



Testimony in **SUPPORT** of House Bill 196:  
Juveniles – Pretrial Detention – Confinement in Juvenile Facilities  
House Judiciary Committee  
The Honorable Joseph Vallario, Chair  
February 4, 2016

Thank you for the opportunity to provide testimony on House Bill 196. Advocates for Children and Youth (ACY) supports this bill.

ACY was founded in 1987 by a group of prominent children’s advocates in Maryland who saw the need for an independent organization to advocate for the needs of the state’s children and families in the community, the media, and the public policy arena. ACY’s mission is to identify problems, promote policies, and programs that improve results for Maryland’s children in measureable and meaningful ways, and evaluate the effectiveness of programs and policies for the state’s children and youth.

The bill recognizes that children, even those accused of severe crimes, are still children. As the US Supreme Court wrote in *Miller v. Alabama*, “children are constitutionally different from adults for purposes of sentencing.”<sup>1</sup> This is true of pre-trial detention as it is for post-trial sentencing. As the Marshall Project and others have reported, teens held in adult prisons face elevated risks of abuse and assault.<sup>2</sup>

HB196 requires that Maryland’s criminal courts make every effort to keep children out of adult prisons, while allowing for certain narrow exceptions, such as pre-trial release or lack of space in a juvenile facility. Further, in those (hopefully) rare situations where a criminal court determines that it really is necessary to hold a child in an adult facility pending trial because detaining a child under its jurisdiction in a secure juvenile facility poses a risk of harm to the child or others, the bill requires that the judge explain such a finding for the record. In this way, there will be greater assurance that such a determination is truly well considered and warranted.

For the foregoing reasons, we support HB 196 and urge a favorable report. If you have further questions, you may contact me at 410-547-9200 ext. 3028, or [rakbar@acy.org](mailto:rakbar@acy.org).

Thank you.

Rais Akbar, Juvenile Justice Policy Director

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<sup>1</sup> *Miller v. Alabama*, 132 S. Ct. 2455 (2012), available at <http://www.supremecourt.gov/opinions/11pdf/10-9646g2i8.pdf>

<sup>2</sup> “A Boy Among Men”, available at <https://www.themarshallproject.org/2015/02/25/a-boy-among-men#.1l1Sf2wCF>