



## **SB 422 /HB 1433 Juvenile Court - Jurisdiction Frequently Asked Questions**

### **Q.) What is the purpose of Maryland's juvenile justice system, and how does it differ from the criminal justice system for adults?**

- Maryland's juvenile justice system is tasked with balancing three objectives: (1) public safety and the protection of the community; (2) accountability of the child to the victim and the community for offenses committed; and (3) competency and character development to assist the child in becoming a responsible and productive member of society.<sup>1</sup> Maryland's criminal justice system does not have a similar purpose clause.

### **Q.) What is SB 422/HB 1433, and how would it change Maryland's laws?**

- Under current Maryland law, people under 18 years old charged with any of 33 separate offenses are arrested and automatically charged as if they were adults, in criminal court.
- SB 422/HB 1433 would limit the practice of automatic charging - 73% of cases currently charged in adult criminal court would start in juvenile court instead. This bill would limit the list of charges in which 16- and 17-year-olds are automatically charged as if they were adults and start all cases involving 14 and 15-year-olds in juvenile court.

### **Q.) Would this bill prevent people under 18 from being charged in adult courts?**

- No. SB 422/HB 1433 changes where certain cases start. Maryland law currently allows for discretionary waivers, under which any 15-, 16- and 17-year-old can be transferred to adult court for any criminal offense and people 10- to 14-years old can be charged for any offense carrying a life sentence as a possible penalty. Under SB 422/HB 1433, as under current law, a case can still be waived to adult court if a juvenile court judge approves a motion made by a prosecutor.

### **Q.) Is SB 422/HB 1433 good for public safety?**

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<sup>1</sup> §3-8A-02.

- Sending youth to the adult criminal justice system, for any offense, harms public safety because youth charged in adult court are more likely to re-offend than similarly situated peers retained in the juvenile courts.<sup>2</sup> SB 422 / HB 1433 is an important reform that will keep more youth out of the adult system. Ultimately, ending automatic charging for youth entirely and starting all cases involving youth in juvenile court is best for long-term safety outcomes.

**Q.) If we start these cases in juvenile court, will prosecutors still have a voice in the process?**

- Yes. Here is a [step-by-step slide deck](#) of what happens to youth after arrest. If a youth is charged in juvenile court, before trial, the State’s Attorney can file a petition to waive jurisdiction and transfer the case to adult court. Over the last 10 years (FY2015-FY2024), 1,185 people under 18 were waived to adult court through this procedure,<sup>3</sup> many of them for non-violent offenses such as motor vehicle theft or malicious destruction of property.

**Q.) In Maryland if a youth is tried in juvenile court and adjudicated delinquent, at what age does juvenile court jurisdiction end?**

- Juvenile court jurisdiction extends to age 21 in Maryland. Maryland does not have “blended sentencing,” a complicated scheme in which the youth can receive both juvenile and adult sentences. Some states, such as California, Colorado, New Jersey, and Washington State have extended jurisdiction through age 25.

**Q.) How does Maryland compare to other states on auto-charging?**

- Maryland has an unusually long list of charges that start in adult court, which is why Florida is the only state that sends more of its youth to adult court based on the charge than Maryland does (and Florida’s youth population is three times the size of Maryland’s). On a per-capita basis, only Alabama sends more youth to adult court based on the charge. By comparison, Virginia has five charges that automatically start in adult court, four of them specific murder charges (certain murderous offenses (capital, 1st, 2nd

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<sup>2</sup> Hahn, R., McGowan, A., Liberman, A., Crosby, A., Fullilove, M., Johnson, R., Moscicki, E., Price, L., Snyder, S., Tuma, F., Lowy, J., Briss, P., Cory, S., Stone, G., & Centers for Disease Control and Prevention (CDC) (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. *MMWR. Recommendations and reports : Morbidity and mortality weekly report. Recommendations and reports*, 56(RR-9), 1–11.

<sup>3</sup>

<https://app.powerbigov.us/view?r=eyJrIjoiNzQzYTZhYmMtNzVmOC00OGE2LWFKNzktZDIiYzg5NzEyODU2liwidCI6IjYwYWZlOWUyLTQ5Y2QtNDliMS04ODUxLTY0ZGYwMjc2YTJlOjI9>

degree, lynching) or aggravated malicious wounding. Virginia does not allow people under 16 years old to start their cases in adult court under any circumstances.

- In the last decade, more than half of the states across the country have narrowed or eliminated automatic charging pathways that were created during the “superpredator” era. As of 2025, there are 6 states that require all of their cases involving youth to originate in juvenile court for all charges, with the juvenile court judge retaining discretion over whether the youth is waived to adult court: California, Hawaii, Kansas, Missouri, Oregon, and Texas. Of these six states, two (Kansas and Texas) have blended sentencing schemes. The other four do not.

### **Q.) Isn't the adult system better equipped to hold people accountable?**

- Supporters of adult charging argue that only the adult system can ensure the harsh penalties they seek. Yet overwhelmingly, youth whose cases start in adult courts are not resolved there. In fact, around 85% are waived back to juvenile court.
- For the narrow set of cases that result in adult convictions, long terms in prison – though appalling – are not common. The Vera Institute of Justice analyzed a group of 871 youth charged in adult court with serious felonies between FY 2017-2019. Of those 871 defendants, only 102 youth (11.7%) received adult sentences. Most (60%) of the small percentage of youth who are sentenced to adult time receive a sentence of less than 3 years and return to the community well before their 21st birthday with little or no rehabilitative support.

### **Q.) If youth are in the adult system, why aren't they able to receive rehabilitative services?**

- 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.

### **Q.) What is the impact on youth charged as if they were adults?**

- In addition to contributing to worse public safety outcomes, research shows that charging youth as if they were adults is incredibly harmful for the youth and their future prospects. Youth who spend time in the adult system are much more likely to be physically and

sexually assaulted. They are also at increased risk of severe mental health challenges and suicide because youth in the adult system often spend time in solitary confinement, which research shows can lead to psychological deterioration and increased recidivism risk.

- Charging teenagers as if they were adults also 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.

**Q.) Are there racial/ethnic disparities for youth charged as adults in Maryland?**

- 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 (there is no data on ethnicity, so we don't know what proportion of white youth charged as if they are adults are Latino). 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.

**Q.) Are there any cost savings with this legislation?**

- General fund expenditures would decrease by \$12.3 million for the Department of Juvenile Services (DJS) in FY 2026 and \$17.0 million once fully implemented<sup>4</sup>
- Under SB422/HB 1433, youth awaiting trial would have vastly shorter lengths of stay in detention, reducing the average detention population by 120 youth. This reduction would likely lead to the closure of the Charles H. Hickey, Jr. School.

**Q.) Will it be more efficient to start these cases in juvenile court?**

- Maryland's current system has some cases starting in Juvenile Court and some cases automatically starting in adult Criminal Court. Unless they are charged with first-degree murder or first-degree rape, youth charged in adult courts can ask a judge to transfer their case to Juvenile Court and routinely do so. This process takes approximately six months depending on all of the circumstances. For cases that begin in juvenile court, prosecutors can ask a judge to send any case that starts in juvenile court to adult court, so long as the youth is at least 15 years old; this process takes considerably less time.
  - This legislation would streamline this process by starting more cases in Juvenile Court and allowing prosecutors to decide which specific cases to request to move to adult court and how to best allocate their resources.
  - This process is so inefficient that amending it, as under SB 422/HB 1433, would save the state \$17 million per year.

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<sup>4</sup> [https://mgaleg.maryland.gov/2025RS/fnotes/bil\\_0002/sb0422.pdf](https://mgaleg.maryland.gov/2025RS/fnotes/bil_0002/sb0422.pdf)

**Q.) Why should we send DJS more cases? Can they handle it?**

- DJS currently handles almost all of the youth we're discussing. Many are already detained in DJS facilities upon arrest (as required by federal law), and they overwhelmingly serve their sentences in DJS under the plea bargains that usually resolve these cases. DJS provides rehabilitative services to youth every day - services they would not receive in the adult system.

**Q.) What about the victims of these types of crimes?**

- Victims are not a monolith and we shouldn't assume they all want harsh responses. When a traumatic event occurs, everyone involved experiences it differently including the victims. Some survivors of crime may adopt a punitive response to their experience, however not all do. Some victims seek restorative options in sentencing and their perspective shouldn't be dismissed but considered.