



ARCHDIOCESE OF BALTIMORE † ARCHDIOCESE OF WASHINGTON † DIOCESE OF WILMINGTON

January 27, 2022

**SB 165
Juvenile Court – Jurisdiction**

Senate Judicial Proceedings Committee

Position: Support

The Maryland Catholic Conference offers this testimony in SUPPORT of Senate Bill 165. The Catholic Conference represents the public-policy interests of the three (arch)diocese serving Maryland, including the Archdioceses of Baltimore and Washington and the Diocese of Wilmington, which together encompass over one million Marylanders.

Senate Bill 165 would end the *automatic* charging of youth between the ages of 14-17 as adults. Currently, there are thirty-three different offenses wherein youth are automatically charged as adults. This legislation would allow for all children to begin their case in the juvenile court system, rather than mandating that the adjudication of their case begin in the adult court system. In short, this bill would refocus our juvenile system from a “waiver-down” system to a “waiver-up” system, wherein juvenile court judges would retain discretion to waive cases up to the adult court system.

It is well-settled, in many secular, judicial and faith-based circles, that holding youth to the same standards of accountability as a fully formed adult is plainly unjust. In *Miller v. Alabama*, 132 S. Ct. 2455 (2012), the United States Supreme Court specifically noted that youthful offenders possessed “diminished capacity” and the inability to fully appreciate the risks and consequences of their actions, in considering whether youth should be treated the same as adults jurisprudentially. Additionally, the United States Conference of Catholic Bishops has further stated that “society must never respond to children who have committed crimes as though they are somehow equal to adults fully formed in conscience and fully aware of their actions.” (*Responsibility, Rehabilitation, and Restoration: A Catholic Perspective on Crime and Criminal Justice*, USCCB, 2000)

These inherent truths regarding youth should be carefully considered when assessing Maryland’s current automatic-charging law, which presumes that youth should be considered to have the same capacity as an adult in every one of thirty-three different charging scenarios. This presumption can often leave a lasting effect severely limiting a child’s ceiling for success for rest of their lives. Conversely, the transition to a “waiver up” system sought in Senate Bill 165 would safeguard youth from a lifetime of wasted opportunity, while still allowing judicial discretion to treat differently those rare cases wherein the People feel that the alleged offender is deserving of more serious consequences.

The Church is a strong advocate for restorative justice, particularly within the juvenile system. We therefore implore the General Assembly to make Maryland the next state to treat youthful offenders as they should be treated and issue a favorable report on Senate Bill 165.