

Department of Legislative Services
Maryland General Assembly
2024 Session

FISCAL AND POLICY NOTE
First Reader

Senate Bill 792

(Senator West, *et al.*)

Judicial Proceedings

Juvenile Law - Juvenile Justice Reform - Juvenile Court Jurisdiction

This bill grants the juvenile court exclusive original jurisdiction over a child who is at least 11 years old who is alleged to have committed an act that, if committed by an adult, would constitute (1) a crime involving the use or possession of a “firearm,” as defined in § 5-101 of the Public Safety Article or (2) any crime, if the child has been arrested on two prior occasions. The bill also eliminates the juvenile court’s jurisdiction over a child age 10 who is alleged to have committed an act that would constitute a crime of violence under § 14-101 of the Criminal Law Article.

Fiscal Summary

State Effect: The bill can be implemented with existing budgeted resources. Revenues are not affected.

Local Effect: The bill is not expected to materially affect local finances and operations.

Small Business Effect: None.

Analysis

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.

State Fiscal Effect: The Office of the Public Defender advises that, assuming the number of cases involving children who have been arrested on two prior occasions is low, the bill's proposed provisions may result in 15 additional cases per year, which requires one part-time attorney at a cost of \$56,144 in fiscal 2025 and increasing to \$73,666 by fiscal 2029. The Department of Legislative Services advises that the potentially minimal increase in cases is most likely absorbable with existing budgeted resources.

The Judiciary advises that it can implement the bill with existing resources. The Department of Juvenile Services (DJS) does not anticipate a fiscal or operational impact from the bill.

The bill's elimination of the juvenile court's jurisdiction over a child age 10 alleged to have committed a crime of violence is unlikely to have a material effect on State finances or operations. In fiscal 2023, children age 11 and younger were the source of 1.0% of total complaints received by DJS.

Additional Information

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

Designated Cross File: None.

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

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