

**Department of Fiscal Services**  
Maryland General Assembly

**FISCAL NOTE**  
**Revised**

House Bill 275 (Delegate Turner, et al.)  
Judiciary

Referred to Judicial Proceedings

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**Juvenile Court Records - Access and Use for Pretrial Release**

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This amended bill permits access to and use of a juvenile court record in determining a defendant's eligibility for pretrial release. Access should be provided to an authorized judicial officer, counsel for the defendant, or the State's Attorney if: (1) the individual is charged as an adult; (2) was previously adjudicated as delinquent; (3) the access to and use of the court record is strictly limited to the purpose of determining the defendant's eligibility for pretrial release; and (4) the court record concerns an adjudication of delinquency that occurred within three years of the date the individual is charged as an adult. The bill provides that the Court of Appeals may adopt rules to implement these provisions.

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**Fiscal Summary**

**State Effect:** Potential indeterminate general fund expenditure increase. No effect on revenues.

**Local Effect:** Potential indeterminate increase in expenditures. No effect on revenues.

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**Fiscal Analysis**

**State Expenditures:** This bill could potentially increase the number of persons who do not get pretrial release. Persons who get pretrial detention in Baltimore City are held in the Baltimore City Detention Center; a State operated facility. The per diem cost for fiscal 1997 is estimated at \$43 per inmate.

Depending upon the number of requests for juvenile court records, implementation of the bill may require one new court employee in each of the five largest jurisdictions. If the bill results in a significant increase in requests from the clerk's offices, general fund expenditures could increase by \$93,095 in fiscal 1997. This amount includes the salaries, fringe benefits,

one-time start-up costs and other operating expenses of hiring five additional office clerks. Future year expenditures would reflect (1) full salaries with 3.5% annual increases and 3% employee turnover; and (2) 2% annual increases in ongoing operating expenses.

In Montgomery County the District Court serves as the juvenile court. Since the State pays for the operation of the District Courts and the clerks of the circuit courts, the additional expenditures would be borne by the State. However, if there is not a significant increase in requests for juvenile court records, the bill's effect on general fund expenditures is expected to be minimal.

**Local Expenditures:** This bill could potentially increase the number of persons who do not get pretrial release. Counties pay the full cost of pretrial detention. Per diem operating costs of local detention facilities are expected to range from \$19 to \$96 per inmate in fiscal 1997.

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**Information Source(s):** Judiciary (Administrative Office of the Courts), Department of Fiscal Services

**Fiscal Note History:** First Reader - February 6, 1996

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Revised - House Third Reader - March 18, 1996

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