



Testimony Concerning SB 314
Submitted to the Senate Judicial Proceedings Committee
February 11, 2020

Chairman Smith and members of the Committee:

My name is Brian Evans, and I have been a Maryland resident for over a dozen years, and am in my seventh year as a resident of Silver Spring in District 20. I am also the State Campaigns Director for the Campaign for Youth Justice, a national organization that works to end the incarceration and sentencing of children in the adult criminal justice system.

I represent myself and my organization in supporting SB 314, a bill that ensures that photographs or videos of a child charged as an adult are shielded from the public unless and until a judge rejects that child's motion to transfer his or her case back to juvenile court.

This legislation is important because of the large number of Maryland children who are automatically charged as adults without judicial review. In Maryland there are 33 offenses for which children are statutorily excluded from the juvenile system, and as a result Maryland charges more children as adults than almost any state in the country.

Children charged as adults in Maryland are afforded the opportunity to get their cases transferred back to the juvenile system, but in the meantime their status as adults means they lose the important privacy and confidentiality protections of the juvenile system. The time between the adult charge and the transfer hearing is usually measured in months, meaning that for many weeks these children's private information – like name, photograph or mug shot, address, date of birth – is publicly available and can be published widely in media outlets.

Even when children are successful in getting their cases transferred back to the juvenile system where they enjoy greater privacy rights – and most are – the information disseminated prior to their transfer will always be available. In the age of the Internet, once privacy and confidentiality are violated, they cannot be restored. This significantly damages a child's future employment prospects, since many employers run internet searches on potential employees.

The solution to this is to maintain children's privacy and confidentiality, even after they are charged as adults, unless their transfer hearing is unsuccessful. This is what SB 314 does.

Maryland should reform its current system in which large numbers of children are charged as adults, only for most of them to be transferred back to the juvenile system, and instead consider beginning all children's cases in juvenile court. But until that change is implemented, it is important to reduce the unnecessary harm inflicted on children inappropriately charged as adults. SB 314 does just that, so for the Campaign for Youth Justice and as a citizen of Maryland, I urge a favorable report on SB 314.

CAMPAIGN FOR

YOUTH JUSTICE

BECAUSE THE CONSEQUENCES AREN'T MINOR