

Department of Legislative Services  
Maryland General Assembly

FISCAL NOTE

House Bill 1096 (Delegate Bissett)

Judiciary

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**Juvenile Court - Jurisdiction - Records**

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This bill expands the circumstances under which adjudication of delinquency becomes a reportable event for purposes of the Criminal Justice Information System (CJIS). The bill also changes the age from 16 to 15 at which jurisdiction of the juvenile court is divested upon commission of a specified serious act, and divests jurisdiction of the juvenile court over subsequent acts of a child who has previously been convicted of a crime. Additionally, the bill requires fingerprinting of 15-year-olds who commit specified serious offenses and provides that court records and/or fingerprints of a child may be disclosed to law enforcement agencies if the child has committed a crime that would constitute a felony under federal or State law if committed by an adult.

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**Fiscal Summary**

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

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

**Small Business Effect:** None.

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**Fiscal Analysis**

**Bill Summary:** Under current law, an adjudication of a child as delinquent is a CJIS reportable event if: (1) the child is at least 14 years old, for an act which, if committed by an adult, would be a crime punishable by death or life imprisonment; or (2) the child is at least 16 years old, for specified serious offenses. The bill provides that an adjudication of a child as delinquent is a CJIS reportable event if: (1) the child is at least 14 years old, for an act which, if committed by an adult, would be a crime punishable by death or life imprisonment;

(2) the child is at least 15 years old, for specified serious offense; or (3) for an act that constitutes a second or subsequent offense that, if committed by an adult, would constitute a felony under federal or State law, regardless of the age of the child.

**State Effect:** Transfer of jurisdiction over subsequent acts of a child: Assuming that this provision refers to a juvenile who has previously been convicted as an adult of a crime, the Department of Juvenile Justice (DJJ) estimates that the provision would result in a transfer of approximately 20 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/supervision for an informal resolution 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 \$150,000 in fiscal 1999 reflects the bill's October 1, 1998 effective date. 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.

Transfer of jurisdiction at age 15 for specified serious acts: This provision would also result in savings for DJJ. In fiscal 1997, 106 15-year-olds were adjudicated delinquent for one or more of the specified serious acts (e.g., abduction, kidnapping, second-degree murder, voluntary manslaughter, second-degree rape). Of these, 53 were given probation and 53 were committed to residential placement. The charges against eight of the 15-year-olds charged were resolved informally. Using the aforementioned average annual cost figures to calculate the annual costs to DJJ associated with charges against 15-year-olds for the specified serious acts, and accounting for the bill's October 1 effective date, general fund expenditures could be reduced by \$758,823 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 residential commitment cost reimbursements from the federal government of approximately \$56,608.

While DJJ expenditures would decrease as a result of these two jurisdictional changes, expenditures by other State agencies could increase. 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's two jurisdictional changes 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.

Expansion of CJIS reportable events: The costs for necessary computer programming are estimated at \$64,000.

Fingerprinting and Disclosure: It is expected that these provisions could be handled by the affected governmental units with existing resources and personnel.

**Local Revenues:** Transfer of jurisdiction over subsequent acts of a child, Transfer of jurisdiction at age 15 for specified serious acts: 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.

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**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

**Fiscal Note History:**

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