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Maryland poised to curb adult charges for juveniles in major justice reform



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The Maryland General Assembly appears ready to pass a significant reform next week to how minors are automatically charged as adults in the state.

While juvenile justice advocates have hailed the bill as a win for **public safety and rehabilitation** after over a decade of advocacy, victim organizations and prosecutors are wary of the bill's impact on what they said is an already strained system.

The Youth Charging Reform Act would make 16- and 17- year-olds charged with first-degree assault and several handgun offenses no longer automatically referred to adult court. Instead, a judge would decide early on whether a case with these charges should be moved to the adult court or remain in the juvenile court. Under the bill, 16- and 17-year-olds would still be automatically charged as adults for several offenses, including carjacking, machine gun offenses, kidnapping, voluntary manslaughter, abduction, and first- and second-degree murder and rape or attempt of either.

The legislation would also prohibit the housing of minors in adult prisons and jails starting in October 2029.

The House Judiciary Committee passed the Senate's version of the legislation Thursday, without amendments. The Maryland State Senate passed the bill on March 6 after a significant **watering-down** of the bill in the Senate Judicial Proceedings Committee that took away numerous offenses from the list that would no longer be automatically charged.

Maryland currently automatically charges 16- and 17-year-olds for 33 offenses, which the state's [Commission on Juvenile Justice Reform & Emerging & Best Practices](#) said is "one of the longest lists of offenses for which a child can be charged as an adult in the country." Most minors initially charged as adults in Maryland, whose cases reach a resolution, about [55% according to data](#) from the Department of Juvenile Services, have their cases brought down to juvenile court, after some spend months waiting for a transfer hearing. The charges set to be removed from the automatic charging list focus on offenses most likely to be brought down to the juvenile court in the current system.

Baltimore City State's Attorney Ivan Bates, the head of the statewide association of state's attorneys, said he is concerned that sending more minors to juvenile court instead of starting in adult court could make it more [difficult for prosecutors](#) to build their cases. Bates said he is also concerned about whether the Department of Juvenile Services has the capacity to handle additional juveniles and is urging the Maryland General Assembly to delay the changes to auto charging for three years to give the department more time to prepare.

"We support making sure that youth have as many services as possible, but we also feel that the system right now is not able to handle a major influx of additional children," Bates said in an interview with The Baltimore Sun. "We just want to make sure that the system is fixed, that the system is firm."

Department of Juvenile Services Secretary [Betsy Fox Tolentino](#) has pushed back on the argument that the department could not handle additional young people. Tolentino said that the department already deals with most of the minors that would now be originally sent into the department's care and said that getting services to the juvenile rehabilitative services early decreases the likelihood that they will re-offend.

A [November report](#) by the Maryland Office of the Correctional Ombudsman said that several Department of Juvenile Services facilities "undermine both safety and youth dignity," and that some facilities lack meaningful programming.

In most jurisdictions in Maryland other than Baltimore City, children charged as adults are held in adult facilities. This often leads to minors being placed in solitary confinement for 23 hours per day, to separate them from adult inmates and fellow minors charged for the same incident, according to Deputy District Public Defender for Baltimore City, Alycia Capozello. The housing of minors in adult facilities makes Maryland out of compliance with federal standards, according to a January letter from the [U.S. Department of Justice](#), and lose out on federal funding.

Public defenders have reported seeing children held in adult facilities refusing to shower, fearing adult prisoners, according to Capozello. Minors also refuse visits from family members, she said, to avoid invasive strip searches.

“I’ve seen, personally, children who are disconnected from their families because they haven’t been able to have appropriate contact, they haven’t been able to make those calls home, they haven’t been able to have those in-person visits,” Capozello said. “That disconnection from family has caused their mental health to deteriorate.”

Laura Wilt, a senior attorney for the Maryland Crime Victims Resource Center, said the center is against the changes to auto-charging policy, especially the first-degree assault change. Wilt said crime victims often say that they are “horrified” when they find out children charged in juvenile court have been released on probation and that some don’t follow through on rehabilitative programs. She said she was particularly alarmed by the proposal for first-degree assault to no longer be automatically charged.

“When someone is the victim of a violent crime, they want the courts to be fair, but effective in keeping them safe,” Wilt said.

However, Wilt said, her organization that works on behalf of crime victims has supported the language in the bill to ban the long-term housing of minors in adult facilities. Even though victims want justice through the adult court system, Wilt said they also want to keep the minors safe while serving a sentence.

Terry Speaks was 17 when he was charged as an adult for first-degree assault because of a fight, not involving any weapons. He spent five years in an adult facility, where he said he was afraid of the inmates he was surrounded by and didn’t have access to resources that he said could have put him on the right track earlier. After he was released, he said he started using drugs, lost friends and was imprisoned again.

“No one wants to make a mistake when they’re young and can’t redeem themselves when they get older,” Speaks, now 51, said in an interview. “If we would just do our due diligence to make sure that these children get the proper treatment in the proper therapy, a lot of them can be saved.”

The legislation is a product of 14 years of auto charging reform advocacy, which at times has advocated for a complete end to the auto charging system. Heather Warnken, the executive director of the University of Baltimore’s Center for Criminal Justice Reform, said the current legislation is a “compromise bill.”

That sentiment is shared by [juvenile justice advocates](#), who have pushed back against past amendments to the bill that nixed an initial end to auto-charging 14- and 15-year-olds.

Sen. Will Smith, the bill's sponsor and a Montgomery County Democrat, told The Sun that the bill would help the majority of children who are initially charged as adults and are sent back to the juvenile justice system.

Smith said the bill would be “tremendously effective” in making the justice system more efficient, have better public safety outcomes and improve the minors' chances of rehabilitation. He also noted the bill's reporting requirements, which he said could make future improvements to the system more possible.

Have a news tip? Contact Katharine Wilson at kwilson@baltsun.com.