

# Who is MYJC

**The Maryland Youth Justice Coalition (MYJC)** is a diverse array of organizations dedicated to preventing children and adolescents from becoming involved in the legal system, upholding the highest standards of care when youth do enter the legal system, and ensuring a platform for system-involved youth and their families to be heard.

# What is Automatic Charging?

[Youth Charged as Adults](#)  
[slide deck can be found here](#)

**KIDS  
ARE  
KIDS**

**MARYLAND YOUTH  
JUSTICE COALITION**

# What is “automatic charging” or “autocharging”?

- Autocharging is a policy in Maryland where **children are automatically charged as adults** for certain crimes. Unless a defense attorney requests, and a judge approves a transfer to juvenile court, the case will proceed through adult court, and the child will be sentenced as an adult.
- In Maryland, there are **33 charges** that result in a child being automatically charged (“autocharged”) as an adult.
- In addition to autocharging, youth aged 15 and up can be charged as juveniles, and have their case moved to adult court if a prosecutor requests, and a judge approves the transfer.

# Why is automatic charging harmful?

- **Maryland sends more young people to adult court** based on offense type, per capita, than any other state except Alabama.
- **81%** of youth charged in adult court in Maryland are Black. Black youth are more likely to be sent to adult court *and* receive longer sentences than their white counterparts.
- All youth charged as adults are initially sent to adult jail. As a result, youth are often held in solitary confinement as a protective custody measure, but one that research shows can result in psychological deterioration; youth held with adults are 36 times more likely to commit suicide than youth in juvenile facilities.
- Charging children as adults results in **increased physical violence, sexual violence, and isolation, and the loss of access to education and health benefits**

# What charges are currently autocharged?

**Youth 14 years old or older will automatically be charged as adults** for the following crimes (including conspiracy to commit them):

- First degree murder (and attempted)
- First degree rape (and attempted)

In addition, any other charges stemming from the same incident will be automatically charged, even if they aren't on the list of 33 offenses, e.g. trespassing, unauthorized use of a vehicle, drug or alcohol use or possession.

# What charges are currently autocharged?

**Youth 16 years old or older will automatically be charged as adults** for the following crimes (including conspiracy to commit them):

- First degree murder (and attempted)
- First degree rape (and attempted)
- Abduction
- Kidnapping
- Second degree murder (and attempted)
- Voluntary manslaughter
- Second degree rape (and attempted)
- Robbery with a dangerous weapon (and attempted)
- Second degree sexual offense (and attempted)
- Third degree sexual offense
- Firearms crimes
- Carjacking (including armed carjacking)
- Assault in the first degree
- Transportation or boat offenses

# The Difference Between Juvenile & Adult Systems

## CHARGED AS A JUVENILE

## CHARGED AS AN ADULT

Always detained in a juvenile facility with other youth	Always spends some time in adult detention facilities, and may spend all their time detained in adult facilities, unless allowed to go to a juvenile facility by a judge
Multiple time limits on trial delays, and reviews throughout the process to ensure their case is moving and they are placed in an appropriate DJS program	Longer processing time due to longer time limits and trial trial delays
Usually has access to education, trauma-informed programming, and therapy throughout detention	Only gains access to education and therapeutic programming after trial and sentencing
During probation/after release: provided with support to ensure access to education, family therapy, and other accountability programs in their community	During probation/after release: provided with little-to-no support and made solely responsible for their education, support, and care

# Goals for Ending Automatic Charging

- **Change where cases start by requiring all youth under age 18 begin their case in juvenile court.** Cases could still be moved to adult court.
- **Prosecutors may request to move cases** from juvenile to adult court; **a Judge will determine** the appropriate venue for the trial.
- Ensure all children who are charged remain in juvenile facilities, even if their case is moved to adult court.



# History of Autocharging/YES Act

- There have only been two years without some form of the YES Act, or a bill to end automatic charging of kids as adults, since 2015. That was in 2020 and 2024.
- There have been multiple lead sponsors, with Senators Carter and Sydnor being the most consistent in their support dating back to their time in the House of Delegates, and Delegate Crutchfield replacing Sydnor when he moved to the Senate.

## Status of Legislation for 2025

- Advocates and legislators are waiting to see if the Department of Juvenile Services will lead introducing a bill.
- Until DJS and the Governor make a determination, it is unclear if there will be a bill, or what a bill in 2025 will look like.
- Senator Smith, Chair of Senate Judicial Proceedings has publicly stated that he will sponsor a compromise bill.

# Child Interrogation Protection Act (CIPA)

CIPA is a Maryland state law that ensures minors detained by police in connection with a crime **understand their Constitutional right** to not incriminate themselves.

- **CIPA does not prohibit police** from investigating a crime or from talking to witnesses.
- An attorney is best equipped to advise individuals, including children of their constitutional rights.

**CIPA is an important protection when young people have been accused of committing a crime. It requires law enforcement to respect children and adolescents' Constitutional rights as they respond to and investigate allegations of criminal behavior.**