

Department of Fiscal Services
Maryland General Assembly

FISCAL NOTE

House Bill 371 (Delegate Bissett)
Judiciary

Juvenile Causes - Jurisdiction - Child Alleged to be Delinquent or in Need of Supervision

This bill narrows the original jurisdiction of the juvenile court by lowering, from 18 to 16, the age at which an individual alleged to be delinquent or in need of supervision is considered an adult and not subject to juvenile court jurisdiction. The bill lowers, from 18 to 16, the age at which juvenile court jurisdiction is terminated over an individual convicted of a particular crime.

The bill also lowers, from 15 to 14, the age at which the juvenile court may waive exclusive jurisdiction over an individual.

Fiscal Summary

State Effect: Significant indeterminate increase in general fund revenues and expenditures as discussed below.

Local Effect: Significant indeterminate increase on local revenues and expenditures as discussed below.

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

Fiscal Analysis

State Revenues: General fund revenues could increase under existing monetary penalty provisions for those cases heard in the District Court, depending upon the number of convictions and fines imposed. It is also likely that this bill would result in decreased federal fund revenues due to fewer juvenile residential placements. That potential loss cannot be quantified at this time.

State Expenditures: This bill would have a significant operational impact on the State's criminal justice system and result in increased expenditures by the Judiciary, the Office of the Public Defender, and the Division of Correction (DOC).

Based on statistical arrest information provided by the Uniform Crime Report for 1995, there were approximately 22,000 arrests of juveniles for offenses affected by the provisions of this bill. While the costs for trying these persons in criminal courts rather than as juvenile cases cannot be reliably estimated at this time, they are believed to be substantial due, in part, to the large number of persons being added to the adult system.

The extent to which those 22,000 arrests would result in trial and conviction is unknown. The bill would lessen the case load of the juvenile courts, which often use masters in juvenile cases, while increasing the caseload of the circuit courts. However, it is difficult to determine if the increased workload would justify additional judicial personnel. If new judgeships are needed, whether in the District Court or the circuit courts, the State would bear the responsibility for the costs associated with the salaries and fringe benefits of the Judges and the Clerks of Court.

Since this bill will increase the number of persons prosecuted as adults, commitments to the DOC could increase by an indeterminate amount. Accordingly, general fund expenditures could increase due to more people being committed to a division 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. For illustrative purposes, if 10% of the arrests cited above (or 2,200 persons) resulted in conviction for an offense with a maximum penalty of five years, the average time served would be 60 months. State costs for those incarcerations could total \$99,000,000 for all such persons imprisoned as a result of the bill.

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.]

The increased 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 other than residential placement, it is difficult to make a cost or expenditure comparison. As a point of reference, however, the annual cost of secure committed residential placements is approximately \$51,000, or \$4,250 monthly. 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.

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: Local expenditures of State's Attorneys could increase significantly due to the costs of prosecuting as adults, and going to trial in the criminal courts, cases involving persons 16 and 17 years old. Expenditures could also increase as a result of existing 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.

The potential for any additional courtroom space and the attendant capital costs to local jurisdictions resulting from this bill cannot be reliably estimated at this time.

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

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