

Bill Number: SB 165
Allan J. Culver, State's Attorney for Carroll County
Opposed

WRITTEN TESTIMONY OF ALLAN J. CULVER,
STATE'S ATTORNEY FOR CARROLL COUNTY,
IN OPPOSITION OF SENATE BILL 165
JUVENILE COURT - JURISDICTION

I write in opposition to Senate Bill 165, Juvenile Court – Jurisdiction, eliminating provisions allowing juveniles to be charged as adults for the most violent offenses such as rape and murder. The primary goal of the juvenile system is to rehabilitate juveniles and to have juveniles remain in the community. The best way to protect our community with juvenile delinquents is to rehabilitate them before they become adult offenders.

However, not every crime committed by a juvenile should be centered around the rehabilitation of the juvenile. The criminal justice system also considers the rights of the victim and the possibility of an individual being a danger to the community. The most violent of criminal offenses committed by juveniles require a more balanced approach.

Although a juvenile may be charged as an adult for a crime of violence, numerous mechanisms are included in the process already to protect juveniles and determine if a juvenile should remain in the adult system:

- Age requirements for initial charging (14 years of age regarding a crime carrying a life sentence, 16 years of age regarding a crime of violence).
- The juvenile may request a transfer hearing to be remanded to the juvenile system after being charged as an adult.
- Juveniles charged as adults have a bail review in front of a judge on the next day of court to determine their eligibility for release.
- Even after conviction, the juvenile may request a review to determine if the case should be remanded to the juvenile system.

The juvenile system is not designed to quickly react to crimes committed by juveniles where the juvenile may be a danger to the community. It's designed with delinquent acts in mind, not violent acts. If Senate Bill 165 becomes law, juveniles who commit crimes and are a danger to the community could remain on the streets and in the community for up to more than 25 days before an arrest warrant is issued in cases where an arrest warrant is required. And even in situations where an arrest warrant is issued for a juvenile, an intake worker can determine whether the juvenile should be detained on a charge of murder or other crimes of violence. The intake worker's determination would be made without input from the victim, the State, the court system or even a defense attorney. In these cases, judges are the appropriate entities to balance the needs of the juvenile versus the safety of the community, but judges would have no voice in this process.

Currently, the Department of Juvenile Services requests that every felony charge be returned to the Department of Juvenile Services to be handled out of court at the intake process thereby eliminating the juvenile court process entirely. If this law were to pass and current DJS policy remain the same, we will have juveniles charged with

murder having their cases resolved at intake. This law will further reduce accountability and public safety.

Over the past several years there has been a movement to close and eliminate juvenile detention facilities. Many of these facilities that were closed were outdated and needed to be closed. However, no juvenile facilities have been developed to replace the ones that were closed. Eliminating adult jurisdiction for crimes of violence will cause violent juvenile offenders, who may be more appropriate for an adult detention facility, to be housed in already overburdened, overcrowded juvenile facilities with other juveniles who will be in danger.

This is an example that highlights the problem that eliminating adult jurisdiction for juvenile crimes of violence will have a ripple affect across the criminal justice and juvenile justice systems. What is the purpose in eliminating adult jurisdiction for juveniles? Is the purpose to not hold juveniles in adult detention facilities if they're not appropriate for such facilities? Is it to limit the length of the incarceration a juvenile charged as an adult can face? Is it to stop juveniles from being charged as adults that will ultimately be more appropriate for the juvenile system? Whatever the problem is with automatic adult offenses there are ways to correct the problem without preventing juveniles who commit murders and rapes from being appropriately charged as adults.

I urge an unfavorable report to Senate Bill 165 as this new law will endanger the community.