

**Department of Legislative Services**  
Maryland General Assembly  
2024 Session

**FISCAL AND POLICY NOTE**  
**First Reader**

Senate Bill 73

(Senator Watson, *et al.*)

Judicial Proceedings

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**Department of Juvenile Services - Firearm Offenses - Reporting**

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This bill requires the Department of Juvenile Services (DJS) to report to the General Assembly by January 1 each year on the number of assessments completed by the department during the intake process involving children who commit firearm offenses.

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**Fiscal Summary**

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

**Local Effect:** None.

**Small Business Effect:** None.

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**Analysis**

**Current Law:** 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.

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.

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.

Upon receipt of a complaint from DJS, 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, as specified. After the preliminary review, the State's Attorney must, within 30 days of receiving the complaint (unless the court extends the time) file a petition and/or a peace order request, refer the complaint to DJS for informal disposition, or dismiss the complaint.

**State Expenditures:** DJS advises that it can comply with the bill's reporting requirement using existing budgeted resources so long as the bill's reference to "assessments" means a tool currently used by DJS during the intake process.

DJS uses a variety of assessments and tools, including the Intake Decision Tool, a validated tool, which is used by DJS intake staff to assess and inform the appropriate level of court involvement and/or services for youth with a new juvenile complaint.

According to the department's *Fiscal Year 2023 Data Resource Guide*, DJS handled 12,388 complaints involving 22,542 charges through its intake process during fiscal 2023; 3.9% of the charges were for handgun violations.

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### **Additional Information**

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

**Designated Cross File:** None.

**Information Source(s):** Department of Juvenile Services; Department of Legislative Services

**Fiscal Note History:** First Reader - February 11, 2024  
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