



MONTGOMERY COUNTY, MARYLAND  
WOMEN'S DEMOCRATIC CLUB

P.O. Box 34047, Bethesda, MD 20827

[www.womensdemocraticclub.org](http://www.womensdemocraticclub.org)

**Senate Bill 853 - Juvenile Law - Juvenile Justice Reform  
Judicial Proceedings Committee – March 3, 2021  
SUPPORT WITH AMENDMENTS**

Thank you for this opportunity to submit written testimony concerning an important priority of the **Montgomery County Women's Democratic Club (WDC)** for the 2021 legislative session. WDC is one of the largest and most active Democratic Clubs in our County with hundreds of politically active women and men, including many elected officials.

**WDC urges the passage of SB0853 with the amendments suggested in this testimony.** WDC commends the Maryland Juvenile Justice Reform Council (JJRC) for its work and the recommendations contained in its January 2021 Report.<sup>1</sup> WDC also commends Judiciary Committee Chairman Clippinger for his leadership in ensuring that the important reforms recommended by the JJRC become law. WDC respectfully suggests the following amendments to SB0853.

First, WDC suggests the amendment of the age at which a child may come under the jurisdiction of the juvenile court from 10 to 14. Ten-year old children do not belong in the juvenile court system. As the JJRC's Report states:

A growing body of evidence has found that pre-teens have diminished neurocognitive capacity to be held culpable for their actions; likewise they have little ability to understand delinquency charges against them, their rights and role in an adversarial system, and the role of adults in this system. Recognizing this developmental science, as well as recognizing the damage inflicted by putting relatively young children into the juvenile justice system, several states have recently moved to create a minimum age of juvenile court jurisdiction. The behavioral issues of children below that age are handled in the child welfare and mental health systems. California, Massachusetts, and Utah have recently raised the age of juvenile court jurisdiction to 12. California and Utah have some exceptions for very serious violent behavior, and Massachusetts does not. These states' practices are in line with the median

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<sup>1</sup> Department of Juvenile Services. (January 2021). *Maryland Juvenile Justice Reform Council – Final Report* [MSAR#12288]. Maryland Juvenile Justice Reform Council.

Retrieved from <http://dls.maryland.gov/pubs/prod/NoPblTabMtg/CmsnJuvRefCncl/JJRC-Final-Report.pdf>



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age of criminal responsibility internationally which is 12 years old. However, the recommendation of the Committee on the Rights of the Child of the United Nations, based on “documented evidence in the fields of child development and neuroscience,” is that the minimum age of jurisdiction should be at least 14.<sup>2</sup>

WDC urges the Judiciary Committee to put Maryland in the national lead on matters of juvenile justice and adopt the recommendation of the Committee on the Rights of the Child of the United Nations, rather than fall below the international median age recommendation and established law in several other U.S. states.

Second, the JJRC did not recommend a statutory change to the age at which children under the age of 18 may be charged and tried as adults. The JJRC recommended more study of juveniles at all stages of the adult criminal system. Maryland does not need to wait for this study to do the right thing with regard to the age at which we try children as adults. WDC urges the adoption of an amendment to SB0853 that would prohibit the direct charging or waiver of any child under the age of 18 to the adult criminal system. As the JJRC noted in its discussion of charging children as adults:

Adolescence brings changes in the limbic brain resulting in greater sensitivity to rewards, threats, novelty, and peer influence. In contrast, it takes longer – up to age 25 -- for the cortical region, which implicates cognitive control and self-regulation, to develop. Accordingly, charging youths in adult court does not take into account that they are physiologically disadvantaged to adjust their behavior to the mandate of the law. The juvenile justice system, given its established responsibility to promote the best interests of children while helping them to adjust their behavior, is better suited to adjudicate youth cases than adult criminal courts. Evidence shows that youth and public safety outcomes suffer when children are charged in the adult criminal legal system.<sup>3</sup>

WDC agrees that children belong in a court system that appropriately evaluates their mental and emotional development, not in a court system that applies adult standards of maturity and culpability. Since children under the age of 18 can also be “waived” into the adult court system at the discretion of the State’s Attorney, WDC also urges the Committee to amend SB0853 to end this practice. As the JJRC report details, the

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<sup>2</sup> Department of Juvenile Services. (January 2021). Page17.

<sup>3</sup> Department of Juvenile Services. (January 2021). Page 41.



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racial disparity between Black and White youth who are tried as adults is shocking. In Baltimore City, 94.1% of juveniles tried as adults are Black.<sup>4</sup> In other counties reporting through the MDEC system, 72.8% of juveniles tried as adults are Black.<sup>5</sup> There is an easy way to end this disparity: prohibit trying *any* children under age 18 as adults, either through direct charging or through a waiver. As the JJRC noted, multiple states have prohibited trying children under the age of 18 as adults. Maryland should join them.

**We ask for your support for SB0853 and strongly urge a favorable Committee report with the amendments noted above.**

Respectfully,

Diana Conway  
President

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<sup>4</sup> Department of Juvenile Services (January 2021). Page 43.

<sup>5</sup> Department of Juvenile Services (January 2021). Page 43.