disproportionality ratio for White youth is less than 1.00 (0.48), which means White juveniles are less likely to be charged when compared to their proportion of the overall under age 18 population in Maryland.

Exhibit 6 also shows how racial disparity varies for youths charged with crimes of violence in the juvenile court. The disparity ratio of 2.79 for youth of color under age 18 means those youth are almost three times more likely to be charged for crimes of violence than their White peers.

Exhibit 6
Disproportionality and Disparity Ratios for
Juvenile Court Adjudicated Youth Population



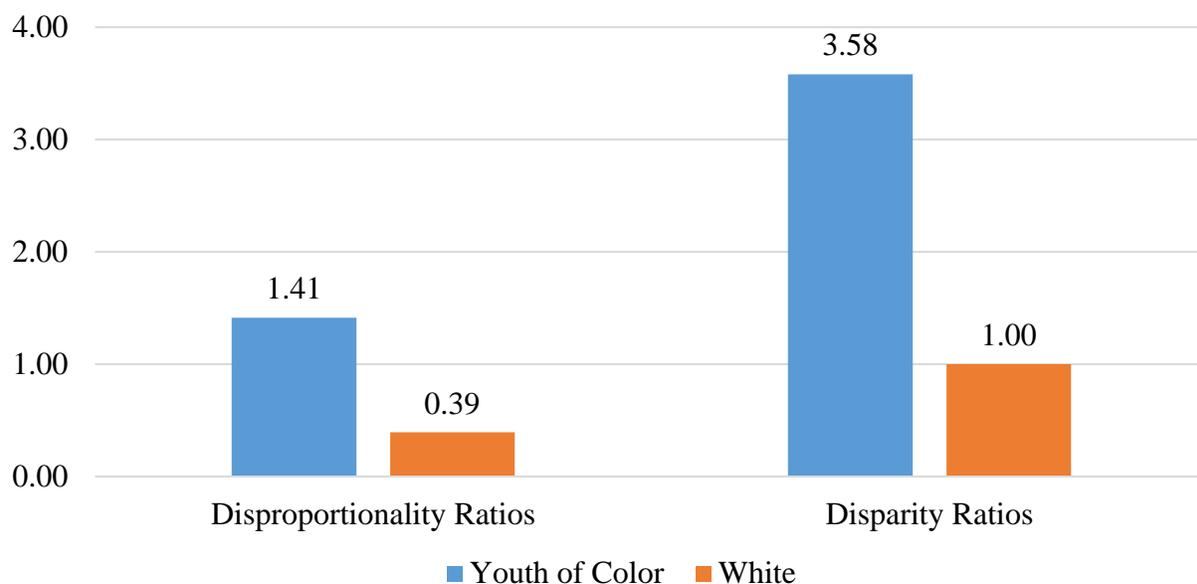
Source: Department of Juvenile Services; Department of Legislative Services

Racial Disproportionality and Disparity for Juveniles Charged as Adults

For youth charged as an adult for crimes of violence heard in the circuit court, **Exhibit 7** shows that the disproportionality ratio for youth of color is 1.41. This means youth of color who are charged as adults are overrepresented in cases adjudicated by the circuit court and are more likely to be charged as adults for crimes of violence compared to their share of the overall State population. The disproportionality ratio for White youth charged as adults is less than 1.00 (0.39), which means White youth are less likely to be charged as adults for these types of crimes.

Exhibit 7 also shows how racial disparity varies by race for crime of violence charges adjudicated in the circuit court. The disparity ratio of 3.58 for youth of color means those youth are over three and a half times more likely to be charged as an adult for a crime of violence than their White peers.

Exhibit 7
Disproportionality and Disparity Ratios for
Youth Charged as Adults in the Circuit Court



Source: Department of Juvenile Services; Governor’s Office of Crime Prevention, Youth, and Victim Services; Department of Legislative Services

Conclusion

Youth of color, especially African American youth, are overrepresented and disparately impacted by crime of violence charges whether adjudicated in juvenile court or circuit court. The inequity is slightly more prevalent for youth charged as adults in circuit court. Because youth of color charged as adults are overrepresented in the courts to a greater extent than White youth, they could experience harsher punitive outcomes as a result.

There is national data to support the notion that youth of color are treated more harshly in the juvenile justice system. This disparity in treatment could be facilitated in part by the internal biases of decisionmakers at crucial decision points in the juvenile justice system. The Annie E. Casey Foundation points to one peer-reviewed study that found “Black youth committed fewer offenses prior to arrest than White youth, [but] Black and Latino youth were more likely to be formally processed, and Black youth were most likely to be rearrested.”

While the bill’s provisions would not directly affect charge inequity between racial groups, it will significantly impact youth of color whose cases are heard in the circuit court under current law but under the bill’s provisions would instead be adjudicated by the juvenile court. Juveniles under jurisdiction of the juvenile court will likely have more access to coordinated resources,

individualized treatment, and a continuum of care not available in the adult system. The bill may also positively affect the general health and welfare of *all* juveniles in the system. Previous studies have shown that transfer to the adult criminal justice system typically increases rates of violence among transferred youth.

Methodologies, Assumptions, and Uncertainties

This analysis includes data for youths charged with crimes of violence in both the circuit court and the juvenile court. The definition of crimes of violence differs slightly in each court but are mostly the same. The disproportionality and disparity ratios are calculated based on these separate groupings and are meant to illustrate general inequities in each court's defendant population separately, and not comparatively.

Although some reports use disparity and disproportionality interchangeably, this racial equity impact note distinguishes them. Disproportionality is the state of being out of proportion. It compares the proportion of one racial or ethnic group of a target population to the proportion of the same racial or ethnic demographic group in the general population. Disparity, however, refers to a state of being unequal. A disparity describes an unequal outcome experienced by one racial or ethnic group of the target population as contrast against a different racial or ethnic group in the target population. The information provided in this note is drawn from quantitative data analysis of available statistical datasets on crime and criminal justice collected by entities at the national and state level. Moreover, the information includes scholarly literature on racial and ethnic disparities in the U.S. criminal justice system.

Information Sources: Department of Juvenile Services; Centers for Disease Control; Governor's Office of Crime Prevention, Youth, and Victim Services; U.S. Department of Justice; Department of Legislative Services

Analysis by: Dr. Jasmón Bailey

Published: 03/11/2022