



To: Committee Chair, Judiciary Committee

From: Maryland Youth Justice Coalition – MYJC

Re: HB0409 Juveniles Convicted as Adults - Sentencing - Limitations and Reduction (Juvenile Restoration Act)

Date: January 21, 2021

Position: **Support**

Thank you for the opportunity to provide testimony on House Bill 409, the Juvenile Restoration Act. The Maryland Youth Justice Coalition (MYJC) SUPPORTS this bill. The Maryland Youth Justice Coalition (MYJC) is a group of passionate advocates and policy experts dedicated to creating a more fair and equitable youth criminal legal system where not only are youth given opportunities and options, but public safety is uplifted. MYJC aims to improve the lives of all system-impacted youth through legislative and policy advocacy. MYJC is made up of organizations, including representation from directly impacted and youthful individuals, who share an equitable vision for the future of the youth criminal legal system. We are dedicated to supporting evidence-based, culturally competent, and gender-responsive solutions that are vetted by directly impacted individuals and promote positive youth development and public safety.

At 82%, Maryland ranks first in the nation with the highest proportion of Black youth sentenced to life without parole. The members of the Maryland Youth Justice Coalition urge this state to join the twenty-three states including the District of Columbia that have already passed legislations to ban life without parole for juveniles. It is imperative that this 2021 legislative session, the Maryland General Assembly pass HB409, which ends the practice of sentencing children to die in prison. Further, HB409 ensures that all children in the state of Maryland have an opportunity to come before a judge for sentencing review after 20 years in prison. The U.S. Supreme Court has ruled that life without parole for children under 18 is unconstitutional in the vast majority of cases because of their “diminished culpability and heightened capacity for change.” Passing HB409 will bring Maryland in line with precedent set by U.S. Supreme Court and Maryland jurisprudence.

The research shows that incarcerating youths for longer than 15 to 20 years has diminished returns for public safety. Further research states the Maryland’s justice system has disproportionate minority contact leading to disparate outcomes of black males with 75% of the total youth justice population being of one minority race and this state incarcerating the largest number of emerging adults in the country. Extreme sentences for children disproportionately impact children of color. Nationally, Black children are serving life without parole at a per





capita rate that is 10 times that of White children; in Maryland, 87% of people who will be immediately eligible for parole under HB409, for crimes that they committed as children, are Black. Passing this legislation will allow for a more equitable justice system.

The Juvenile Restoration Act is based on the tenet that children can and shall grow and learn and no child should ever be told that their future is but to die in prison. It balances the needs for age-appropriate accountability and public safety with the fundamental truth that especially children are capable of profound positive transformation. This legislation takes an important step toward constitutional compliance for youth convicted of serious crimes by abolishing life without parole, providing meaningful opportunities for judicial review after serving a term of years, and setting forth the factors particular to youth that courts must consider at the review hearing.

We urge this committee to issue a favorable report on HB 409.

For more information, please contact: Ashley Devaughn, adevaughn@acy.org

