

Department of Legislative Services  
Maryland General Assembly  
2013 Session

FISCAL AND POLICY NOTE

House Bill 1201 (Delegate Carter)  
Appropriations

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**Baltimore City - New Youth Detention Facility - Commission on Delinquency and Youth Detention Prevention**

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This bill establishes the Commission on Delinquency and Youth Detention Prevention. The Governor must designate the chair of the commission, which is to be staffed by the Department of Public Safety and Correctional Services (DPSCS). The bill also specifies that it is the intent of the General Assembly that at least \$106 million of State funding otherwise dedicated to the construction and operation of the proposed New Youth Detention Facility in Baltimore City be redirected to a community oversight fund to be administered by the newly established commission.

The bill terminates September 30, 2023.

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**Fiscal Summary**

**State Effect:** None. It is assumed that expenditures for staffing the commission and reimbursements for members are minimal and can be absorbed within existing resources.

**Local Effect:** None. The bill does not impact Baltimore City operations or finances.

**Small Business Effect:** None.

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**Analysis**

**Bill Summary:** The commission must administer a community oversight fund and oversee allocations of resources from the fund to projects, facilities, and programs designed to benefit and develop the youth of Baltimore into productive, crime-free,

healthy individuals. By December 31 of each year, the commission must report all allocations of resources from the fund to the Governor and the General Assembly.

A member of the commission may not receive compensation, but is entitled to reimbursement for expenses under the standard State travel regulations, as provided in the State budget.

**Background:** A plan was developed to build a new Youth Detention Center in Baltimore after a 2000 investigation by the U.S. Department of Justice found the conditions in the current detention center facility (the Juvenile Unit at the Baltimore City Detention Center) to be inadequate. Although funds were authorized, the project was temporarily put on hold pending resolution of a policy issue regarding adequate bed space for the facility, with opponents claiming that the State's population projection of 180 beds was too high. The National Council on Crime and Delinquency (NCCD) was commissioned to conduct a new population analysis and released its findings in 2011, which forecasted the need for only 117 beds.

Among the findings in the NCCD report was that over two-thirds of the youth committed to the Baltimore City Detention Center left without a conviction in adult court, either because they were transferred to the juvenile justice system, released for various reasons (such as a finding of not guilty or a decision not to pursue the charges), released on bail, or placed on probation. The report found that only 7% of the children detained in the detention center were eventually tried and sentenced to adult prison. However, 22% of the children detained reached age 18 before they were tried and were moved into the general adult population upon reaching age 18.

Chapter 416 of 2012 (HB 1122) required the Department of Juvenile Services (DJS) to report to the General Assembly on the manner in which DJS would move toward ensuring that juveniles charged as adults can be detained in juvenile detention facilities. According to the report, in total, 771 juveniles were admitted to adult detention facilities during calendar 2011, with 29.8% of the population admitted in Baltimore City.

In January 2013, DJS and DPSCS announced an alternative to the youth detention center, which is contingent on a plan to find a location within Baltimore City for a proposed regional treatment facility by October. The plan also includes the renovation of DPSCS's prerelease unit to accommodate juveniles charged as adults. The proposed treatment facility will allow DJS to reduce its average daily detention population at the Baltimore City Juvenile Justice Center, which will allow that facility to hold more juveniles charged as adults. Funding for the youth detention center has been deleted from the FY 2014-FY 2018 *Capital Improvement Program* (CIP).

**State Fiscal Effect:** Although the bill expresses the intent for State funds originally dedicated to the detention center to be redirected to the newly established community oversight fund, the Department of Legislative Services advises that § 8-127 of the State Finance and Procurement Article restricts the use of general obligation bond funds. Specifically, the State may only use State bonds for the purposes listed in the enabling legislation which are limited to capital improvements, unless the enabling act specifies otherwise or in an emergency. Furthermore, the current CIP does not include funding for the detention center. Therefore, the funds cannot be redirected to the commission as intended under the bill. The bill does not specify any additional funding source or responsibilities for the commission other than the administration of the fund. If, however, the bill is interpreted to mean the State must redirect to the new fund the \$106 million that had been anticipated to cover the costs of the center regardless of funding source, then general fund expenditures would have to increase significantly over the 10-year period covered by the bill – by more than \$10 million annually.

To the extent that the commission meets, however, DPSCS can handle the staffing requirement using existing resources. Any expense reimbursements for commission members are assumed to be minimal and absorbable within existing budgeted resources.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** Department of Juvenile Services, Department of Public Safety and Correctional Services, Department of Legislative Services

**Fiscal Note History:** First Reader - March 8, 2013  
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