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**To:** Members of The House Judiciary Committee

**From:** Doyle Niemann, Chair, Legislative Committee, Criminal Law and Practice Section

**Date:** January 19, 2021

**Subject:** **HB409 – Juveniles Convicted as Adults – Sentencing – Limitations and Reeducation (Juvenile Restoration Act)**

**Position:** **Support with Amendment**

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The Legislative Committee of the Criminal Law & Practice Section of the Maryland State Bar Association (MSBA) **Supports with an Amendment HB409 – Juveniles Convicted as Adults – Sentencing – Limitations and Reeducation (Juvenile Restoration Act).**

This bill prohibits the imposition of life without parole on a juvenile offender. It provides a mechanism whereby a juvenile convicted of an adult crime can seek reconsideration of his or her sentence after serving 20 years.

In recent years, relying on new evidence about brain development, the U.S. Supreme Court and Maryland Court of Appeals have recognized that juvenile offenders are different from adult offenders. The Supreme Court has prohibited sentences of life without parole except in the most egregious of circumstances. It has also held that youthful offenders must be given an opportunity to show that they have matured and developed and that they are no longer the individuals who committed the crimes for which they are convicted.

This bill creates a way for this question to be answered by a court in the jurisdiction where the crime was committed after the individual has served 20 years or more. The bill outlines specific criteria that the court should consider, including the nature of the crime, the individual's role in it, their activities and progress while incarcerated, and the opinions of victims or victim representatives.

While the bill directs the court to consider statements from any victim, the Committee believes there should be an explicit requirement that the State Attorney for the jurisdiction notify any victims or their representatives about any proceeding.

For the reasons stated, we **Support HB409 – Juveniles Convicted as Adults – Sentencing – Limitations and Reeducation (Juvenile Restoration Act) with Amendment.**

If you have questions about the position of the Criminal Law and Practice Section's Legislative Committee, please feel free to address them to me at 240-606-1298 or at [doyleniemann@verizon.net](mailto:doyleniemann@verizon.net).