

Department of Legislative Services
Maryland General Assembly
2020 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 552
Judiciary

(Delegate Atterbeary, *et al.*)

Courts - Juvenile Court - Waiver of Jurisdiction - Victim Impact Statement

This bill requires a juvenile court to consider a victim impact statement when determining whether to waive jurisdiction in a juvenile delinquency matter.

Fiscal Summary

State Effect: The bill does not materially affect the workload of the Judiciary. Revenues are not affected.

Local Effect: The bill does not materially affect the workload of the circuit courts. Revenues are not affected.

Small Business Effect: None.

Analysis

Current Law: In general, the juvenile court has jurisdiction over a child alleged to be delinquent, in need of supervision, or who has received a citation for specified violations. The juvenile court may waive its jurisdiction (which transfers the case to adult court) with respect to a petition alleging delinquency if the petition concerns a child who is at least age 15 or a child who is charged with committing an act which, if committed by an adult, would be punishable by life imprisonment. The court may waive its jurisdiction only after it has conducted a waiver hearing held prior to the adjudicatory hearing and after notice has been given to all parties. A victim may submit a victim impact statement to the court, as authorized by statute. The juvenile court *may* consider a victim impact statement in determining whether to waive jurisdiction. The court may not waive its jurisdiction over a

case unless it determines, from a preponderance of the evidence presented at the hearing, that the child is an unfit subject for juvenile rehabilitative measures.

Additional Information

Prior Introductions: None.

Designated Cross File: None.

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

Fiscal Note History: First Reader - February 11, 2020
af/lgc

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