



NATASHA M. DARTIGUE
PUBLIC DEFENDER

KEITH LOTRIDGE
DEPUTY PUBLIC DEFENDER

**Statement of Maryland Public Defender Natasha M. Dartigue
in Response to
Senate Judicial Proceedings Committee Passage of SB 744 with Amendments.**

The Senate Judicial Proceedings Committee bulldozed forward and moved SB 744 out of committee early Tuesday afternoon. OPD applauds Senators Jill P. Carter and Charles E. Sydnor III, who voted against the bill and remained steadfast in their commitment that public safety can be achieved without sacrificing 10-12 year old children. Elementary school age children, especially young Black children from marginalized communities who will be disproportionately impacted, merit proactive resource commitments and must not be positioned as criminal threats to our communities. Senator Carter and Senator Sydnor each attempted to introduce evidence-based amendments which would address the foreseeable harm to children and redirect the bill towards salient public safety solutions, but their outcry fell on deaf ears.

Senate Bill 744 contains many of the same problematic provisions seen in [HB 814](#). Particularly, SB Bill 744 disregards recommendations from Maryland's Juvenile Justice Reform Council (JJRC), expands the scope of offenses that are applied to 10-12 year old children, and increases the availability of pre-adjudication detention for children accused of misdemeanors. The JJRC spent considerable time researching best practices regarding the treatment of system-involved children, including limiting the utilization of detention and removing barriers to precourt supervision. Effectively, SB 744 is a crime bill that dismantles the protections established by the 2022 Juvenile Justice Reform Act, disregards best practices for addressing delinquent behavior, and fails to look at long term impact.

Widening the criminal justice net to bring more 10 to 12 year olds into the juvenile system, SB 744 triggers the over-policing of Black children from marginalized communities and expands the racial disparities that previously distinguished Maryland as one of the country's worst legal systems for children. The issue of over-policing in Black communities is a significant and longstanding problem contributing to systemic inequalities, racial profiling and the criminalization of Black people. Broadening the range of offenses that apply to children reinforces the dangerous practice of over-policing and further increases Maryland's abhorrent mass incarceration rate.

Increased pre-adjudication detention will also result in negative outcomes for more children. Research shows that even brief periods of detention disrupts educational progress, harms mental health and physical wellbeing, and increases the likelihood of recidivism. Supported by the data, and an understanding that the solutions to changing delinquent behavior are deeply rooted in services and interventions, Senator Carter

proposed amendments that required use of the Children in Need of Supervision (CINS) process to immediately connect children and their families with needed services, rather than rely on punitive measures that have proven ineffective.

Senate Bill 744 hastily attempts to implement solutions to complex issues without proper analysis or consideration of potential long term implications. This will have negative effects on Maryland communities. Senator Sydnor valiantly questioned the lack of data to support several provisions of SB 744, voiced concerns about the pre-adjudication detention of children, and cautioned that the bill's direction was unduly influenced by the media. It is crucial that any actions taken to address delinquent behavior and reduce recidivism, are based on data, factual evidence and age appropriate best practices. Achieving public safety can be done without harm to 10-12 year old children. Maryland should establish the Commission on Juvenile Justice Reform and Emerging and Best Practice to propose measures and provide responses that are thoughtful, research- based and data-driven.

The measures proposed all come with significant costs, not just to community safety but to limited state dollars. The expansion of offenses, increased review by prosecutors, and increased law enforcement measures will result in more arrests, more charges, and a greater need for public defenders and defense services. The allocation of resources between law enforcement, prosecutors and public defenders is a critical aspect of the juvenile and criminal legal systems that impacts their fairness and effectiveness. It is important for policymakers to consider all implications of SB 744, including the need to allocate additional resources to the Office of the Public Defender to ensure that access to justice, due process and rights of individuals, especially children 10-12 years old, are not violated.

The notion of moving quickly simply to do “something”, even if it is wrong, is detrimental to children, wastes limited resources, and raises important concerns about priorities within the criminal justice system. The priority should be the pouring of resources into communities and providing interventions for children. In addressing public safety concerns, lawmakers must not exacerbate problems with actions taken in haste that lead to ineffective outcomes, fail to address the root causes of the problem, and have a lasting negative impact on children, families and communities. Maryland lawmakers can and must do better.

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