

Department of Legislative Services
Maryland General Assembly
2024 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 313
Judiciary

(Delegate Attar)

Juvenile Law - Probation

This bill repeals statutory provisions concerning the imposition of juvenile probation, including statutory time limits on juvenile probation. Instead, the bill authorizes a court to place a child on probation for a term that the court determines is appropriate to ensure that the child is able to complete any necessary services and treatment.

Fiscal Summary

State Effect: General fund expenditures for the Department of Juveniles Services (DJS) and the Office of the Public Defender (OPD) may increase, depending on the overall effect of the bill on juvenile probations, as discussed below. The Judiciary can implement the bill with existing budgeted resources. Revenues are not affected.

Local Effect: The bill may affect the operations of State's Attorneys' offices. Otherwise, the bill is not expected to materially affect the finances or operations of local governments.

Small Business Effect: None.

Analysis

Current Law: The bill repeals the existing statutory provisions discussed below.

Time Limits on Juvenile Probation

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.

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.

Violations of Probations

If a child commits a probation violation, except for a technical violation, the court may, after a hearing, place the child on a new probation for an amount of time that that is consistent with the probationary time periods for the offense for the delinquent act for which they originally received probation.

A “technical violation” means a violation of probation that does *not* involve (1) an arrest or summons by a commissioner on a statement of charges filed by a law enforcement officer; (2) 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; (3) a violation of a no-contact or stay-away order; or (4) absconding.

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 that may be imposed under this section for the delinquent act for which the child was originally placed on probation.

State Fiscal Effect: General fund expenditures for OPD and DJS may increase if the overall effect of the bill is longer juvenile probations.

Department of Juvenile Services

DJS did not respond to a request for information on the fiscal and operational impact of the bill on the department. Regardless, if the bill increases the amount of time that children under the jurisdiction of the department stay on probation, the bill may require additional DJS resources to accommodate decreased turnover of probation cases and increased

provision of services. Whether such an increase occurs cannot be readily determined at this time and can only be determined with actual experience under the bill. DJS advises that it currently may request a probation case to be terminated if a child is successful. Information on potential increased costs of services is not available at this time. However, *for illustrative purposes only*, the cost associated with an additional DJS case manager is \$58,684 in fiscal 2025 and increases to \$77,350 by fiscal 2029.

Depending on judicial discretion, the bill may also increase the number of children detained in DJS facilities and corresponding expenditures. Under current law (and unchanged by the bill), a child may not be placed in a facility used for detention for a technical violation. However, because the bill repeals the distinction between technical and other types of violations, this restriction on detention no longer applies.

Office of the Public Defender

While it does not cite any specific data or projections, OPD advises that the bill requires two additional attorneys and one administrative employee to handle the increased level of effort in juvenile probation cases generated by the elimination of time limits on juvenile probation and the potential effect of pure judicial discretion in these cases. OPD estimates costs for these positions at \$212,648 in fiscal 2025 and increasing to \$285,564 by fiscal 2029.

Local Effect: Depending on the bill's overall effect on prosecutorial workloads, the bill may affect operations of State's Attorneys' offices. The State's Attorneys' Association did not respond to a request for information regarding the fiscal and operational impact of the bill.

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 Legislative Services

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