

Department of Legislative Services
Maryland General Assembly

FISCAL NOTE

House Bill 893 (Delegate Gettv)

Judiciary

Juvenile Court Jurisdiction - Controlled Dangerous Substance Offenses - Limitation

This bill narrows the jurisdiction of the juvenile court by making offenses involving distribution of controlled dangerous substances criminal (adult) offenses for children at least 16 years old.

Fiscal Summary

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

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

Small Business Effect: None.

Fiscal Analysis

State Effect: While Department of Juvenile Justice (DJJ) expenditures would decrease, expenditures by other State agencies could increase as a result of this bill.

In fiscal 1997, 744 juveniles age 16 or older were adjudicated delinquent for distribution of controlled dangerous substances (out of 2,358 charged). Of these, 490 were given probation and 254 were committed to residential placement. The charges against 164 of the juveniles charged with distribution of controlled dangerous substances were resolved informally. The remaining charges were either resolved at intake, dismissed, waived to adult court, or disposition information about the charges is not currently available.

The average annual cost of a probation case/supervision for an informal resolution is \$3,125.

The average annual cost of a committed residential placement is \$47,470. Using these figures to calculate the annual costs to DJJ associated with charges against juveniles 16 and

older for distribution of controlled dangerous substances, and accounting for the bill's October 1, 1998 effective date, general fund expenditures could be reduced by \$3,916,935 in fiscal 1999 as a result of this bill. This estimate reflects an average of 120 days of informal supervision, six months of probation, and six months in residential placement, and a 25% overall reduction to account for cases that are reverse waived to juvenile court.

These savings would be partially offset by a decrease in federal fund revenue of approximately \$271,291, because the federal government reimburses DJJ an average of 8% of residential commitment costs.

On the other hand, 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, or \$18,000 annually.

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 DPP expenditures 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.

All of the cases transferred from juvenile court as a result of this bill would go to the circuit courts, because the charges are felonies. Although this jurisdictional change could mean as many as 2,358 additional cases per year for the circuit courts, the additional workload is not expected to result in the need for more judges or other personnel. The cases would be spread throughout the State's 24 jurisdictions (not necessarily evenly), and some would be waived back to juvenile court.

The net effect 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.

Local Expenditures: Expenditures would increase for pretrial detentions, which costs are generally borne by local jurisdictions. Post-trial expenditures could also 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.

Operating expenditures for circuit courts would also increase to the extent that the circuit courts gain additional cases.

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

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