

MD Judiciary - Testimony SB222.pdf

Uploaded by: Elalamy, Sara

Position: FAV

MARYLAND JUDICIAL CONFERENCE
GOVERNMENT RELATIONS AND PUBLIC AFFAIRS

Hon. Mary Ellen Barbera
Chief Judge

187 Harry S. Truman Parkway
Annapolis, MD 21401

MEMORANDUM

TO: Senate Judicial Proceedings Committee
FROM: Legislative Committee
Suzanne D. Pelz, Esq.
410-260-1523
RE: Senate Bill 222
Juveniles Charged as Adults – Study and Confinement
DATE: January 11, 2021
(1/14)
POSITION: Support

The Maryland Judiciary supports Senate Bill 222. This bill addresses the pretrial confinement of children (individuals under age 18) charged as adults.

This bill would implement federal law by putting in statute language required by the 2018 reauthorization of the Juvenile Justice and Delinquency Prevention Act (JJDP). The 21st Century Department of Justice Appropriations Authorization Act, Pub. L. No. 107-273, 116 Stat. 1758. As codified at 34 USC § 11133(a)(11)(B), the law requires that by December 21, 2021, unless found by a court to be in the interest of justice (following a hearing, a written determination, and consideration of certain specific factors), juveniles who are being charged and tried as adults (1) may not have sight or sound contact with adults and (2) may not be detained in a jail or lockup for adults (except as provided under the jail removal requirement). When the court finds such detention to be in the interest of justice, additional requirements must be met.

cc. Hon. William C. Smith, Jr.
Judicial Council
Legislative Committee
Kelley O'Connor

JPR SB 222 DJS slide for 1.14.21.pdf

Uploaded by: Tress, Andrew

Position: FAV

SB 222 – Juveniles Charged as Adults – Study and Confinement

Key Features

- All youth pending trial/sentencing may be held in secure DJS facilities
- Judges retain discretion
- Community detention/electronic monitoring
- Reduce delays

Background and Intent

- Required to achieve compliance with federal law
- Avoids loss of federal funding
- Since 2013, DJS has safely and securely accommodated the majority of youth charged as adults



SB 222 - Testimony - FINAL.pdf

Uploaded by: Tress, Andrew

Position: FAV

Boyd K. Rutherford
Lt. Governor

Larry Hogan
Governor

Sam Abed
Secretary

DATE: 1/14/2021
BILL NUMBER: SB 222 – Juveniles Charged as Adults – Study and Confinement
DJS POSTITION: Support

The Department of Juvenile Services (DJS) supports SB 222.

SB 222 is required to bring Maryland into compliance with the federal Juvenile Justice and Delinquency Prevention Act (JJDP). SB 222 is necessary to avoid the loss of grant funding, reduce delays and expand pre-trial release options for youth charged as adults.

Congress reauthorized the JJDP in 2018, and added to the core protections a requirement for states to remove all young people, under the age of 18, from adult jails who are pending trial or sentencing in the criminal justice system. The federal law provides states until December 2021 to achieve compliance with the jail removal core protection. Failure to comply with the JJDP would result in Maryland losing 20% of federal public safety grant funding, which would amount to approximately \$200,000 a year. This grant funding is critical to supporting community-based youth initiatives and public safety strategies.

Currently, DJS safely and securely accommodates the vast majority of youth charged as adults in juvenile detention facilities.

DJS entered into a partnership with stakeholders in Baltimore City in 2013 to accept youth charged as adults. The success of that effort led to the passage in 2015 of HB 618/SB 852, which presumed all transfer-eligible young people would be accommodated in a DJS juvenile detention facility rather than adult jails. DJS has not encountered any particularized safety or security issues with this population.

SB 222 retains judicial discretion to utilize adult jails in very limited situations.

Although SB 222 generally requires all young people under the age of 18 to be detained in juvenile facilities, courts retain the power to detain a young person in an adult jail if the court considers certain factors. These include the nature of the offense, criminal history, mental and physical health, and the ability of the adult jail to meet the young person's needs.

Reduces delays in transfer cases.

Currently, young people wait on average about 3.5 month in detention for a transfer hearing. SB 222 addresses the delay by requiring that Circuit Courts schedule transfer hearings to be held within 30 days, requiring the county administrative judge or designee to approve postponements, and requiring a court to order a transfer study at the onset of the case for detained youth.

Expands pre-trial release options for youth charged as adults.

SB 222 clarifies that judges hearing bail reviews for youth in the adult criminal justice system may utilize existing and effective DJS community detention and electronic monitoring options. By expanding community detention as a pre-trial release option for courts, low risk young people may remain in the community with supervision and supports.

For these reasons, DJS urges a favorable report on SB 222.