

MARYLAND JUDICIAL CONFERENCE
GOVERNMENT RELATIONS AND PUBLIC AFFAIRS

Hon. Mary Ellen Barbera
Chief Judge

187 Harry S. Truman Parkway
Annapolis, MD 21401

MEMORANDUM

TO: House Judiciary Committee
FROM: Legislative Committee
Suzanne D. Pelz, Esq.
410-260-1523
RE: House Bill 36
Juvenile Proceedings – Fines, Fees and Costs
DATE: January 8, 2020
(1/16)
POSITION: Oppose

The Maryland Judiciary opposes House Bill 36. This bill would amend various sections addressing children alleged to be delinquent or in need of supervision, to eliminate certain language related to assessing fines, fees, courts costs, and support.

Although fines and court costs are generally not assessed in juvenile cases, this bill would remove a judge's discretion to use these rehabilitative tools in appropriate cases. In 2017, the Judiciary adopted as policy a *Resolution Regarding Imposition of Court Costs, Fines, and Fees on Juveniles in Juvenile Justice Proceedings* which provides that a judge or magistrate shall determine the child's ability to pay before imposing or recommending court cost, fines, or sanctioning a child for the failure to pay court costs or fines.

The Judiciary also notes that in Child in Need of Assistance proceedings, child support would remain available (see CJP § 3-803(b)(1)(i)) and the court could still assess compensation for the services of an attorney appointed to represent a child (see CJP § 3-813(f)), which raises possible Equal Protection issues. The Judiciary further notes that in District Court traffic cases, a child 16 and over will still be subject to fines.

cc. Hon. Erek Barron
Judicial Council
Legislative Committee
Kelley O'Connor