

Department of Fiscal Services
Maryland General Assembly

FISCAL NOTE

Senate Bill 542 (Senators McCabe and Jimeno)
Judicial Proceedings

Juvenile Court - Jurisdiction - Crimes of Violence Near Schools

This bill prohibits a court from transferring to a juvenile court a case involving a child alleged to have committed a crime of violence, or to have aided and abetted such a crime, if the offense took place within 1,000 feet of a school, or in a school vehicle, and if the accused child: (1) was at least 14 years old; (2) was not enrolled at the school; or (3) was suspended or expelled from that school.

Fiscal Summary

State Effect: Indeterminate increase in general fund expenditures attributable to the Division of Correction as discussed below. Revenues would not be affected.

Local Effect: None.

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

Fiscal Analysis

Background: The number of children aged 14 and older who have committed crimes of violence near a school or in a school vehicle is unknown.

State Expenditures: The violent crime offenses covered by the provisions of this bill are felonies (Art. 27, § 643B) and would likely cause children convicted under the bill's provisions to serve their time in a Division of Correction facility. Accordingly, general fund expenditures could increase due to more people being committed to a Division of Correction (DOC) facility. To the extent that aiding and abetting such a crime could subject the child to a sentence of less than one year, State payments to counties for reimbursement of inmate costs could increase, depending upon the number of convictions and sentences imposed.

Persons serving a sentence longer than one year are incarcerated in a DOC facility. The costs

of incarcerating a juvenile are somewhat higher than for the general prison population due to the need to provide some separation of juveniles from the general population. Notwithstanding that fact, 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 in Baltimore City are incarcerated in the Baltimore City Detention Center (BCDC), a State operated facility. The per diem cost for fiscal 1998 is estimated at \$43 per inmate.

Local Revenues: Since these cases would be tried in the circuit courts as felonies, revenues could increase when monetary penalty provisions for the offense(s) apply, depending upon the number of convictions and fines imposed.

Local Expenditures: Expenditures could increase 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.

Information Source(s): Department of Public Safety and Correctional Services (Division of Correction), Department of Fiscal Services

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