

Department of Legislative Services
Maryland General Assembly
2020 Session

FISCAL AND POLICY NOTE
First Reader

Senate Bill 248

(Senator Cassilly, *et al.*)

Judicial Proceedings

Juvenile Law - Jurisdiction - Attempted Carjacking and Attempted Armed Carjacking

This bill establishes that the juvenile court does not have jurisdiction over a child at least age 16 who is alleged to have committed attempted carjacking or attempted armed carjacking unless a reverse waiver has been filed.

Fiscal Summary

State Effect: The bill is not anticipated to materially affect State operations or finances.

Local Effect: The bill is not anticipated to materially affect local operations or finances.

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 does not have jurisdiction over children at least age 16 who are alleged to have committed specified violent crimes (including carjacking or armed carjacking), children age 14 and older charged with a capital crime, and children who have previously been convicted as an adult of a felony and are subsequently alleged to have committed an act that would be a felony if committed by an adult. However, a circuit court may transfer a case involving such a child to the juvenile court if such a transfer is believed to be in the interests of the child or society (“reverse waiver”). A reverse waiver is not permitted if the

child was convicted in an unrelated case excluded from the jurisdiction of the juvenile court or the alleged crime is murder in the first degree and the accused child was at least age 16 when the alleged crime was committed. At a transfer hearing, the court must consider specified criteria and may order that a study be made concerning the child, the child's family and environment, and other matters concerning the disposition of the case. Statutory provisions also set forth a process by which a court exercising criminal jurisdiction in a case involving a child must determine whether to transfer jurisdiction to a juvenile court at sentencing.

State/Local Fiscal Effect: Although these attempted carjacking and attempted armed carjacking cases will no longer *originate* in the juvenile court, the juvenile court may still hear the cases through the reverse waiver process as described above, and youth adjudicated for such offenses may still become part of the Department of Juvenile Services (DJS) caseload. In addition, juveniles pending charges in adult court are generally held in juvenile facilities pending a transfer determination (reverse waiver) by the court, mitigating any material impact on pretrial detention costs. Furthermore, carjacking offenses represented less than 1% of the intakes processed by DJS in fiscal 2019. Accordingly, the bill is not anticipated to materially impact State or local finances.

Additional Information

Prior Introductions: SB 197 of 2019 received an unfavorable report from the Senate Judicial Proceedings Committee. HB 555 of 2019 received a hearing in the House Judiciary Committee, but was subsequently withdrawn.

Designated Cross File: None.

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

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mr/aad

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