

MD Senate Passes Historic Bill to Reform the Process for Charging Children as Adults and Removing Them From Adult Jails

The legislation to target MD's "national outlier" practice of charging children in the adult criminal justice system

ANNAPOLIS, MD, UNITED STATES, March 6, 2026 /EINPresswire.com/ -- Today, the Maryland State Senate passed major youth justice system reforms - SB 323 by Sen. Will Smith Jr. and Sen. Sara Love - to reduce the number of children automatically pushed into Maryland's adult criminal justice system and to prevent children from being held in adult jails. The bill now heads to the House of Delegates where it was heard earlier this year in the committee chaired by the legislation's House sponsor, Delegate Sandy Bartlett.

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James Dold, CEO and Founder, HRFK

Sen. Will Smith Jr., lead sponsor of the Youth Charging Reform Act, framed the reforms as a long-overdue course correction. "On Friday, the Judicial Proceedings Committee

voted 10-1 to advance Senate Bill 323. This vote reflects years of hard work and collaboration among lawmakers, stakeholders, community partners, and advocates to reform Maryland's youth auto-charging system. This was no easy feat, and I am proud of our collective effort to fix a system that was inefficient, costly, and harmful to outcomes for our youth."

Maryland automatically charges more children as adults than every other state, except Alabama, making it a national outlier. Over the last 30 years the autocharging policy - a relic of the racism of the Super Predator Era - has resulted in six percent of Maryland's prison population being made up of people incarcerated since childhood. This is more than double the national average and is the fourth highest rate in the nation.

When children are charged as adults in Maryland they are automatically sent to adult jails and detention centers where they are housed in conditions that are dangerous, isolating, and developmentally devastating. A 2025 [investigation](#) found that between January 1, 2018 and the end of September 2024, Maryland law enforcement booked teens in adult jails nearly 4,800 times, with roughly a quarter of stays lasting longer than 30 days and some lasting more than a

year.

[Human Rights for Kids](#) also underscored that the harm doesn't end at the jail door. In HRFK's 2024 survey and report entitled, Disposable Children, [75 percent](#) of children held in adult correctional facilities in Maryland reported abuse at the hands of older adult prisoners with 88% experiencing physical abuse, 57% experiencing emotional or psychological abuse, and 15% experiencing rape or sexual abuse. A staggering 80% also reported being held in solitary confinement as children, with an average longest stay of 20.5 months. These conditions are why youth are 36 times more likely to commit suicide in adult jails than juvenile detention facilities.

Gordon Pack, who testified in support of the legislation removing youth from adult jails in both chambers, emphasized that "Being locked up where you can hear adults, see adults, and feel that threat at all times does something to your mind and your body. It's not 'detention' - it's trauma. As a teenager I was physically assaulted, robbed, and nearly sexually assaulted at the old Baltimore City jail, which is something no child should ever have to endure. I'm grateful that the legislature is moving to ensure that what I went through never happens to another child again in Maryland."

Maryland's overreliance on adult jails for children has triggered repeated violations of the federal Juvenile Justice Delinquency and Prevention Act (JJJPA) and has resulted in the loss of more than \$2 million dollars in federal funding for juvenile justice programming in the state.

Sen. Sara Love, the sponsor of SB 296 and cosponsor of SB 323, said "No child should ever be subjected to the cruel and inhumane experience of being incarcerated in an adult jail or prison. What we are talking about is preventing children from being physically, emotionally, and sexually abused by older adult prisoners and not being placed in a small cell for 23 hours out of every day with no human interaction. This bill draws a clear line: children must be kept out of adult jails and away from incarcerated adults because anything less puts children at risk and puts Maryland out of compliance with federal law."

Together, these measures are designed to stop Maryland's pipeline of children into adult jails and adult court, an approach that research and lived experience show increases trauma and undermines rehabilitation.

WHAT SB 323 DOES

- The Youth Charging Reform Act removes most gun offenses and assault from the list of crimes that automatically start youth in adult criminal court, which will ensure faster processing of these cases in the juvenile justice system so that these youth receive the services and accountability needed for their rehabilitation.

- The bill also prohibits the placement of children in adult correctional facilities and requires these youth to instead be housed in secured facilities with the Department of Juvenile Services. Within six hours of their arrest youth must be transported to an age-appropriate juvenile facility

and never have sight or sound contact with older adult prisoners.

“Maryland cannot claim to value public safety or human rights while it continues to send nearly 1,000 children every year into adult courts and adult jails where they are isolated, physically and sexually violated, frightened, and denied basic supports like education and age-appropriate care,” said James Dold, Executive Director of Human Rights for Kids. “We are especially grateful for the leadership of Senators Will Smith, Jr. and Sara Love for sponsoring these provisions, and Senate President Bill Ferguson who has long championed the human rights of abused, neglected, and system-involved children in Maryland. We stand on the precipice of one of the most consequential youth justice reform bills in the state’s history due to the moral clarity and courage of these incredible leaders.”

The bill now heads to the House of Delegates where it was heard earlier this session. Human Rights for Kids urges a swift vote in Committee and the House Floor so these protections can be sent to Governor Moore for his signature.

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About Human Rights for Kids (HRFK)

HRFK works to protect children’s human rights through education, policy advocacy, and strategic litigation.

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