

Department of Fiscal Services
Maryland General Assembly

FISCAL NOTE

House Bill 18 (Delegate Taylor, *et al.*)
Judiciary

Juvenile Court - Jurisdiction - Three Delinquent Acts

This bill excludes from the original jurisdiction of the juvenile court any proceeding in which a child who is at least 16 years old is alleged to have done an act which if committed by an adult would be a crime and who has been adjudicated delinquent on at least three separate occasions if (1) each adjudication arose from separate incidents; and (2) each act that resulted in delinquency adjudication occurred on or after 16 years of age. However, the courts may transfer a case back to the juvenile court if it is believed to be in the best interests of the child or society.

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 county expenditures. No effect on revenues.

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

Fiscal Analysis

State Effect: The following estimates assume that only those incidents which occurred after October 1, 1997 would be counted toward the bill's provisions. Based on 1996 data, it is expected that 17 juveniles would meet the adult offense and "three delinquent acts" criteria in fiscal 1999. If they were to remain in the juvenile justice system, it is estimated that 11 would receive probation and three would be committed to residential placement. The remaining three would receive some other disposition that would not affect the Department of Juvenile Justice. The average annual cost of a probation case is \$2,000 and the average annual cost of secure committed residential placement is \$51,000, or \$4,250 per month. The

Department of Juvenile Justice is reimbursed an average of 7% of residential commitment costs by the federal government. By reducing the number of juveniles in probation and residential commitments, general fund expenditures could decrease by \$98,500 in fiscal 1999. This estimate reflects an average residential commitment of six months. Federal fund revenues would also decrease by approximately \$5,355 in fiscal 1999. Future revenue and expenditure decreases would depend upon the number of juvenile cases being transferred from the juvenile court. 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.

Conversely, the Division of Correction could receive up to 17 additional incarcerations annually due to the transfer of the cases from the juvenile court depending upon the conviction rate and sentences imposed. Persons serving a sentence longer than one year are incarcerated in a Division of Correction (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.]

The net effect on expenditures would depend upon the actual case dispositions. At this time, the actual impact on the Division of Correction cannot be reliably estimated.

While this bill would increase the workload of the Public Defender, it is not expected to be at a level sufficient to require additional personnel. The Public Defender has a targeted caseload average of 250 cases per felony attorney per year. The additional cases are not expected to significantly impact the Division of Parole and Probation's existing workload. The workload shift from the juvenile justice system to the criminal justice system is not expected to materially affect the Judiciary's finances.

Local Expenditures: Expenditures could increase depending upon the number of juveniles convicted and sentenced to local detention facilities. 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): Judiciary (Administrative Office of the Courts), Department of Juvenile Justice, Department of Public Safety and Correctional Services (Division of Correction), Department of Fiscal Services

Fiscal Note History: First Reader - February 25, 1997

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Analysis by: Thomas Himler

Reviewed by: John Rixey

Direct Inquiries to:

John Rixey, Coordinating Analyst

(410) 841-3710

(301) 858-3710