

Department of Fiscal Services  
Maryland General Assembly

FISCAL NOTE

House Bill 1002 (Delegate Dembrow, et al.)  
Judiciary

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**Juvenile Delinquents - Restitution - Delinquent Act Injuries Compensation Fund**

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This bill establishes a Delinquent Act Injuries Compensation Fund in the Department of Juvenile Justice (DJJ) to pay restitution to a victim of a delinquent act. The fund is continuing and nonlapsing and is to receive court-ordered (1) restitution payments made by a child or parent; and (2) community service payments earned by a child. Payments from the fund are authorized to the victims of a delinquent act, a governmental entity, or a third party payor that has made payment to a victim to compensate for property or pecuniary loss. DJJ is to make payments from the fund even if the fund has not received restitution payments from the child or parent.

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**Fiscal Summary**

**State Effect:** Indeterminate but significant increase in special fund revenues and expenditures.

**Local Effect:** None.

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**Fiscal Analysis**

**Background:** Restitution payments from a child or child's family and payments to the victim are currently handled by DJJ but are off-budget.

**State Expenditures:** DJJ advises that general fund expenditures could increase by up to an estimated \$720,000 in fiscal 1997 as a result of the discrepancy between the amount of court-ordered restitution and the amount actually received. For example, in fiscal 1995, court-ordered restitution totaled \$1.3 million for 3,859 cases but the total actually paid was \$467,000. The \$900,000 amount would be reduced by an estimated 20%, or \$180,000, as a result of various offsetting factors. The resulting \$720,000 could be further reduced by an

indeterminate amount through payments from community service programs.

The Department of Fiscal Services (DFS) advises, however, that the bill does not necessarily indicate that State funds must be used to offset any discrepancy between the amount of court-ordered restitution and actual funds received. The bill directs DJJ to make payments from the Delinquent Act Injuries Compensation Fund even if the fund has not received restitution payments from the child or parent; in other words, if there are monies in the fund, DJJ must make payments to a victim even if the child who perpetrated a delinquent act against that particular victim has not yet made restitution payments.

Under this interpretation of the bill, special fund revenues and expenditures would increase by an indeterminate but significant amount. Special fund revenues would come from restitution payments and community service payments earned by a child. It is not possible to reliably estimate the amount of community service payments that might be earned by children under the bill's requirements. However, for illustrative purposes, the amount of court-ordered restitution funds actually received in fiscal 1995 was \$467,000. Special fund expenditure payments from the fund would go to the victims of a delinquent act, a governmental entity, or a third party payor that has made payment to a victim to compensate for property or pecuniary loss.

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**Information Source(s):** Department of Juvenile Justice, Department of Fiscal Services

**Fiscal Note History:** First Reader - March 5, 1996

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