

Youth Equity and Safety Act

HB96/SB93 YES ACT

KIDS
ARE
KIDS

MARYLAND YOUTH
JUSTICE COALITION

Maryland sends more young people to adult court based on offense type, per capita, than any other state except for Alabama.

We can and must treat our youth better. Maryland should join the 26 other states who have passed laws to **treat kids like kids and limit the pathways into adult courts**. Seven states (California, Hawaii, Kansas, Kentucky, Tennessee and Texas) already start all cases involving their youth in their juvenile courts.

WHAT THE YES ACT DOES:

The YES Act changes the way teens charged with serious felonies enter the justice system. Currently teens charged with any of 33 offenses are arrested and automatically charged as if they were adults, in criminal court. The YES Act establishes that all youth under age 18 begin their cases in juvenile court.

WHAT THE YES ACT DOES NOT DO:

The YES Act does not release teens charged with serious crimes back into the community. Juvenile Judges and Magistrates decide whether someone is released or held waiting for trial.

The YES Act does not prevent prosecutors from seeking to move a teenager's case to adult court. Prosecutors may attempt to move cases from juvenile to adult court; a Judge will determine the appropriate venue for the trial.

THE YES ACT IS A RESEARCH-BASED CRIME REDUCTION POLICY

- **Youth charged in adult court are less likely to receive rehabilitative services, which makes them more likely to reoffend than similarly situated youth charged in juvenile court.** Research overwhelmingly shows that charging kids as adults does not improve public safety. **According to the U.S. Department of Justice** – “To best achieve reductions in recidivism, the overall number of juvenile offenders transferred to the criminal justice system should be minimized.”
- **Adult charging results in increased physical violence, sexual violence, and isolation.** Research shows that youth charged as adults are at increased risk of physical and sexual assault and isolation from their families, which may contribute to future criminality. **The YES Act protects kids and preserves families.**
- Adolescent brains are not adult brains. **Charging youth as adults ignores definitive research that adolescent brains are rapidly developing and have yet to reach full maturity.** Services and treatment in juvenile facilities are evidence-based and preventative. According to the U.S. Dept. of Justice, “intensive juvenile placements are relatively more beneficial than either adult prison or mild juvenile sanctions.” **The YES Act is backed by brain science.**

THE YES ACT INCREASES DISCRETION & EFFICIENCY

- Automatic charging is inefficient. Between 2017-19, **more than 87% of Maryland cases where a youth was charged in adult court *did not* result in an adult criminal conviction.**
- Starting juvenile cases in juvenile court saves time and money. Although less than 13% of youth charged in adult court end up with an adult criminal conviction, **the automatic filing process is extremely expensive & time consuming.**
- **Ending automatic charging is backed by research.** A [2017 study](#) found that judicial waiver is the most efficient and appropriate method of transfer.

THE YES ACT PROMOTES RACIAL JUSTICE

- **81% of youth charged in adult court in Maryland are Black.**
- **Black youth are more likely to be sent to adult prison and receive longer sentences than their white counterparts for similar offenses.**
- Implicit bias research shows that Black kids are more likely to be seen and treated as adults than white kids. **The YES Act protects Black youth from discrimination.**
- **Despite all of the recent reforms intended to improve the juvenile justice system, judicial waivers in 2017 were the most racially disparate in 40 years.**

WHO SUPPORTS THE YES ACT?

