

Bill Number: HB 409
Edward J. Coyne, Deputy State's Attorney for Carroll County
Opposed

WRITTEN TESTIMONY OF EDWARD J. COYNE,
DEPUTY STATE'S ATTORNEY FOR CARROLL COUNTY
IN OPPOSITION TO HOUSE BILL 409
JUVENILES CHARGED AS ADULTS-LIMITATION AND REDUCTION

I write in opposition to House Bill 409, Juveniles charged as adults- Limitations and Reductions, as creating yet another post-conviction right that further drags victims to court and prevents any finality to a criminal case. The bill would also eliminate mandatory minimum penalties for juvenile offenders charged as an adult for using firearms in the commission of violent felony offenses.

First, this law unnecessarily permits juvenile offenders, who have been convicted as adults of first-degree murder or first-degree rape, to have their cases reviewed and possibly reduced by a judge after serving 20 years. Realistically, juveniles convicted as adults of first-degree murder or rape would be the only ones still incarcerated after 20 years. These offenders already have over a dozen proceedings and avenues to mitigate or review their cases in Court. This "Juvenile Restoration Act" would further traumatize victims who have already had to endure the dozen or more prior proceedings. The bill seeks to create a duplicate parole commission even though the current parole commission must consider all of the factors contained in the bill in its review of the cases for juveniles convicted as adults of these heinous crimes. The Carroll County State's Attorney's Office is currently working with the victims from a 1981 murder case committed by a juvenile offender that is before the parole board. These victims and their families are reliving the pain and trauma in the parole proceeding and should not be forced to endure three more situations to re-live the horrific event when Defendant invaded the home of the 16-year-old victim, attempted to kill her, shot and killed her teenage best friend and threatened to kill her other teenage friend.

Second, this law would also permit Judges to ignore mandatory minimum sentences for firearms offenses committed by juveniles charged as adults in the furtherance of violent felonies. Realistically, the only mandatory minimum sentences for juveniles involves using a firearm in the commission of a felony crime of violence. In situations where the mandatory minimum sentence would seem disproportionate, a panel of three judges already has the power to modify, reduce or eliminate the mandatory minimum sentence. This bill would erode public safety by limiting accountability for juvenile offenders convicted of using a gun for violent felony offenses.

The Carroll County State's Attorney's Office joins the Maryland State's Attorneys' Association in requesting that this committee give HB 409 an unfavorable report.