

**Department of Legislative Services**  
Maryland General Assembly  
2001 Session

**FISCAL NOTE**

House Bill 832 (Delegate Marriott, *et al.*)  
Judiciary

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**Juvenile Law - Confinement of Children in Adult Correctional Facilities**

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This bill prohibits the detention of a child in an adult correctional facility or the transportation of a child together with adult criminal defendants, unless the child has been charged as an adult with a crime and is convicted of the crime.

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**Fiscal Summary**

**State Effect:** Decrease in general fund expenditures for the Division of Correction and increase in general fund expenditures for the Department of Juvenile Justice due to an increase of children held in juvenile facilities while awaiting trial in the District Court or a circuit court.

**Local Effect:** Potential decrease in expenditures for local detention facilities that house juveniles awaiting trial in the District Court or a circuit court.

**Small Business Effect:** None.

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**Analysis**

**Current Law:** A child may not be confined in an adult correctional facility or transported together with adult criminal defendants, unless the child has been charged as an adult with a crime.

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. However, a circuit

court may transfer a case involving such a child to the juvenile court if a transfer is believed to be in the interests of the child or society (“reverse waiver”). In addition, 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.

**Background:** In November 1999 a report was issued by the Human Rights Watch, a human rights organization that investigated and studied the treatment of juveniles detained in adult correctional facilities in Maryland. The report noted that between 200 and 300 children are in adult correctional facilities at any given time and criticized the facilities with regard to juvenile living conditions, nutrition, educational standards, and violence.

Child advocates have also stepped up pressure on the State to close Cheltenham Youth Facility, the main detention facility used by DJJ. From July 2000 to January 2001, the average daily population of juveniles detained at Cheltenham while awaiting adjudication ranged from 150 to 190, approximately one-half to two-thirds of all male juveniles detained statewide while awaiting adjudication.

**State Fiscal Effect:** The bill would result in a shift in the detention and transportation of children who are charged as an adult with a crime, but have not yet been convicted (or are never convicted), from the adult system to the juvenile system. The magnitude of and expenses associated with any such shift 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 monthly per person operating cost for juvenile detention is currently estimated at \$3,167 (\$38,000 per year). The cost to plan, construct, and equip a 24-bed juvenile facility is estimated at \$7.1 million.

The average total cost per inmate for the Division of Correction (DOC), including overhead, is estimated at \$1,700 per month (\$20,400 per year). The average variable cost of housing a DOC inmate (food, medical care, etc.), excluding overhead, is \$288 per month.

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

detention facilities. Some counties already detain juvenile and adult defendants separately.

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### **Additional Information**

**Prior Introductions:** An identical bill was introduced in the 2000 session as HB 382. The bill received an unfavorable report from the House Judiciary Committee.

**Cross File:** None.

**Information Source(s):** Judiciary (Administrative Office of the Courts), Department of Public Safety and Correctional Services (Division of Correction), Montgomery and Charles counties, Department of Legislative Services

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