



House Bill 618

Juveniles – Transfer Determinations – Confinement in Juvenile Facilities

MACo Position: **SUPPORT**

To: Judiciary Committee

Date: February 27, 2015

From: Natasha Mehu

The Maryland Association of Counties **SUPPORTS** HB 618. This bill would help ensure that certain juvenile detainees are held in the appropriate setting and are not unnecessarily housed in adult detention centers.

Under current law, certain juveniles charged as adults are held in adult jail pre-trial. However, if it is in the interest of the child or society, the circuit court may transfer the juvenile to the jurisdiction of the juvenile court. This is known as a reverse waiver. HB 618 requires, with certain exceptions, that while a reverse waiver is pending, a juvenile be held in a juvenile facility rather than the adult jail.

Under the federal Prison Rape Elimination Act (PREA) detention centers are required to separate juvenile detainees from adult detainees by sight and sound. Adult detention centers are not intended to house juveniles and therefore often do not have the space to properly house the juvenile and be in compliance with federal requirements. This is a difficult situation for detention centers to manage and HB 618 would help alleviate these issues.

Additionally, the Department of Juvenile Services is best trained and equipped to manage juvenile detainees. Juveniles held in adult jails are at higher risk for physical and mental harm from other inmates and are more likely to reoffend when released. Juveniles held in juvenile detention centers are able to get education and mental health services that are not available to them at an adult detention center.

MACo believes HB 618 is an important step forward in ensuring juveniles are being appropriately housed and adult detention centers are not overburdened when a juvenile detention center is a better fit. For these reasons MACo urges a **FAVORABLE** report on HB 618.