

Department of Fiscal Services
Maryland General Assembly

FISCAL NOTE

Senate Bill 785 (Senator Green)
Judicial Proceedings

Juvenile Law - Jurisdiction - Robbery and Attempted Robbery

This bill narrows the jurisdiction of the juvenile courts by making robbery and attempted robbery a criminal (adult) offense for children at least 16 years old.

Fiscal Summary

State Effect: Indeterminate effect on general fund expenditures and potential decrease in federal fund revenues, as discussed below.

Local Effect: Potential increase in expenditures. No effect on revenues.

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

Fiscal Analysis

State Effect: In 1995, the latest year for which information is available, there were 107 juveniles age 16 or older adjudicated delinquent for robbery or attempted robbery. Of these, 79 were given probation and 28 were committed to residential placement. The average cost of a probation case is \$2,000 and the average cost of a residential commitment is \$24,000. The Department of Juvenile Justice is reimbursed an average of 5% of residential commitment costs by the federal government. Reducing the number of juveniles in probation and residential commitments and accounting for the bill's October 1 effective date, general fund expenditures could be reduced by \$591,400 in fiscal 1998. Federal fund revenue would decrease by \$31,100 in fiscal 1998. The annual general fund expenditure decrease would be \$788,500 and federal fund loss would be \$41,500.

In 1995 the average sentence for robbery was 68 months. Since these inmates are eligible for parole, a child convicted of robbery would be expected to serve at least 34 months, which is 50% of the average sentence. People serving a sentence longer than one year are

incarcerated in a Division of Correction facility. In fiscal 1998 the average monthly cost per inmate is estimated at \$1,500. For illustrative purposes, assuming children received the same sentence as an adult, that 28 children are committed annually, and accounting for the October 1 effective date, general fund expenditures could increase by \$378,000 in fiscal 1998, growing to \$1.45 million by fiscal 2001.

The net effect on expenditures and revenues would depend on the actual case dispositions. Due to the differences in evidentiary requirements in juvenile and criminal courts, the availability of jury trials in criminal courts, and the age of the offenders, the actual impact on the Division of Correction could be significantly less than described above.

General fund expenditures could increase due to increased payments to counties for reimbursement of inmate costs, depending upon the number of convictions and sentences imposed. 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. 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.

Adding 79 cases to the Division of Parole and Probation is not expected to significantly affect the division's workload.

Local Expenditures: Expenditures could increase depending upon the number of children convicted and sentenced to local detention centers. Counties pay the full cost of incarceration 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): Judiciary (Administrative Office of the Courts), Department of Juvenile Justice, Department of Public Safety and Correctional Services (Division of Correction)

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