

Department of Legislative Services
Maryland General Assembly
2017 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 928
Judiciary

(Delegate Haynes, *et al.*)

Juvenile Law - Procedure - Appearance by Video Conference

This bill authorizes the juvenile court to permit a child to appear by video conference in juvenile proceedings.

Fiscal Summary

State Effect: General fund expenditures increase, potentially significantly, for the Office of the Public Defender (OPD). General fund expenditures decrease, potentially significantly, due to lower transportation costs for the Department of Juvenile Services (DJS). The bill does not materially impact the workload of the Judiciary.

Local Effect: The bill does not materially impact the workload of the circuit courts.

Small Business Effect: None.

Analysis

Current Law/Background: A court hearing juvenile matters must conduct all hearings in an informal manner. Juvenile hearings include (1) adjudicatory hearings, which determine whether allegations within a petition are true; (2) disposition hearings, which determine whether a child needs or requires guidance, treatment, or rehabilitation, and, if so, the nature of the guidance, treatment, or rehabilitation; (3) waiver hearings, which determine if a juvenile court will retain jurisdiction of a child alleged to have committed specified offenses; and (4) hearings to authorize continued detention, community detention, or shelter care.

Background: Authorizing video conferencing was one recommendation within the final [Report of the Task Force to Study the Restraint, Searches, and Needs of Youth in the Juvenile Justice System](#). DJS policy requires mechanical restraints to be used at all times to transport a youth who has been placed in either a secure detention or hardware secure committed facility, regardless of the reason for transport. Youth placed in staff secure committed facilities are transported with the use of mechanical restraints for the first 30 days of placement. After 30 days, unless the youth poses a safety, security, or escape risk, transport is nonsecure. Task force members supporting the recommendation noted that permitting youth to appear via video conference for court hearings may reduce the utilization of secure transportation. Additional information regarding the task force, including a discussion of opposition to permitting the use of video conferencing, is included in the final report of the task force.

State Expenditures: Because the bill authorizes, but does not require, a court to permit a juvenile to appear by video conference in juvenile matters, any fiscal impact depends on how frequently judges and masters elect to use the option, which cannot be reliably predicted beforehand. The Judiciary advises that the Administrative Office of the Courts is working with the trial courts and the various county departments to install video conferencing capability (irrespective of this bill). For all counties, the Judiciary provides the equipment, installation, and support; however, because of technical considerations, a number of counties have not yet agreed to participate.

To the extent that juvenile courts have and elect to use video conferencing capabilities, OPD expenditures increase. OPD first anticipates a need for significantly more travel in order to be present with a juvenile at the time of the video conference hearing. For example, OPD attorneys with juvenile cases being heard in the Baltimore region have lengthy drives to represent juveniles committed at the DJS youth camps (located in the western part of the State) or at the Carter facility on the Eastern Shore. The proposed fiscal 2018 budget includes \$288,165 in funding for travel and transportation-related costs for OPD. *For illustrative purposes only*, if such costs increase by 20%, general fund expenditures increase by \$43,225 in fiscal 2018, which accounts for the bill's October 1, 2017 effective date, and by approximately \$57,600 annually thereafter.

OPD also notes that the large number of juvenile hearings that are subject to the bill's provisions also necessitate additional staff in order to handle juvenile dockets. For example, OPD advises that 3,615 juveniles were admitted to detention in fiscal 2016; each juvenile is entitled to a detention hearing the following court day (unless extended for good cause shown by the court). If juvenile courts elect to use video conferencing for detention hearings, additional OPD juvenile attorneys are needed, particularly in larger jurisdictions, as attorneys need to be at detention facilities for these hearings and in the courtroom (to address other matters for juveniles who are not in DJS custody). In addition to likely needing additional staff due to the volume of cases in larger jurisdictions, there may also

be logistical challenges in smaller jurisdictions. For example, the task force report noted that in Wicomico County, there is only one juvenile public defender and juvenile court is held one day each week. If the juvenile court in that county elects to hear some matters by video conferencing, then additional staff are needed to cover matters being heard in the courtroom and those being conducted by video conference. Although OPD anticipates needing 16 additional attorneys, the Department of Legislative Services advises that, without actual experience under the bill, it is not possible to reliably anticipate staffing costs beforehand. *For illustrative purposes only*, for every new OPD attorney needed, general fund expenditures increase by \$85,198 in fiscal 2018, which accounts for the bill's October 1, 2017 effective date, and by a minimum of \$108,600 annually thereafter.

DJS advises that its facilities have video conferencing capabilities. To the extent that video conferencing is used, transportation-related costs decrease. *For illustrative purposes only*, if both overtime costs incurred within the transportation unit and motor vehicle operations and maintenance costs decrease by 10%, general fund expenditures decrease by \$105,750 in fiscal 2018, which accounts for the bill's October 1, 2017 effective date, and by \$141,000 annually thereafter.

Additional Information

Prior Introductions: None.

Cross File: SB 907 (Senator Muse) - Judicial Proceedings.

Information Source(s): Judiciary (Administrative Office of the Courts); Office of the Public Defender; Department of Juvenile Services; Department of Legislative Services

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