



# **Testimony of Olivia Naugle**

*Youth Justice Campaign Strategist  
The Sentencing Project*

SB 323 – Favorable

Before the Maryland Senate Judicial  
Proceedings Committee

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Chair Smith, Vice Chair Waldstreicher, and members of the Senate Judicial Proceedings Committee:

Established in 1986, The Sentencing Project advocates for effective and humane responses to crime that minimize imprisonment and criminalization of youth and adults by promoting racial, ethnic, economic, and gender justice. The Sentencing Project is also a member organization of the Maryland Youth Justice Coalition (MYJC).

We urge the committee to issue a **favorable** report on SB 323. This legislation seeks to limit the number of youth who can, under Maryland law, be automatically charged as if they were adults for certain offenses. While we support ending the practice of automatically charging people under 18 as if they were adults entirely, and beginning all cases involving youth (17 and younger) in juvenile court, we recognize this compromise legislation is an important step forward.

We support this legislation to limit the practice of automatically charging youth as if they were adults for three reasons:

1. Charging youth as if they were adults harms public safety.
2. The racial disparities of youth automatically charged as if they were adults are staggering.
3. Maryland is a national outlier; its automatic transfer law is unusually harsh and unjust.

### **Charging Youth as If They Were Adults Harms Public Safety**

Sending youth to the adult criminal justice system, for any offense, harms public safety. Youth in the adult system are more likely to commit future offenses and particularly more likely to commit the most violent offenses when compared with peers in the juvenile system.<sup>1</sup>

The Center for Disease Control (CDC)'s Task Force on Community Preventive Services reviewed decades of literature and concluded that sending a youth to the adult system generally increases rates of violence among youth.<sup>2</sup> In addition, Maryland's process of automatically transferring children and adolescents accused of a lengthy but still specific list of offenses in the name of deterrence or public safety also contradicts findings from the National Research Council, which supports "a policy of retaining youth in the juvenile justice system" both to keep punishments proportional with the age of offenders and to prevent additional offending.<sup>3</sup>

While opponents often suggest that charging youth as if they were adults means that the state is taking crime seriously, the truth is that charging teenagers in adult courts actually creates more crime and harms public safety.

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<sup>1</sup> Centers for Disease Control and Prevention. (2007). [\*Effects on violence of laws and policies facilitating the transfer of youth from the juvenile to the adult justice system: A report on recommendations of the task force on community preventive services\*](#); Redding, R. (2010). [\*Juvenile transfer laws: an effective deterrent to delinquency?\*](#) Office of Juvenile Justice and Delinquency Prevention.

<sup>2</sup> The Community Preventive Services Task Force (2003, April). [\*Violence Prevention: Policies Facilitating the Transfer of Juveniles to Adult Justice Systems\*](#). <https://www.thecommunityguide.org/findings/violence-prevention-policies-facilitating-transfer-juveniles-a-dult-justice-systems>

<sup>3</sup> National Research Council (2013). [\*Reforming Juvenile Justice: A Developmental Approach\*](#). Washington, DC: The National Academies Press, p. 134.

Despite its flaws, the juvenile justice system is designed to be youth-serving. Adult courts are generally tasked with determining guilt or innocence and then assigning a punishment to fit the crime. Juvenile courts have the added responsibility of understanding the young person accused. All courts are concerned with recidivism; juvenile courts are built to prevent it. Post-conviction programs and professional staff in the adult system are not designed or trained to work with young people. This is especially important because youth convicted as if they were adults are likely to receive probation, and should be served by juvenile probation officers. In Maryland, most youth in the adult system are already served by DJS. Last year, the average daily population at DJS detention facilities was 262.9 youth, and 57% of them were awaiting their criminal court hearing.<sup>4</sup>

Moreover, charging teenagers as if they were adults has collateral consequences. Youth tried in the adult criminal justice system generally leave with an adult criminal record and, possibly, news coverage that the Internet does not forget. Such a formal - and informal - record is a significant obstacle to a youth's successful reentry into the community. The Council of State Governments has found 415 collateral consequences for a felony conviction in Maryland, the vast majority (367) of them limiting employment in some form.<sup>5</sup> A teenager should not be saddled with such lifelong consequences based on a poor, though impulsive, decision.

### **A National Outlier - Maryland's Automatic Transfer Law is Unusually Harsh**

In the 1960s, Maryland was one of just three states (Mississippi and Pennsylvania were the other two) to automatically charge youth (14 and older) as if they were adults on murder charges.<sup>6</sup> By 1986, Maryland was one of just 14 states that automatically charged youth as if they were adults based on the offense, typically murder. Maryland, on the other hand, added armed robbery as a so-called adult charge in 1973; as of 1986, only six other states did the same.<sup>7</sup>

Throughout the 1980s and 1990s, this legislature repeatedly added offenses to that list. As of today, Maryland automatically transfers youth charged with 33 separate offenses into adult criminal courts. Maryland is currently a national outlier in its automatic charging policy. Per capita, the available data show that only Alabama automatically sends more of its young people into adult courts based on the charge, and Alabama's most recent numbers are so old (2016) that Maryland may actually rank last, not second-to-last, in this shameful statistic.

Meanwhile, six states (California, Hawaii, Kansas, Missouri, Oregon, and Texas) start *all* cases involving youth in juvenile court. As does Maryland, all six have judicial waivers that allow individual cases to move to adult criminal court.<sup>8</sup>

### **Racial Disparities**

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<sup>4</sup> Tolentino, B. (2025). [Data Resource Guide FY2025](#), Maryland Department of Juvenile Services, p. 101.

<sup>5</sup> The National Inventory of Collateral Consequences of Conviction was created by the Council of State Governments and is available at <https://niccc.nationalreentryresourcecenter.org/consequences>.

<sup>6</sup> Feld, B. (1987). The Juvenile Court Meets the Principle of the Offense: Legislative Changes to Juvenile Waiver Statutes, *Journal of Criminal Law and Criminology* 78(3): 471-533 at 512-513.

<sup>7</sup> Feld (1987) at 512-513.

<sup>8</sup> Puzzanchera, C., Sickmund, M., & Hurst H. (2022). [Youth and the juvenile justice system: 2022 national report. National Center for Juvenile Justice.](#)

Automatically charging youth as adults is a racial justice issue; there are staggering racial disparities in youth charged as if they are adults in Maryland. The available data compiled by the Governor's Office of Crime Prevention and Policy<sup>9</sup> show that youth of color are vastly more likely to be charged as if they were adults. In fact, over 80% of youth charged in adult court in Maryland are Black. Moreover, among those youth automatically charged as if they were adults, white youth are vastly more likely to be reverse waived into the juvenile courts. In the MDEC Counties, white youth whose cases were not dismissed were transferred to juvenile court 94 percent of the time. In those same counties, only 26 percent of non-dismissed cases involving youth of color were transferred to juvenile court.

### **Youth Charged as If They Were Adults Are Not Typically Sentenced as Adults.**

Maryland law, sensibly, allows for reverse waivers as one safety valve for the state's aggressive and unusual list of charges that must be filed in adult courts. Criminal court judges are then tasked with determining whether their courtrooms or those of family court judges, are the appropriate venue to proceed.

Youths transferred into adult court are often not sentenced there. In fact, roughly 85 percent of youth automatically sent to the adult justice system either have their case dismissed or sent back to the juvenile system.<sup>10</sup> Clearly, too many young people begin their cases in adult courts under current law. The status quo sends hundreds of teenagers into adult courts to wait for a process that will dismiss the charge entirely or waive the youth back into the juvenile court more than 85 percent of the time. This is an astonishingly inefficient and costly system likely to coerce guilty pleas from teenagers.

### **Conclusion**

We know that charging youth as adults harms youth wellbeing and community safety. Decisions to send youth to adult court should be made with careful consideration. Automatic charging is a particularly inefficient way to decide about transfers because it only considers the initial charge. A juvenile court judge's discretion should be used based on the circumstances of the case, rather than simply basing the decision solely on the immediate offense. Juvenile court judges are trained to consider factors such as childhood trauma and adolescent brain development when making decisions regarding youth. Automatic charging sidesteps the juvenile courts' involvement in the transfer process.

The Sentencing Project urges the committee to issue a favorable report on SB 323. This evidence-based reform is long overdue.

Thank you for your time and attention. If you have any questions or need any additional information I am happy to assist and can be reached at the email address below.

Olivia Naugle

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<sup>9</sup> [Juveniles Charged as Adults](#), created by the Governor's Office of Crime Prevention and Policy.

<sup>10</sup> [Maryland's JIDPA compliance crisis: Children in adult detention](#), created by the Processes and System Coordination Workgroup of the Commission on Juvenile Justice Reform and Emerging and Best Practices.

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