



Juvenile Grant Planning and Review Council Maryland's State Advisory Group

Mayor Lajan Cephas
Chair

Letter of Information for Senate Bill 323 and House Bill 409

Background

Maryland's State Advisory Group (SAG) is responsible for carrying out the statutory requirements of the Juvenile Justice and Delinquency Prevention Act (JJDP) as they pertain to state responsibilities under [Executive Order 01.01.2022.06](#). The JJDP provides formula funding to the state to issue grants to organizations that support reform in Maryland's juvenile justice system and focus on initiatives and strategies that support the hallmarks of the Developmental Approach to Juvenile Justice Reform.

To be eligible to receive this formula grant, Maryland must maintain a SAG, prepare a three-year strategic plan for juvenile justice system reform, and comply with the Act's core requirements. Those requirements are:

- Deinstitutionalization of Status Offenders
- Sight and Sound Separation of Juveniles from adults in institutions
- Removal of juveniles from adult jails and lockups
- Addressing Racial and Ethnic Disparities

The requirement to remove juveniles from adult jails and lock-ups includes juveniles charged as adults as of 2018. Currently, the law in Maryland allows juveniles charged as adults to be held in adult facilities if the Department of Juvenile Services determines there is not sufficient capacity in a secure juvenile facility, or if the court finds that detention in a juvenile facility would pose a risk of harm to the youth or others in the facility.¹

On January 6, 2026, the Office of Juvenile Justice and Delinquency Prevention (OJJDP) issued a letter to the State of Maryland stating that, **"Maryland is not in compliance with section 223(a)(11)(B) of the JJDP (the "juveniles charged as adults" or "JCA" requirement) (34 U.S.C. § 11133(a)(11)(B))."**² As a result, the state is subject to a 20% reduction in federal fiscal year 2025 funding and half of what remains will be required to fund proposals that will get the state back into compliance.

Senate Bill 323 (cross-filed with HB 409) would remove several offenses from the initial exclusive jurisdiction of the adult criminal court, which would significantly decrease the number of youth exposed to the mental and physical dangers of an adult jail. Although there is not

¹ [Crim. Pro. § 4-202. Transfer of criminal cases to juvenile court](#)

² [1-6-2026 OJJDP Non-Compliance Determination letter](#)

sufficient evidence to conclusively state that this bill would lower the number of youth in adult jails enough to get Maryland into compliance with the JJDP, this is nonetheless an important step in the right direction.

Impact of Non-Compliance with the Core Protections

Maryland currently has [thirty-three \(33\) offenses](#) in statute that, when charged, automatically fall under the adult criminal court jurisdiction. This means that when a youth is charged with one of these offenses, he or she is automatically charged as an adult, processed, and taken to the county jail or detention center. All twenty-three (23) counties and Baltimore City have at least one adult jail/ detention center.

The number of youth entering the adult facilities and being held for a period of over 6 hours is dramatically high when compared to the threshold standard set by OJJDP. Federal thresholds are calculated every year, based on the compliance data reported by each state for every core protection. Federal fiscal year 2025 was the first year that a threshold was established for the rate of violations per 100,000 youth being held in adult facilities. The data collected and reported by Maryland was such an outlier, that it was excluded from the federal calculation for the national standard. The tables below show the federal threshold for each core requirement for the past 2 reporting periods and Maryland's violation rate.

Federal Threshold (per 100,000 juveniles)

Core Requirement	2023	2024
Deinstitutionalization of status offenders	3.08	3.23
Removal of juveniles charged as adults	n/a	14.68
Sight and sound separation	0.66	0.16
Removal of juveniles from adult jails and lockups	8.81	15.13

Maryland's Compliance Monitoring Rate (per 100,000 juveniles)

Core Requirement	2023	2024
Deinstitutionalization of status offenders	0	0.15
Removal of juveniles charged as adults	93.26	119.59
Sight and sound separation	0	0
Removal of juveniles from adult jails and lockups	0.66	2.39

OJJDP has not released a federal threshold for fiscal year 2025 at this time. However, Maryland's violation rate will not be very different from the 2024 number.

An additional concern is that county jails and detention centers were not made to hold children, so many are within sight and sound contact of adult offenders, or are held in solitary confinement to keep them separate from other offenders.

The primary purpose of the JJDPa grant program is to improve outcomes for children and youth within the juvenile justice system by increasing and strengthening community-based programs and services, expanding community-based diversion programs, and prioritizing programs focused on positive youth development. This program currently supports the funding of several community partners across the state of Maryland that may lose funding because of the cut in grant funding.

Maryland awards approximately \$662,288 per year to community providers from JJDPa funding on average. However, with the determination of noncompliance and the lack of a legislative solution, the vast majority of those funds will be required to be redirected to compliance efforts. This will result in an estimated \$2 million loss of federal dollars available to these community providers over the next three years.

SB323/HB409 attempts to ensure that this funding will be available for diversion and prevention programs and that the majority of youth would not be housed in an adult jail or lockup prior to the resolution of their legal case. This helps Maryland get back into compliance with the [34 USC 11133\(a\)\(11\)\(B\)](#) requirement of the Act, restoring the full federal grant award.

The information above shows the health and safety consequences for juveniles charged as adults and the fiscal impact of Maryland's noncompliance with the JJDPa, which Senate Bill 323/House Bill 409 intends to address.

Sincerely,

Mayor Lajan Cephas-Bey
Chair, Maryland State Advisory Group