

**Department of Fiscal Services**  
Maryland General Assembly

**FISCAL NOTE**

House Bill 1249 (Chairman, Judiciary Committee, *et al.*)  
(Departmental - Juvenile Justice)

Judiciary

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**Juveniles - Balanced and Restorative Justice**

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This departmental bill provides that the purpose of juvenile causes law is to ensure that the juvenile justice system incorporates the principles of restorative justice and balances public safety, accountability, and competency development. Another purpose is to hold parents of children found to be delinquent responsible for the child's behavior and accountable to the victim and the community. The bill repeals current law stating that one of the purposes of juvenile causes law is to remove from children committing delinquent acts the taint of criminality and the consequences of criminal behavior.

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**Fiscal Summary**

**State Effect:** Indeterminate effect on State finances. Although the State has begun to implement the principles outlined in the bill as part of its juvenile justice system, the principles have far-reaching implications as discussed below.

**Local Effect:** None.

**Small Business Effect:** The Department of Juvenile Justice has determined that this bill has minimal or no impact on small businesses (attached). Fiscal Services concurs with this assessment.

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**Fiscal Analysis**

**Background:** The Task Force on Juvenile Justice and Reform, charged by the Lieutenant Governor with developing a new approach to juvenile justice in Maryland, issued its report in January 1997. Key themes considered by the task force include the need to (1) refocus system resources to place a greater emphasis on preventing delinquent behavior before it

escalates; (2) mobilize local communities to serve as active partners with the courts and the Department of Juvenile Justice in preventing and controlling juvenile crime; and (3) intensify the system's response to serious, violent, and chronic young offenders.

The task force's report identifies several strategies to reduce serious juvenile crime. *Restorative justice*, for example, would require offenders to repair or restore the harm they have caused to victims and communities. The juvenile justice system's *response to serious, violent, and chronic offenders* must be swift, certain, and consistent. Current case processing is often slow and inconsistent and does not provide enough options for handling serious, violent, and chronic offenders. The *graduated sanctions model* ensures that the system's response is proportionate to the seriousness of a youth's offense, i.e., first-time and/or non-serious offenders; repeat offenders; and serious, violent, and chronic offenders. The report finds that the current Maryland continuum of responses and sanctions is "thin" with significant gaps, especially with respect to intermediate sanctions such as intensive supervision, day treatment, tracking programs, and intensive home-based family services.

**State Expenditures:** The Department of Juvenile Justice (DJJ) advises that the bill's principles have no direct fiscal impact on its operations and are reflected in the proposed fiscal 1998 budget. The Department of Fiscal Services advises that the task force report indicates that transforming the principles of juvenile justice reform into operational reality will require (1) a multi-year, concentrated effort; (2) shifts in the way currently available resources are used; and (3) additional resources. For example, the report cites youths inappropriately placed in detention as a waste of State resources which could be better spent on less costly and more effective community-based alternatives. State expenditures overall may or may not be affected, depending on DJJ's success in shifting currently available resources to the most cost effective programs and in securing new non-State resources to apply to strategies that embody the bill's principles.

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**Information Source(s):** Department of Juvenile Justice; Department of Fiscal Services; *Making Communities Safe: Effective Juvenile Justice in Maryland*, Task Force on Juvenile Justice and Reform, January 1997

**Fiscal Note History:** First Reader - March 10, 1997  
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