

Department of Legislative Services
Maryland General Assembly
2001 Session

FISCAL NOTE

House Bill 101 (Delegates Dembrow and Montague)
Judiciary

Juvenile Court - Expansion of Jurisdiction

This bill expands the jurisdiction of the juvenile court to include 16 and 17 year old children who are alleged to have committed a violent crime, children 14 and older charged with a capital crime, and children who have previously been convicted as an adult. The bill also creates a rebuttable presumption that a child who falls within one of these categories is an unfit subject for juvenile rehabilitative measures.

In addition, the bill provides that if a child is in detention, the juvenile court must hold any waiver hearing no later than 15 days after the date a petition for detention is granted.

The bill also makes conforming changes to provisions of law regarding Criminal Justice Information System reporting and fingerprinting.

The bill applies only to offenses committed on or after the bill's October 1, 2001 effective date.

Fiscal Summary

State Effect: Decrease in expenditures for the Department of Public Safety and Correctional Services (DPSCS) and increase in expenditures for the Department of Juvenile Justice (DJJ).

Local Effect: Decrease in expenditures for local detention facilities that house fewer juveniles pursuant to the bill. Minimal effect on the Judiciary.

Small Business Effect: Potential meaningful.

Analysis

Current Law: The juvenile court does not have jurisdiction over 16 and 17 year old children who are alleged to have committed a violent crime, children 14 and older charged with a capital crime, and children who have previously been convicted as an adult. These children are within the circuit courts' jurisdiction. However, with certain exceptions, a circuit court may transfer a case involving such a child to the juvenile court if a transfer is believed to be in the interest of the child or society ("reverse waiver").

The juvenile court may waive jurisdiction over a child alleged to be delinquent who is 15 or older, or who is younger than 15 and is charged with committing an act which if committed by an adult, would be punishable by death or life imprisonment. The juvenile court may not waive its jurisdiction until after it has conducted a waiver hearing, held prior to an adjudicatory hearing and after notice has been given to all parties. The court may not waive its jurisdiction unless it determines, from a preponderance of the evidence presented at the hearing, that the child is an unfit subject for juvenile rehabilitative measures.

State Fiscal Effect: The bill would result in a shift in children from the adult criminal system to the juvenile justice system. The magnitude of any such shift, and the resulting expenditure decrease for DPSCS and expenditure increase for DJJ, cannot be reliably estimated. Information regarding the number of children who have been charged as adults with crimes, the number of children who have been convicted as adults of crimes, and the number of children who have been detained in adult facilities and their lengths of stay is not readily available. Criminal defendants in Baltimore City are generally housed pretrial in the Baltimore City Detention Center, a State-operated facility.

The annual per person operating cost for juvenile detention is approximately \$37,928 per year. The average approximate cost of a juvenile committed placement ranges from \$10,000 to \$50,000 per year. The cost to plan, construct, and equip a 24-bed juvenile facility is estimated at \$7.3 million.

The average total cost per inmate for the Division of Correction (DOC), including overhead, is estimated at \$20,400 per year. The average variable cost of housing a DOC inmate (food, medical care, etc.), excluding overhead, is \$3,456 per year.

Local Fiscal Effect: Criminal defendants in jurisdictions other than Baltimore City are generally housed in local detention facilities pretrial. The bill would result in a decrease in the number of juveniles detained, and therefore a decrease in expenditures, for local detention facilities.

The shift in cases from the circuit courts to juvenile courts (which are a part of the circuit court system, except in Montgomery County) is not expected to have a significant impact on the operations or finances of either court system.

Small Business Effect: Small businesses that operate juvenile facilities could receive additional children as a result of the bill.

Additional Comments: The bill does not alter current law providing that the juvenile court does not have jurisdiction over a child at least 16 years old alleged to have committed a nonincarcerable traffic or boating offense or certain peace order proceedings.

Additional Information

Prior Introductions: A similar bill was introduced during the 2000 session as HB 381. That bill received an unfavorable report from the Judiciary Committee.

Cross File: None.

Information Source(s): Department of Juvenile Justice, Judiciary (Administrative Office of the Courts), Department of Legislative Services

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ncs/jr

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