

Department of Legislative Services
Maryland General Assembly

FISCAL NOTE

House Bill 1272 (Delegate Conway. *et al.*)

Judiciary

Juvenile Court - Jurisdiction of Court and Use of Juvenile Records

This bill divests jurisdiction of the juvenile court over subsequent acts of a child who has been previously charged as an adult for a crime.

The bill also specifies that: (1) an order of the juvenile court waiving jurisdiction with respect to a child is final, instead of interlocutory; and (2) in any proceeding in which the individual who is the subject of a police record is charged as an adult with an offense, personnel of the circuit court or District Court not sitting as the juvenile court, the State's Attorney, or counsel for the defendant may have access to the police records.

Fiscal Summary

State Effect: Indeterminate net effect on general fund expenditures. Minimal decrease in federal fund revenues.

Local Effect: Potential minimal increase in expenditures.

Small Business Effect: None.

Fiscal Analysis

State Effect: The Department of Juvenile Justice (DJJ) estimates that the provision for transfer of jurisdiction over subsequent acts of a child would result in a transfer of approximately 60 offenders per year from the juvenile system to the criminal (adult) system. Resulting cost savings are estimated to be approximately \$10,000 per youth for a mix of placement, probation, and aftercare services. This figure is based upon an average annual cost to DJJ of a juvenile probation case of \$3,125 and an average annual cost of a committed residential placement of \$47,470. These costs are annualized and do not purport to represent

actual case experiences. Information regarding the average annual cost of aftercare is not readily available. A total savings of \$450,000 in fiscal 1999 reflects the bill's October 1, 1998 effective date. Savings would be \$600,000 on an annualized basis. These savings would be partially offset by a decrease in federal fund revenue, because the federal government reimburses DJJ an average of 8% of residential commitment costs.

While DJJ expenditures would decrease, expenditures by other State agencies could increase as a result of this bill. The Division of Correction (DOC) could experience additional incarcerations due to the jurisdictional change, depending upon the conviction rate and sentences imposed. Persons serving a sentence longer than one year are incarcerated in a DOC facility. In fiscal 1999, the average monthly cost per inmate is estimated at \$1,500 (\$18,000 per year).

Persons serving sentences 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 1999 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 1999. The Baltimore City Detention Center (BCDC), a State operated facility, is used primarily for pretrial detentions. The per diem cost for BCDC in fiscal 1999 is estimated at \$43 per inmate.

Any additional probation cases gained by the Division of Parole and Probation (DPP) as a result of this bill could increase expenditures by DPP over time due to the need to develop special programs for youthful offenders. DPP's average annual cost for a probation case ranges from approximately \$773 for a diversified caseload to \$2,052 for a specialized caseload.

The workload shift from the juvenile justice system to the criminal justice system is not expected to materially affect the Judiciary's finances.

The net effect of the bill on State finances would depend upon actual case dispositions. Due to the procedural differences between juvenile and criminal courts and the age of the offenders, the impact cannot be reliably quantified at this time.

The bill's other provisions are not expected to have a discernible impact on governmental finances.

Local Effect: 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 1999.

Information Source(s): Department of Juvenile Justice; Judiciary (Administrative Office of the Courts); Department of Public Safety and Correctional Services (Data Services Division, Division of Correction, Division of Parole and Probation); Department of State Police; Department of Legislative Services

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