

Department of Legislative Services
Maryland General Assembly
2019 Session

FISCAL AND POLICY NOTE
Enrolled - Revised

Senate Bill 856

(Senator Zirkin, *et al.*)

Judicial Proceedings

Judiciary

Juvenile Justice Reform Council

This bill establishes the Juvenile Justice Reform Council. Among other duties, the council must use a data-driven approach to develop a statewide framework of policies to invest in strategies to increase public safety and reduce recidivism of youth offenders. By December 1, 2019, the council must submit an interim report of its findings and recommendations to the Governor and the General Assembly; a final report is required by December 1, 2020. **The bill takes effect June 1, 2019, and terminates June 30, 2021.**

Fiscal Summary

State Effect: General fund expenditures may increase in FY 2020 and 2021 for contractual services. The Department of Legislative Services (DLS) can staff the council with existing budgeted resources. Revenues are not affected.

Local Effect: None.

Small Business Effect: None.

Analysis

Bill Summary: The council must (1) convene an advisory stakeholder group, as specified, and work with the group to conduct roundtable discussion forums seeking public input in all geographic regions of the State; (2) research best practices for the treatment of juveniles who are subject to the criminal and juvenile justice systems; (3) identify and make recommendations to limit or otherwise mitigate risk factors that contribute to juvenile contact with the criminal and juvenile justice systems; and (4) request technical assistance from specified entities, including the Council of State Governments.

DLS must staff the council; the Governor must appoint the chair. Members of the council may not receive compensation but are entitled to reimbursement for expenses under the standard State travel regulations, as provided in the State budget.

Current Law/Background:

Juvenile Justice System

With certain exceptions, persons younger than the age of 18 who commit illegal acts are handled by the juvenile justice system. Unlike the adult criminal system, the juvenile system is designed to protect public safety while restoring order to the lives of young offenders without a determination of guilt or the imposition of fixed sentences.

Historically, one of the principal purposes of the juvenile justice system was to remove from children committing delinquent acts the “taint of criminality” and the consequences of criminal behavior. In 1997, the General Assembly passed legislation adopting a philosophy of juvenile justice known as “balanced and restorative justice.” Balanced and restorative justice requires the juvenile justice system to balance the following objectives for children who have committed delinquent acts: (1) public safety and the protection of the community; (2) accountability of the child to the victim and the community for offenses committed; and (3) competency and character development to assist the child in becoming a productive member of society.

Juvenile Justice System – Oversight and Monitoring

The Department of Juvenile Services (DJS) administers the majority of the State’s juvenile programs. DJS’ goals include keeping supervised and committed youth safe while holding youth accountable for their actions and reducing violence against children through collaboration with law enforcement and other agency partners. Additionally, it supports community programs intended to prevent delinquent acts by juveniles before State involvement becomes necessary.

The juvenile justice policy unit within Governor’s Office of Crime Control and Prevention helps ensure compliance with the federal Juvenile Justice and Delinquency Prevention Act. It works with the Juvenile Grant Planning and Review Council, an entity required for states participating in specified federal grant programs, to develop juvenile justice and delinquency prevention plans.

Among other duties, the State Advisory Board for Juvenile Services recommends policies and programs to improve juvenile services in the State and consults with and advises the Secretary on programs designed to divert children from the juvenile justice system.

The Juvenile Justice Monitoring Unit within the Office of the Attorney General investigates the needs of children under the jurisdiction of DJS and determines whether their needs are being met in compliance with State law. This includes reporting on allegations of abuse and on treatment of and services for youth held in facilities.

State Expenditures: Although some technical assistance may be provided without cost, general fund expenditures for DLS may increase by as much as \$200,000 to the extent that there are expenditures associated with technical assistance contracts. Despite the bill's June 1, 2019 effective date, it is assumed that any potential contractual expenditures are not incurred until fiscal 2020. It is also assumed that expense reimbursements can be absorbed within existing budgeted resources.

Additional Information

Prior Introductions: HB 1524 of 2018, a similar bill, passed the House and Senate, as amended. Differences between the versions of the bill passed by each chamber were not reconciled prior to Sine Die. Its cross file, SB 1134, passed second reading as amended, but did not receive a final vote in the Senate prior to Sine Die.

Cross File: None.

Information Source(s): Governor's Office of Crime Control and Prevention; Department of Juvenile Services; Department of Legislative Services

Fiscal Note History: First Reader - February 18, 2019
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