

Department of Legislative Services
 Maryland General Assembly
 2024 Session

FISCAL AND POLICY NOTE
Enrolled - Revised

House Bill 814
 Judiciary

(The Speaker and Delegate Clippinger)

Judicial Proceedings

Juvenile Law - Reform

This bill makes numerous changes to the juvenile justice process in the State and related administrative provisions, including (1) altering the jurisdiction of the juvenile court; (2) altering procedures relating to juvenile intake, complaints, detention, and probation; (3) requiring the forwarding of complaints and the filing of Child in Need of Supervision (CINS) petitions for specified motor vehicle thefts; (4) repealing provisions relating to the State Advisory Board for Juvenile Services; (5) altering provisions relating to the Commission on Juvenile Justice Reform and Emerging and Best Practices; and (6) altering reporting requirements for the Juvenile Justice Monitoring Unit (JJMU), the Governor’s Office of Crime Prevention and Policy (GOCPP), and the Department of Juvenile Services (DJS). The bill also codifies GOCPP, the Governor’s Office for Children (GOC), and a Children’s Cabinet, to be administered by GOC. Additionally, the bill prohibits registered juvenile sex offenders from entering onto places for education, as specified. **In general, provisions in the bill directly altering the juvenile justice process and the juvenile sex offender registrant provisions take effect November 1, 2024; the remaining provisions take effect June 1, 2024.**

Fiscal Summary

State Effect: General fund expenditures for DJS increase by *at least* \$4.4 million in FY 2025; additional significant personnel and capital costs (not shown below) may be incurred, as discussed below. General fund expenditures for the Office of the Public Defender (OPD) increase *by as much as* \$1.9 million in FY 2025, as discussed below. General fund expenditures for GOCPP increase by \$200,300 in FY 2025. Future year expenditures are annualized, adjusted for inflation, and reflect ongoing operating costs. Revenues are not affected.

(\$ in millions)	FY 2025	FY 2026	FY 2027	FY 2028	FY 2029
Revenues	\$0	\$0	\$0	\$0	\$0
GF Expenditure	6.6	9.1	9.4	9.7	10.0
Net Effect	(\$6.6)	(\$9.1)	(\$9.4)	(\$9.7)	(\$10.0)

Note:() = decrease; GF = general funds; FF = federal funds; SF = special funds; - = indeterminate increase; (-) = indeterminate decrease

Local Effect: The bill may affect operations and expenditures for State’s Attorneys’ offices, as discussed below. The circuit courts can implement the bill with existing budgeted resources. Revenues are not affected.

Small Business Effect: None.

Analysis

Bill Summary/Current Law:

I. Policies and Procedures for Children in the Juvenile Justice System (Effective November 1, 2024)

Juvenile Court Jurisdiction

Under current law, in general, the juvenile court has jurisdiction over children who are alleged to be delinquent, in need of supervision, or who have received a citation for specified violations. However, except under limited circumstances involving a child who is at least age 10 and alleged to have committed a “crime of violence,” as defined in § 14-101 of the Criminal Law Article, the juvenile court does not have jurisdiction over a child younger than age 13 for purposes of a delinquency proceeding and such a child may not be charged with a crime. In addition, the juvenile court does not have jurisdiction over (1) a child at least age 14 alleged to have committed an act which, if committed by an adult, would be a crime punishable by life imprisonment; (2) a child at least age 16 alleged to have violated specified traffic or boating laws; (3) a child at least age 16 alleged to have committed specified crimes (violent crimes, firearms crimes, etc.); or (4) a child who previously has been convicted as an adult of a felony and is subsequently alleged to have committed an act that would be a felony if committed by an adult. These cases are tried in adult criminal court. The juvenile court also has jurisdiction over peace order proceedings in which the respondent is a child.

The bill expands the juvenile court’s jurisdiction to include a child who is at least age 10 and is alleged to have committed an act that would, if committed by an adult, be (1) a crime involving handguns under § 4-203 (wearing, carrying, or transporting a handgun) or § 4-204 (use of a handgun or antique firearm in the commission of a crime) of the Criminal Law Article; (2) a crime involving firearms under § 5-133 (possession of a regulated firearm), § 5-134 (sale, rental, or transfer of a regulated firearm), § 5-138 (sale, transfer, or disposal of a stolen regulated firearm), § 5-142 (removal or alteration of an identification mark or number on a firearm), § 5-203 (possession of a short-barreled rifle or short-barreled shotgun), or § 5-703 (untraceable firearms/violating serial number requirements for firearms) of the Public Safety Article; (3) aggravated cruelty to animals under § 10-606 of

the Criminal Law Article; or (4) a sexual offense in the third degree under § 3-307 of the Criminal Law Article.

Intake in Juvenile Cases

Currently, intake occurs when a complaint is filed by a police officer or other person or agency having knowledge of facts that may cause a child to be subject to the jurisdiction of the juvenile court. Within 25 days after a complaint is filed, a DJS intake officer is required to make an inquiry to determine whether the juvenile court has jurisdiction and whether judicial action is in the best interests of the public or the child. The intake officer may make any of the following decisions: (1) deny authorization to file a petition or a peace order request or both in the juvenile court; (2) propose an informal adjustment of the matter; or (3) authorize the filing of a petition or a peace order request or both in the juvenile court. The bill alters the length of time DJS has to make an inquiry from 25 days to *15 business days*. However, if a law enforcement officer requests an intake officer to detain a child prior to a hearing and the intake officer does not authorize detention of the child, the intake officer must make an inquiry within *2 business days*.

Under current law, as part of their inquiry, a DJS intake officer does not need to interview the child who is the subject of the complaint when the complaint alleges a violation of § 4-203 (wearing, carrying, or transporting a handgun) or § 4-204 (use of a handgun or antique firearm in the commission of a crime) of the Criminal Law Article. The bill expands this provision. Under the bill, intake officers are also not required to interview a child during an inquiry if the complaint alleges a violation of § 5-133 (possession of a regulated firearm), § 5-134 (sale, rental, or transfer of a regulated firearm), § 5-138 (sale, transfer, or disposal of a stolen regulated firearm), § 5-142 (removal or alteration of an identification mark or number on a firearm), § 5-203 (possession of a short-barreled rifle or short-barreled shotgun), or § 5-703 (untraceable firearms/violating serial number requirements for firearms) of the Public Safety Article.

Under current law, if based upon the complaint and the inquiry, the intake officer concludes that the court has no jurisdiction, or that neither an informal adjustment nor judicial action is appropriate, the intake officer may deny authorization to file a petition or a peace order request or both. If the intake officer denies authorization to file a petition or a peace order request or both, the intake officer must inform the victim, the arresting police officer, and person or agency that filed the complaint or caused it to be filed of the decision, the reasons for it, and their right of review. The bill requires that this notice be by electronic means.

Forwarding Complaints to the State's Attorney for Consideration for Prosecution

Currently, if a complaint alleges the commission of an act that would be a felony if committed by an adult or alleges a violation of § 4-203 (wearing, carrying, or transporting

a handgun) or § 4-204 (use of a handgun or antique firearm in the commission of a crime) of the Criminal Law Article and the intake officer denies authorization to file a petition or proposes an informal adjustment, the intake officer must *immediately* forward the complaint and a copy of the entire intake case file, as specified, to the State's Attorney.

Under the bill, a complaint alleging a violation of any of the following statutes is also subject to this requirement: § 5-133 (possession of a regulated firearm), § 5-134 (sale, rental, or transfer of a regulated firearm), § 5-138 (sale, transfer, or disposal of a stolen regulated firearm), § 5-142 (removal or alteration of an identification mark or number on a firearm), § 5-203 (possession of a short-barreled rifle or short-barreled shotgun), or § 5-703 (untraceable firearms/violating serial number requirements for firearms) of the Public Safety Article.

Under current law, an intake officer is *not required* to forward the complaint and copy of the file to the State's Attorney if the complaint alleges the commission of an act that would be a felony if committed by an adult and (1) the intake officer proposes the matter for informal adjustment; (2) the act did not involve the intentional causing of, or attempt to cause, the death of or physical injury to another; and (3) the act would not be a crime of violence, as defined under § 14-101 of the Criminal Article, if committed by an adult. The bill eliminates this statutory exception.

Furthermore, under the bill, DJS intake officers are required to *immediately* forward the complaint and copy of the file to the State's Attorney if the complaint alleges the child committed a delinquent act while under the supervision of DJS and the intake officer denies authorization to file a petition or proposes informal adjustment.

Preliminary Review of Forwarded Complaints by State's Attorneys

Under current law, upon receipt of a forwarded complaint, the State's Attorney must make a preliminary review as to whether the court has jurisdiction and whether judicial action is in the best interests of the public or the child. After the preliminary review, and within 30 days of the State's Attorney's receipt of the complaint (unless the court extends the time), the State's Attorney must file a petition or a peace order request or both; refer the complaint to DJS for informal disposition; or dismiss the complaint. The bill specifies that an intake officer is not prohibited from proceeding with an informal adjustment during the State's Attorney's preliminary review.

Informal Adjustments

Under current law, an intake officer may propose an informal adjustment if, based on the complaint and the inquiry, the officer concludes that a juvenile court has jurisdiction but that an informal adjustment, rather than judicial action, is in the best interests of the public

and the child. The intake officer must propose an informal adjustment by informing the victim, the child, and the child's parent or guardian of the nature of the complaint, the objectives of the adjustment process, and the conditions and procedures under which it will be conducted. The intake officer may not proceed with an informal adjustment unless the child and the child's parent or guardian consent to the informal adjustment procedure. However, an intake officer may proceed with an informal adjustment without informing the victim if the intake officer has made reasonable efforts to contact the victim. During an informal adjustment process, the child is subject to such supervision as the intake officer deems appropriate. The process may not exceed 90 days unless the time is extended by the court or the intake officer determines that additional time is necessary for the child to complete a program that is part of the informal adjustment process. If, at any time before the completion of an agreed upon informal adjustment, the intake officer believes that it cannot be completed successfully, the intake officer must either authorize the filing of a petition and/or a peace order request or deny authorization to file a petition and/or a peace order request.

The bill requires that if the intake officer denies authorization to file a petition and/or peace order request, the intake officer must immediately forward the complaint and entire intake case file to the State's Attorney.

Child in Need of Supervision Petitions – Motor Vehicle Theft

The bill requires that if a law enforcement officer alleges that a child younger than age 13 committed an act that would constitute motor vehicle theft under § 7-105 of the Criminal Law Article, the officer must forward the complaint to DJS to file a petition alleging that the child is in need of supervision.

The bill also requires an intake officer to authorize the filing of a CINS petition upon receiving a complaint alleging that a child younger than age 13 committed an act that would constitute motor vehicle theft under § 7-105 of the Criminal Law Article.

Child in Custody

Under current law, if a law enforcement officer takes a child into custody, the officer must immediately notify, or cause to be notified, the child's parents, guardian, or custodian in a manner reasonably calculated to give actual notice of the action. The notice must include the child's location, provide the reason for the child being taken into custody, and instruct the parent, guardian, or custodian on how to make immediate in-person contact with the child.

The bill further requires that, if a child is taken into custody by a law enforcement officer pursuant to the law of arrest, the officer must:

- complete and forward a written complaint or citation to DJS for processing, in accordance with existing statutory requirements;
- if the child was referred to an at-risk youth prevention and diversion program, as defined in § 8-601 of the Human Services Article, complete and forward a written report to DJS indicating that the child was diverted to (1) a law enforcement diversion program, including a diversion program operated by a local State's Attorney; (2) a diversion program operated by another agency or organization; (3) a local care team; or (4) another community-based service provider; or
- complete and forward a written report to DJS indicating that no further action was taken.

Authorized Detention Prior to a Hearing

Under current law, a child who is taken into custody may be placed in detention or community detention prior to a hearing if such action is required to protect the child or others or the child is likely to leave the jurisdiction of the court. Generally, a child whose most serious offense would be a misdemeanor if committed by an adult cannot be placed in detention before a hearing unless (1) the act involved a handgun and would violate the Criminal Law Article or Public Safety Article if committed by an adult or (2) the child has been adjudicated delinquent *at least twice within the preceding 12 months*.

The bill repeals the reference to handgun offenses and substitutes the following specified gun offenses: § 4-203 or § 4-204 of the Criminal Law Article or § 5-133, § 5-134, § 5-138, § 5-142, § 5-203, or § 5-703 of the Public Safety Article. The bill also repeals the exception for a child who was adjudicated delinquent at least twice in the preceding 12 months and substitutes the exception for a child who was adjudicated at least twice *in the preceding two years*. Additionally, the bill allows the juvenile court to order detention before a hearing when a child is alleged to have committed, while under DJS supervision, an act that would result in a penalty of imprisonment of more than two years and *would not* constitute second-degree assault under § 3-203 of the Criminal Law Article if committed by an adult. Unless the child has violated the terms of community detention and it is necessary for the protection of the child or others, the bill prohibits a child younger than age 13 from being placed in pre-hearing detention if the child is accused of an act that would constitute one of the aforementioned gun offenses and the child has not previously been adjudicated delinquent for any of those gun offenses.

Under current law, if a child remains in detention prior to a hearing, within 14 days of the child's initial detention, DJS must appear at a hearing before the court with the child to explain the reasons for the child's continued detention; DJS must appear at subsequent

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hearings with the child every 14 days thereafter. The bill allows the waiver of one such hearing on the consent of the court, the State's Attorney, and counsel for the child.

Community Detention – Electronic Monitoring Violations

Under current law, a court has various options when making a disposition on a petition, including placing the child on probation or under supervision in the child's own home or in the custody of or under the guardianship of a relative or other fit person, upon terms that the court deems appropriate, including community detention. Community detention includes electronic monitoring.

Under the bill, if a child placed in community detention under an electronic monitoring agreement violates the agreement, DJS must, within 24 hours after the violation, notify the juvenile court, the office of the State's Attorney, and the child's defense attorney.

Juvenile Probation

Time Limits on Juvenile Probation: Under current law, when the most serious offense a child commits is an offense that would be a *misdemeanor* if committed by an adult, the court may place the child on probation for up to six months. The court may extend this period by up to three months if, after a hearing, the court determines that there is *good cause* to extend the probation and the purpose of extension is to ensure the child completes a treatment or rehabilitative program or service. The overall term of probation, including extensions, may not exceed one year.

Currently, except for a crime of violence under § 14-101 of the Criminal Law Article, if a child commits an offense that would be a *felony* if committed by an adult, the court may place the child on probation for up to one year. The court may extend this period by up to three months if, after a hearing, the court determines that there is *good cause* to extend the probation and the purpose of extension is to ensure the child completes a treatment or rehabilitative program or service. The total period of probation may not exceed two years. However, the court may extend the total period of probation beyond two years if, after a hearing, the court finds by clear and convincing evidence that there is *good cause* for the extension and extending the probation is in the best interest of the child. However, if such an extension is granted, the total period of probation, including all extensions, may not exceed three years.

The bill extends time limits on juvenile probation. For offenses that would be a *misdemeanor*, the maximum initial probation period increases from six months to one year, and the total probation term, including extensions, increases from a one-year maximum to a two-year maximum. For offenses that would be a *felony*, the maximum initial probation period increases from one year to two years and the total probation term, including

extensions, increases from two years to three years. However, if after a hearing, the court finds by clear and convincing evidence that there is *good cause* to extend the probation and an extension is in the best interest of the child, the total period of probation increases from three years to four years, inclusive of all extensions.

The bill specifies that “good cause” includes a child having two or more unexcused absences from a program that the child is ordered to attend as a condition of probation, unless the child has substantially completed the treatment program.

Existing statute allows a court to reset a child’s probation for specified violations. Under current law, if a child is found to have committed a violation of probation, except for a technical violation, a court may, after a hearing, place the child on a new term of probation for a period that is consistent with the period of probation (discussed above) that may be imposed for the delinquent act for which the child was originally placed on probation. As with the provisions discussed above, this provision does not apply to an offense that would be a felony crime of violence under § 14-101 of the Criminal Law Article if committed by an adult. Existing statute also prohibits a child from being placed in a facility used for detention for a technical violation.

Under current law, a “technical violation” means a violation of probation that *does not* involve an arrest or summons issued by a commissioner on a statement of charges filed by a law enforcement officer; a violation of a criminal prohibition, or an act that would be a violation of a criminal prohibition if committed by an adult, other than a minor traffic offense; a violation of a no-contact or stay-away order; or absconding.

Progress Reports: The bill requires that if a child is placed on probation and has two or more unexcused absences from a program the child was ordered to attend as a condition of probation, the court must be provided with a progress report.

Treatment Service Plans

Under current law, a “treatment service plan” means a plan recommended at a disposition hearing or a disposition review hearing by DJS to the court proposing specific assistance, guidance, treatment, or rehabilitation of a child. In making a treatment service plan (the plan), a juvenile counselor must meet with the child who is subject to the plan and the child’s parent, guardian, or legal custodian to discuss the plan. At a minimum, the plan must include (1) the recommended level of supervision for the child; (2) specific goals for the child and family to meet, along with timelines for meeting those goals; (3) a statement of any condition that the child’s parent, guardian, or legal custodian must change in order to alleviate any risks to the child; (4) a statement of the services to be provided to the child and the child’s family; and (5) any other information that may be necessary to make a disposition consistent with the child’s best interests and the protection of the public interest.

Currently, if the court adopts a treatment service plan, DJS must ensure that implementation of the plan occurs within 25 days after the date of disposition. If a plan requires specified supervision, mentoring, mediation, monitoring, or placement, implementation of the plan is considered to have occurred when the supervision, mentoring, mediation, monitoring, or placement occurs. The bill specifies that implementation of the plan *only* occurs when the supervision, mentoring, mediation, monitoring, or placement occurs.

Under current law, DJS must *certify* in writing to the court within 25 days after the date of disposition whether implementation of the plan has occurred. The bill requires DJS to *provide certification* to the court in writing within 25 days after the date of disposition whether implementation of the plan has occurred, explain attempts made to ensure implementation of the plan in the certification, and forward a copy of the certification to the Commission on Juvenile Justice Reform and Emerging and Best Practices, so that the commission may evaluate patterns of failed implementation.

Confidential Juvenile Records

Under current law, a court record pertaining to a child is confidential and its contents may not be divulged, by subpoena or otherwise, except by order of the court upon a showing of good cause, or as specified in §§ 7-303 and 22-309 of the Education Article. This provision does not prohibit access to and confidential use of a court record by the State Advisory Board for Juvenile Services if the board is performing its statutory duties. The bill reassigns access to these records from the board to the Commission on Juvenile Justice Reform and Emerging and Best Practices for the purpose of performing its statutory duties.

II. Juvenile Sex Offender Registrants on School Property (Effective November 1, 2024)

Under current law, with specified exceptions, a sex offender registrant is generally prohibited from knowingly entering onto real property that is used for public or nonpublic elementary or secondary education or on which is located certain child care homes or a licensed child care institution, as specified by law. A sex offender registrant who is a student may receive an education in accordance with State law in (1) a location other than a public or nonpublic elementary or secondary school, including by participating in the Home and Hospital Teaching Program for Students or by participating in or attending a specific program approved by a county board of education; (2) a Regional Institute for Children and Adolescents; or (3) a certain nonpublic educational program as specified by law. Each county board must develop and adopt a policy that enables a sex offender registrant who is a student to receive an education under these provisions. The State Board of Education must develop and adopt guidelines to assist county boards in the development of these policies.

Under current law, a person who enters into a contract with a county board of education or a nonpublic school is prohibited from knowingly employing an individual to work at a school if the individual is a sex offender registrant. A person who violates the prohibitions described above is guilty of a misdemeanor punishable by imprisonment for up to five years and/or a \$5,000 maximum fine.

The bill applies the provisions described above to juvenile sex offender registrants. Under current law, a “juvenile registrant” means a person who is required to be included in the registry of juvenile sex offenders that is maintained by DJS separately from the sex offender registry. A person must be included in the juvenile sex offender registry if (1) the person has been adjudicated delinquent for an act that, if committed by an adult, would constitute rape in the first degree, rape in the second degree, or sexual offense in the third degree (or the statutes corresponding to sexual offense in the first and second degrees, as those statutes existed before October 1, 2017) and (2) the person was a minor who was at least 14 years at the time the delinquent act was committed.

III. State Board of Victim Services (Effective November 1, 2024)

Under current law, the State Board of Victim Services, which is housed within GOCPP, is required to develop pamphlets on specified topics. The bill expands the board’s pamphlet-related duties by requiring the board to develop a pamphlet on how victims and their representatives can file a complaint to DJS alleging that a child is in need of supervision.

IV. Administrative Responsibilities and Reporting Requirements for the Department of Juvenile Services (Effective June 1, 2024)

State Comprehensive Juvenile Services 3-Year Plan

Current law requires the Secretary of DJS to develop a State Comprehensive Juvenile Services 3-Year Plan. The plan must (1) include an inventory of all in-day treatment programs and residential care programs and an accounting of the residence of all clients; (2) include an inventory of nonresidential treatment programs; (3) specify the needs of the various areas of services for clients, including alcohol and drug abuse rehabilitation services; (4) specify the needs of clients, including predelinquent diversion services programs; (5) establish priorities for the different services needed; (6) set standards for the quality of residential services and outreach services; (7) include a program dedicated to reducing recidivism rates of clients; (8) include programs dedicated to diverting children from the juvenile justice system; and (9) include any other matters that the Secretary considers appropriate.

The bill expands the required contents of the plan to include (1) programs developed for youth at the highest risk of becoming victims or perpetrators of gun violence; (2) programs developed specifically for individuals ages 10 through 14 who are at the highest risk of becoming victims or perpetrators of gun violence; and (3) programs developed for youth involved in motor vehicle theft.

Expanded Department of Juvenile Services Reporting Requirements

Chapter 42 of 2022 required DJS to report to the General Assembly on several topics related to its procedures, operations, and programming. The bill extends the deadline for this report by two years to April 15, 2025. The bill also expands the required content of the report to include the number of cases resolved at intake and the number of cases referred for informal adjustment within the prior fiscal year.

V. Governor's Office for Children and the Children's Cabinet (Effective June 1, 2024)

GOC was established by an executive order in 2005 to provide a coordinated, comprehensive interagency approach to the development of a continuum of care that is family- and child-oriented and emphasizes prevention, early intervention, and community-based services for all children and families, with special attention to at-risk populations. GOC activities include staffing the Children's Cabinet, administering the Children's Cabinet Interagency Fund (CCIF), providing technical assistance to local management boards (LMBs), promoting child and family policy, and measuring results for child well-being.

In December 2018, GOC was moved under the Governor's Office of Crime Control and Prevention, which was later renamed the Governor's Office of Crime Prevention, Youth, and Victim Services (GOCPYVS); funding for personnel and operational expenses were absorbed into that office in fiscal 2020. In January 2024, [Executive Order 01.01.2024.05](#) separated GOC from GOCPYVS and renamed GOCPYVS as GOCPP.

According to the executive order, GOC is led by a Special Secretary and is a coordinating office that has the following duties: supporting the work of the Children's Cabinet; advancing the well-being of the State's children and families by promoting values, policies, and practices; partnering with LMBs and overseeing the use of the CCIF; and assisting the Children's Cabinet in distributing grants.

The Children's Cabinet was originally created by the Governor in 1987 as the Subcabinet for Children and Youth. It went through various iterations until it was reconstituted by the Governor in Executive Order 01.01.2024.05. The Children's Cabinet is chaired by the Special Secretary of the Governor's Office for Children and includes the secretaries of

various State agencies. The Children’s Cabinet is required to prepare and annually update a three-year plan for the priorities and strategies for delivering services; a report is due by December 1, 2024.

The bill codifies GOC as a separate unit within the Executive Department. Similar to the stated purpose of GOC in the executive order, the bill specifies that the purpose of the office is to provide a coordinated, comprehensive, interagency approach to promoting the well-being of children and families through a network of supports, programs, and services that are family and child-oriented and reducing the number of children living in poverty. The bill further codifies a Children’s Cabinet administered by GOC. The stated purpose of the Children’s Cabinet is to promote the vision of the State for a stable, safe, and healthy environment for children and families. The head of GOC must serve as the chairperson of the cabinet and is responsible for the administration and operation of the Children’s Cabinet. The Governor is authorized to provide for the structure, duties, and responsibilities of GOC and the Children’s Cabinet by executive order.

VI. Governor’s Office of Crime Prevention and Policy (Effective June 1, 2024)

Codification of the Governor’s Office of Crime Prevention and Policy

The bill codifies GOCPP as a separate unit within the Executive Department. The Governor is authorized to provide for the structure, duties, and responsibilities of GOCPP by executive order.

Reporting Requirements for the Governor’s Office of Crime Prevention and Policy

At-risk Youth Prevention and Diversion Programs: Under current law, GOCPP must report to the General Assembly by December 31 each year on the implementation and effectiveness of at-risk youth prevention and diversion programs. The bill further requires GOCPP to report to DJS by December 31 each year on the number of children referred to an at-risk youth prevention and diversion program in the previous year; the age, gender, and race of the referred children; and the number of children currently enrolled in such a program.

Juvenile Arrests: The bill requires that on or before December 31, 2024, and on or before December 31 each year thereafter, GOCPP must report to the General Assembly on the number of children arrested and the number of times the arrest resulted in a complaint with DJS for the calendar year.

VII. Commission on Juvenile Justice Reform and Emerging and Best Practices (Effective June 1, 2024)

Under current law, the State Advisory Board for Juvenile Services (the board), which is within DJS, is comprised of certain members and is tasked with several responsibilities, including reporting and advising the Secretary of DJS on multiple juvenile programs in the State; recommending policies and programs to improve juvenile services in the State; participating in interpreting the objectives of DJS for the public; participating in planning the development and use of available resources to meet the needs of DJS; and examining and reviewing fatalities involving children under DJS supervision for the purpose of advising the Secretary of DJS on policies and programs to prevent fatalities, as specified.

The bill repeals the board and for the most part, transfers membership and responsibilities of the board to the Commission on Juvenile Justice Reform and Emerging and Best Practices (the commission). The bill makes additional changes to membership of the commission and establishes requirements related to membership, including the length of a term and the staggering of terms. The Governor, the President of the Senate, and the Speaker of the House must appoint the commission's chair from among the members of the commission. The bill removes DJS and the Department of Human Services (DHS) as the staffing agencies for the commission; under the bill, GOCPP must staff the commission.

Under current law, the commission is tasked with:

- researching culturally competent, evidence-based, research-based, and promising practices relating to (1) child welfare; (2) juvenile rehabilitation; (3) mental health services for children; and (4) prevention and intervention services for juveniles;
- evaluating the cost-effectiveness of practices researched by the commission;
- identifying means of evaluating the effectiveness of practices researched by the commission; and
- giving special attention to organizations located in or serving historically underserved communities, identifying strategies to enable the community-based organizations that provide services for juveniles to evaluate and validate services and programming provided by those organizations.

As noted above, the bill transfers many of the responsibilities of the State Advisory Board to the commission. The bill makes specified alterations to the commission's existing duties and expands the commission's duties to include:

- reviewing and reporting on (1) all juvenile services, facilities, and programs in the State; (2) the educational programs and services of DJS; (3) programs designed to divert children from the juvenile justice system; (4) the treatment and programming

- needs of females in the juvenile justice system; (5) the use of CINS petitions and the number of CINS petitions authorized or denied by jurisdiction; and (6) the wait times for placement of children in facilities;
- reviewing data relating to arrests, completion of programming, and recidivism from the Maryland Longitudinal Data System Center;
 - identifying opportunities for greater coordination between DJS and specified entities;
 - recommending policies and programs to improve juvenile services in the State;
 - participating in interpreting for the public the objectives of juvenile services in the State;
 - participating in planning the development and use of available resources to meet the needs of juveniles;
 - coordinating with the Maryland Department of Labor to identify potential job and apprenticeship opportunities for juveniles under the supervision of DJS; and
 - examining and reviewing fatalities involving children under the supervision of DJS, for the purpose of providing recommendations on policies and programs to prevent fatalities, including (1) a death caused by a child under the supervision of DJS if the child is convicted or adjudicated for the death and (2) the death of a child under the supervision of DJS.

Under current law, the commission must report its findings to the Governor and the General Assembly on or before December 31 each year. The bill requires the submission of the report on or before October 1, 2025, and on or before October 1 each year thereafter.

VIII. Juvenile Justice Monitoring Unit (Effective June 1, 2024)

The bill alters the reporting requirements of the JJMU to account for the repeal of the State Advisory Board for Juvenile Services and the expanded responsibilities of the commission under the bill. JJMU is currently housed within the Office of the Attorney General (OAG). Chapter 836 of 2024 transfers JJMU to the Office of the Correctional Ombudsman, a newly established independent unit of State government, on July 1, 2024.

Background: Chapter 42 of 2022 implemented many recommendations of the Juvenile Justice Reform Council, which was established in 2019 to research best practices for the treatment of juveniles who are subject to the criminal and juvenile justice systems and make recommendations to limit or otherwise mitigate contributing risk factors. Among other provisions, Chapter 42 raised, to age 13, the minimum age of juveniles subject to the jurisdiction of the juvenile court for purposes of delinquency proceedings, with an exception for 10- to 12-year-olds accused of specified violent offenses. The legislation also established limitations on the use of detention and probation and expanded the

circumstances under which juveniles may be handled by an informal process within DJS without an opportunity for further review by a State's Attorney.

In response to news reports of increasing juvenile crime and a mass shooting in Baltimore City, legislators conducted hearings that included presentations from a range of entities involved in the juvenile justice system. In a hearing before the House Judiciary Committee in September 2023, committee members and presenters explored many specific issues and their possible impacts on juvenile crime. Broad themes included the availability of resources to systemically address the root causes of crime, potential hindrances for law enforcement officers, a perceived lack of consequences for DJS-involved youth, and the overall efficacy of the current juvenile justice system in addressing repeat offenders. DJS, while noting that juvenile crime represents a small portion of all crime in Maryland, also acknowledged the need for more diverse options for judges to consider when making dispositional decisions for juveniles, noting, for example, that Maryland does not have a residential drug treatment program for adolescents. OPD further stressed that the availability of community services for juveniles and their families has atrophied in recent years, further noting that poverty, mental health, and the widespread prevalence and availability of firearms are among other factors that must be examined when discussing juvenile justice reform.

State Expenditures: General fund expenditures for DJS increase by *at least* \$4.4 million in fiscal 2025; additional significant personnel and capital costs (not shown below) may be incurred, as discussed below. General fund expenditures for OPD increase *by as much as* \$1.9 million in fiscal 2025, as discussed below. General fund expenditures for GOCPP increase by approximately \$200,300 in fiscal 2025.

Department of Juvenile Services

General fund expenditures for DJS increase *by at least* \$4.4 million in fiscal 2025, which accounts for the bill's November 1, 2024 effective date for provisions related to DJS procedures. This estimate reflects the cost of hiring 35 employees (27 case managers, 2 case manager supervisors, 5 community detention officers, and 1 community detention supervisor) to implement the bill's provisions and address the bill's projected effect on DJS populations and procedures. It includes salaries, fringe benefits, one-time start-up costs, ongoing operating expenses, and projected costs for contracted out-of-home placements under the bill.

Positions	35
Salaries and Fringe Benefits	\$1,612,477
Contractual Services for Out-of-home Placements	2,587,200
Other Operating Expenses	<u>250,558</u>
Minimum DJS FY 2025 State Expenditures	\$4,450,235

Future year expenditures reflect full salaries with annual increases and employee turnover as well as annual increases in ongoing operating expenses.

This estimate, however, does not include costs for additional DJS personnel to address notifications of electronic monitoring violations under the bill. DJS advises that it requires 10 case managers to implement this provision. The cost associated with these positions is approximately \$524,700 in fiscal 2025 and increases to \$773,500 by fiscal 2029. The bill requires DJS to notify the juvenile court, the State’s Attorney, and the child’s defense attorney *within 24 hours* if a child placed on community detention under an electronic monitoring agreement violates the agreement. While DJS generally advises that it currently makes these notifications only when ordered by the court and provides this information to the court at the next court hearing to review the child’s compliance on community detention, DJS did not provide sufficient information regarding current electronic monitoring, violations of electronic monitoring, and how it calculated the personnel need for increased notifications.

Although not accounted for in this analysis, DJS also anticipates significant capital costs (in excess of \$1.5 million under a preliminary DJS estimate), funded with pay-as-you-go general funds and/or general obligation bonds. The State’s capital program is determined annually through the capital budget process subject to debt affordability limits. As total spending is fixed each year, to the extent that a new project is added to the program, other projects may receive less funding, be delayed, or get canceled.

To the extent that capital projects are initiated, DJS incurs significant staffing costs (in excess of \$2 million annually under one preliminary DJS estimate) not reflected above. However, The Department of Legislative Services (DLS) notes that future year expenditures account for continued use of contractual services (approximately \$4.0 million annually) for out-of-home placements. It is unclear to what extent additional capacity in State facilities could mitigate significant departmental costs for contracted out-of-home placements. DJS was not able to provide sufficient information to explain the potential magnitude and need for facilities and associated facility personnel under the bill. While it is plausible additional facilities may need to be opened (whether by reopening former facilities or constructing new ones with a large capital investment), the magnitude of those efforts and costs cannot be independently determined at this time. DJS was also not able to

provide sufficient information regarding \$525,000 in additional annual contractual services and supplies; therefore, those costs are not accounted for in this analysis.

The bill has several interconnected provisions, which when viewed together, significantly alter procedures in juvenile cases and are anticipated to alter DJS populations, particularly provisions that change where children involved in juvenile cases are placed. DJS advises that its facilities are currently operating at or close to capacity, and there are waitlists for placements in its facilities and programs. DJS also advises that additional facility space may be needed for intake and predisposition purposes in jurisdictions that lack diversion programs. However, DLS notes that the bill codifies existing options for law enforcement officers, and diversion programs exist in the larger jurisdictions that are the source for the highest volume of DJS complaints.

Office of the Public Defender

OPD advises that between 2016 and 2023, OPD's juvenile defender personnel decreased from 61 attorneys to 41 attorneys; this decrease was mainly due to reassignment of juvenile defenders to other units within the office, including when there was a significant drop in juvenile prosecution and detention during the COVID pandemic. OPD further advises that thus far, it has not experienced a noticeable change in operations from the 2022 juvenile reforms. According to OPD, the office handled more juvenile matters in fiscal 2023 (2,892) than it did in fiscal 2022 (2,266).

OPD advises that the bill's provisions make extensive changes that increase OPD case volume and increase OPD workload in existing juvenile cases, including expanding juvenile court jurisdiction, shortening the timeframe for intake, increasing referrals to State's Attorneys, expanding eligibility for detention, and extending terms of juvenile probation. Based on DJS data and experience, OPD estimates that it will require 24 additional employees (16.5 attorneys, 3 social workers, and 4.5 administrative employees) for full implementation of the bill.

OPD is in the process of developing new Maryland-specific caseload standards; the current OPD standards were adopted in 2005. OPD calculated this need for personnel based on a 2022 Oregon workload study that included juvenile cases and was conducted by some of the same experts and used a similar methodology as the National Public Defense Workload Study, which was released in September 2023. The national standards use a different calculation/methodology than the 2005 OPD standards currently in use, which, according to the office, do not recognize the different levels of effort needed for different types of cases. According to OPD, juvenile cases are specialized and particularly resource-intensive, especially in cases involving younger children.

DLS notes that as mentioned above, OPD has not adopted new Maryland-specific caseload standards yet, and the Oregon standards are noticeably lower than current OPD caseload standards. For context, according to information recently submitted pursuant to the 2023 *Joint Chairmen’s Report*, OPD noted that based on fiscal 2023 data, it would need 947 additional attorneys to meet the national caseload standards that used a similar methodology as the Oregon caseload study OPD used in its calculations for this bill.

Thus, DLS advises that the estimate below (24 positions – 16.5 attorneys, 3 social workers, and 4.5 administrative employees) represents a *maximum* estimate of additional resources needed for OPD to implement the bill. Correspondingly, general fund expenditures increase *by as much as* \$1,916,639 in fiscal 2025, which accounts for the bill’s November 1, 2024 effective date for provisions related to the juvenile justice process. To the extent that adopted caseload standards are higher than the Oregon standard or attorney positions overlap (OPD based its calculations using individual components of the bill), actual expenditures will be less.

Positions	24
Salaries and Fringe Benefits	\$1,738,382
Operating Expenses	<u>178,257</u>
Maximum OPD FY 2025 State Expenditures	\$1,916,639

The estimate above includes salaries, fringe benefits, one-time start-up costs, and ongoing operating expenses. Future year expenditures reflect full salaries with annual increases and employee turnover as well as annual increases in ongoing operating expenses.

Governor’s Office of Crime Prevention and Policy, Governor’s Office for Children, and the Children’s Cabinet

General fund expenditures for GOCPP increase by \$200,286 in fiscal 2025, which assumes a 30-day start-up delay for GOCPP-related provisions. This estimate reflects the cost of hiring two project managers (one administrator and one administrative officer) for GOCPP to comply with its responsibilities pertaining to the Commission on Juvenile Justice Reform and Emerging and Best Practices. It includes salaries, fringe benefits, one-time start-up costs, and ongoing operating expenses.

Positions	2
Salaries and Fringe Benefits	\$185,234
Operating Expenses	<u>15,052</u>
GOCPP FY 2025 State Expenditures	\$200,286

Future year expenditures reflect full salaries with annual increases and employee turnover as well as annual increases in ongoing operating expenses. This estimate assumes that any
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travel expenses incurred by GOCPP under the bill are minimal and absorbable using existing budgeted resources.

The commission is currently staffed by DJS and DHS; the bill removes staffing responsibilities from DJS and DHS and designates GOCPP as the staffing agency for the commission. The bill transfers responsibilities of the existing State Advisory Board for Juvenile Services within DJS (repealed under the bill) to the commission and establishes additional responsibilities for the commission. GOCPP advises while many of these responsibilities exist under current law, all of the responsibilities are new to the office and cannot be absorbed by existing staff.

This analysis assumes that (1) GOCPP can produce the annual juvenile arrests report using existing resources and/or the additional employees listed above and (2) the State Board of Victim Services, which is housed within GOCPP, can develop pamphlets on filing CINS complaints using existing budgeted resources.

The Governor's Office advises that it can implement the bill's provisions regarding GOC and the Children's Cabinet using existing budgeted resources.

Office of the Attorney General

As noted above, JJMU is currently housed within OAG. Chapter 836 of 2024 transfers JJMU to the Office of the Correctional Ombudsman, a newly established independent unit of State government, on July 1, 2024.

With respect to identical statutory provisions, OAG advised that due to potential increases in the DJS population, the provisions increase JJMU's existing workload such that an additional monitor is required. According to OAG, there has been an ongoing need for additional personnel within JJMU and existing JJMU staff (three monitors and a director) cannot accommodate this additional workload. DLS advises that JJMU's current staffing levels predate the changes to the juvenile justice system in 2022, and the bill's changes to JJMU's responsibilities do not independently generate the need for additional personnel.

Other Agencies and Miscellaneous Impacts

The Judiciary advises that it can implement the bill with existing budgeted resources. The Maryland Department of Transportation advises that its police forces can address additional activity generated by the bill, including additional training and new reporting procedures, with existing budgeted resources. The Maryland State Department of Education advises that it can adjust existing policies regarding child sex offenders with existing resources.

Expense reimbursements for members of the Commission on Juvenile Justice Reform and Emerging and Best Practices are assumed to be minimal and absorbable within existing budgeted resources.

Local Fiscal Effect: The bill may affect operations related to juvenile cases for State’s Attorneys’ offices. Baltimore County advises that implementation of the bill requires an additional assistant State’s Attorney, at a cost of \$139,200 in fiscal 2025 and increasing to \$156,671 by fiscal 2029. This analysis assumes that local school systems can serve students affected by the bill’s juvenile sex offender registrant provisions with existing budgeted resources.

Additional Information

Recent Prior Introductions: Similar legislation has not been introduced within the last three years.

Designated Cross File: SB 744 (The President, *et al.*) - Judicial Proceedings.

Information Source(s): Baltimore, Frederick, and Montgomery counties; Governor’s Office of Crime Prevention and Policy; Judiciary (Administrative Office of the Courts); Office of the Public Defender; Department of General Services; Department of Human Services; Department of Juvenile Services; Department of Natural Resources; Department of State Police; Maryland Department of Transportation; Office of the Attorney General; Maryland State Department of Education; Department of Legislative Services

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