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Governor

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Maryland
GOVERNOR'S OFFICE OF CRIME PREVENTION AND POLICY

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Background

The State of Maryland engages in the practice of automatically charging youth as adults for certain crimes.

Maryland youth aged 14 and older are automatically charged as adults for crimes that, if committed by an adult, would be punishable by life imprisonment.[1]

Maryland youth aged 16 and older are automatically charged for 33 different offenses, including serious or violent offenses or a variety of firearms offenses.[2]

Youth charged as adults can be housed in three types of facilities: local county jails, the Baltimore Youth Detention Center, or a Department of Juvenile Services facility.

Impacts of Charging Youth as Adults on Funding

Baltimore City Youth Detention Center

The Baltimore City Youth Detention Center houses youth from Baltimore City who are charged as adults. In Fiscal Year 2024, the operating budget for this facility was **$20,969,308.**[3]

Department of Juvenile Services

Current Cost of Auto-charging

Currently, **68%** of the pre-disposition population in DJS custody are youths awaiting a transfer hearing (a hearing to determine whether the case should be tried in juvenile court).[4]

Youth charged as adults face disproportionately long lengths of stay. Youths charged as adults spend an average of **125 days** in a DJS pre-disposition facility, as opposed to the average **27 days** youth charged as juveniles spend in a pre-disposition facility.[5,6] The cost per day to hold a youth in a DJS pre-disposition facility per day is $1,174.02.[7] The average total cost for a youth charged as an adult and awaiting a transfer hearing to stay at a DJS facility is **$146,987.**

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[1] https://djs.maryland.gov/Documents/DRG/Data_Resource_Guide_FY2024.pdf, page 208.
[2] https://djs.maryland.gov/Documents/DRG/Data_Resource_Guide_FY2024.pdf, page 208.
[3] https://dbm.maryland.gov/budget/Documents/operbudget/2026/proposed/FY2026-Volume2.pdf, page 52.
[4] https://mgaleg.maryland.gov/2025RS/fnotes/bil_0002/sb0422.pdf, page 4.
[5] https://mgaleg.maryland.gov/2025RS/fnotes/bil_0002/sb0422.pdf, page 4.
[6] Email with Kara Aanenson, Director of Legislation, Policy, and Reform & Executive Director, Resource Office for the Department of Juvenile Services, February 19, 2025.
[7] https://djs.maryland.gov/Documents/DRG/Data_Resource_Guide_FY2024.pdf, page IX.

	Youth Charged as Juveniles	Youth Charged as Adults	Difference
Average Length of Stay	27 days	125.2 days	+98 days
Cost Per Diem	$1174.02	$1174.02	0
Average Cost per Stay	$31,698.54	$146,987	+$115,288.50

Potential Savings Related to Limiting Auto-charging

In the fiscal analysis for a bill that would start more children in juvenile court, DJS estimates the Department could save an average of **$17 million per year, as well as reduce the average daily population by 120, allowing the department to close the Charles H. Hickey School**. These funds could be moved to support rehabilitative and preventative programming.[8]

Office of the Public Defender

The Office of the Public Defender currently utilizes contractual services for psychologists to evaluate youth charged as adults' current developmental capacity for adult criminal court. OPD estimates that by limiting the automatic charging of youths as adults, the Office could save **$1.85 million** per year, as well as see a **75% reduction in transfer hearings.**[9]

Local County Jails

Under current State law, children charged as adults are presumed to be held in DJS facilities unless they are released, DJS determines it does not have the capacity to hold the child, or a court finds that detention in a DJS facility poses a risk of harm to the child others.[10] Maryland counties report that housing youth in their local adult detention centers imposes a significant operational and fiscal burden. GOCPP could not find a reliable estimate for the cost to local detention centers of holding youth charged as adults pending a transfer hearing.

Forfeited Federal Funding - The Juvenile Justice Delinquency Prevention Act (JJDPA)

The federal Title II Formula Grants Program is authorized under Sections 221–223 of the Juvenile Justice and Delinquency Prevention Act of 1974, as amended in 2002, 42 U.S.C. §§ 5631─5633 (JJDPA). Among other conditions, **section 223(a)(11)(b) of the JJDPA requires the removal of children from adult jails and lockups. If a state is out of compliance with one or more of the core requirements of the Formula Grants Program (e.g., removal of children from adult jails and lockups), its award amount will be reduced by 20 percent for each requirement with which the state fails to comply.**[11]

The Office of Juvenile Justice and Delinquency Prevention (OJJDP) issued a letter to State Administering Agency Directors dated January 15, 2025, with the Federal Fiscal Year (FFY) 2024 compliance standards for each core requirement. As a result, Maryland will likely be out of compliance with the following compliance standard: a rate of **14.68 per 100,000** juvenile population for Section 223(a)(11)(b) of the JJDPA (the removal of juveniles from adult jails and lockups).

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[8] https://mgaleg.maryland.gov/2025RS/fnotes/bil_0002/sb0422.pdf, page 4.
[9] https://mgaleg.maryland.gov/2025RS/fnotes/bil_0002/sb0422.pdf, page 5.
[10] https://mgaleg.maryland.gov/mgawebsite/Laws/StatuteText?article=gcp&section=4-202&enactments=false
[11] https://uscode.house.gov/view.xhtml?path=/prelim@title34/subtitle1/chapter111&edition=prelim

Maryland's rate in FFY 2023 was approximately **93.01 per 100,000** youth. Although the FFY 2024 data is not fully verified, it is expected to be even higher than the FFY 2023 report.

While Title II is a formula grant, the amount awarded varies from year to year. Maryland was awarded $850,977 in 2022, $877,171 in 2023, and $866,821 in 2024.

GOCPP estimates the following fiscal impact due to the State's potential noncompliance based on the current federal award figures. These are ***estimates*** based on the current FFY award. The current federal fiscal year award of **$866,821 would drop to $693,457**. Fifty percent of the reduced award must support compliance efforts. Among other things, this reduces the funding available to support community programs serving youth.