

**Department of Fiscal Services**  
Maryland General Assembly

**FISCAL NOTE**

House Bill 231 (Delegates Bissett and Harkins)  
Judiciary

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**Juvenile Court - Jurisdiction**

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This bill narrows the original jurisdiction of the juvenile court by lowering, from 16 to 15, the age at which a child alleged to have committed any of a specified list of violent crimes is not subject to juvenile court jurisdiction.

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**Fiscal Summary**

**State Effect:** General fund expenditures could increase by an indeterminate amount as discussed below. Revenues would not be affected.

**Local Effect:** None. Any shift of workload to the circuit courts would be negligible.

**Small Business Effect:** None. The bill would not directly affect small businesses.

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**Fiscal Analysis**

**State Expenditures:** Based on arrest statistics contained in the 1994 Uniform Crime Report, this bill could result in approximately 730 new criminal cases for the circuit courts, which represents 35% of the arrests of 15-year olds for the serious crimes covered under this bill.

Accordingly, expenditures for the Office of the Public Defender could increase by an estimated \$95,830 in fiscal 1998, which reflects the bill's October 1, 1997 effective date. This estimate reflects the cost of hiring two Assistant Public Defenders and one Legal Assistant to represent these juvenile clients in circuit court felony cases rather than juvenile court. It includes salaries, fringe benefits, one-time start-up costs, and ongoing operating expenses. The information and assumptions used in calculating the estimate are stated below:

- The Public Defender has a target caseload average of 250 cases per felony

attorney per year; and

- Any anticipated cost savings due to fewer juvenile cases is offset by the need to handle additional preliminary hearings in the circuit courts, as well as additional representation in cases having original criminal court jurisdiction.

Salaries and Fringe Benefits	\$93,205
Operating Expenses	<u>2,625</u>
<b>Total FY 1998 State Expenditures</b>	<b>\$95,830</b>

Future year expenditures reflect (1) full salaries with 3.5% annual increases and 3% employee turnover; and (2) 2% annual increases in ongoing operating expenses.

General fund expenditures could also increase as a result of the bill's provisions due to more people being committed to a Division of Correction (DOC) facility rather than a juvenile placement facility and increased payments to counties for reimbursement of inmate costs, depending upon the number of convictions and sentences imposed.

Persons serving a sentence longer than one year are incarcerated in a DOC facility. In fiscal 1998 the average monthly cost per inmate is estimated at \$1,500.

Persons serving a sentence of one year or less are sentenced to a local detention facility. The State reimburses counties for part of their per diem rate after a person has served 90 days. State per diem reimbursements for fiscal 1998 are estimated to range from \$12 to \$42 per inmate depending upon the jurisdiction. Persons sentenced to such a term in Baltimore City are generally incarcerated in a DOC facility, with an average monthly cost estimated at \$1,500 for fiscal 1998. [The Baltimore City Detention Center (BCDC), a State operated facility, is used primarily for pretrial detentions. The per diem cost for BCDC in fiscal 1998 is estimated at \$43 per inmate.]

Any such increase in costs to DOC would be offset by the savings to the juvenile justice system and the Department of Juvenile Justice. However, since the treatment of juveniles involves a variety of alternatives, it is difficult to make a cost or expenditure comparison with adult criminal proceedings and DOC commitments. As a point of reference, however, the average annual cost of a juvenile probation case is \$2,000 and the average annual cost of secure committed residential placement is \$51,000, or \$4,250 monthly.

The shift from juvenile adjudication and placement to the handling of these cases by the adult criminal system would lead to an indeterminate decrease in federal funding since the Department of Juvenile Justice is reimbursed an average of 7% of residential commitment

costs by the federal government. In addition, since juvenile justice intake has been increasing at a rate of approximately 7% annually, the savings to the State may actually be in the form of reducing the continued growth in the cost of juvenile residential placements.

While this bill would shift the workload for such cases from juvenile masters to criminal court judges, it would not be at a level statewide sufficient to require additional circuit court judgeships.

**Local Revenues:** Revenues could increase under existing monetary penalty provisions for those cases heard in the circuit courts, depending upon the number of convictions and fines imposed.

**Local Expenditures:** Expenditures could increase as a result of the bill's incarceration penalties depending upon the number of convictions and sentences imposed. Counties pay the full cost of incarceration for people in their facilities for the first 90 days of the sentence, plus part of the per diem cost after 90 days. Per diem operating costs of local detention facilities are expected to range from \$23 to \$83 per inmate in fiscal 1998.

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**Information Source(s):** Judiciary (Administrative Office of the Courts), Office of the Public Defender, Department of Public Safety and Correctional Services (Division of Correction), Department of Human Resources, Department of Fiscal Services

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