



Maryland Chiefs of Police Association Maryland Sheriffs' Association



MEMORANDUM

TO: The Honorable William C. Smith Jr., Chairman and
Members of the Judicial Proceedings Committee

FROM: Chief David Morris, Co-Chair, MCPA, Joint Legislative Committee
Sheriff Darren Popkin, Co-Chair, MSA, Joint Legislative Committee
Andrea Mansfield, Representative, MCPA-MSA Joint Legislative Committee

DATE: March 3, 2021

RE: **SB 853 Juvenile Law – Juvenile Justice Reform**

POSITION: **OPPOSE**

The Maryland Chiefs of Police Association (MCPA) and the Maryland Sheriffs' Association (MSA) **OPPOSE SB 853**. SB 853 would make sweeping changes to the juvenile justice system in Maryland.

Peace officers are expected to enforce the law as the General Assembly declares it. SB 853 contains language that creates great ambiguity and will leave peace officers (and all other actors in the juvenile system) forced to guess about the laws meaning. Currently, a “delinquent act” is an act which would be a crime if committed by an adult. SB 853 creates an exception to that very clear rule: a delinquent act does not include an act that is “committed in a school” and “traditionally subject only to administrative discipline by the school.”

The phrase “traditionally subject only to administrative discipline by the school” will lead to great uncertainty and disparity across the state. How does an officer who has probable cause to believe a child committed an act that would be a crime if done by an adult determine if it is a delinquent act? Does the officer ask the principal how many times the act has occurred in the past 5 years at that particular school? Does the peace officer look to the entire county? What if private schools respond differently than public schools? If the peace officer issued citations for the conduct in the past at the school, does that describe the “tradition”? What standards does a reviewing court use in determining if an act at a school is a delinquent act or not?

Current law provides a clearly defined, bright-line rule that guides a peace officer in the exercise of discretion to refer a child to the juvenile system. The proposed language of SB 853 will remove that certainty, sow confusion, and provide no guidance to those involved in the juvenile justice system.

For these reasons, MCPA and MSA **OPPOSE SB 853** and urge an **UNFAVORABLE** report.