

Department of Legislative Services
Maryland General Assembly

FISCAL NOTE

House Bill 707 (Delegates Clagett and Love)

Judiciary

Juvenile Justice - Probation Violations - Suspension of Driving Privilege

This bill requires the Secretary of Juvenile Justice to establish procedures to administer random or periodic drug and alcohol tests that juveniles who are placed on probation are required to undergo as a condition of probation. If a child fails to submit to the required testing or fails two or more alcohol or drug tests during the probationary period, the Department of Juvenile Justice (DJJ) must report the child to the court, which in turn must hold a hearing on the matter. If the court finds that a child has violated probation in this regard, the court must order the Motor Vehicle Administration (MVA) to suspend the child's driving privileges for not less than 30 days or more than 90 days for a first probation violation, and for one year for a second or subsequent probation violation. The MVA may not reinstate a child's privilege to drive until the child completes a drug and alcohol abuse education program administered by the MVA and demonstrates that he or she has remained drug and alcohol free for the six months immediately preceding the application for reinstatement.

Fiscal Summary

State Effect: Increase in special fund expenditures by the MVA of approximately \$80,600 in FY 1999; out-years reflect annualization, inflation, and salary increases. Potential indeterminate increase in general fund expenditures by DJJ. No effect on revenues.

(in dollars)	FY 1999	FY 2000	FY 2001	FY 2002	FY 2003
SF Revenues	\$0	\$0	\$0	\$0	\$0
SF Expenditures	\$80,600	\$98,900	\$100,700	\$102,600	\$104,500
Net Effect	(\$80,600)	(\$98,900)	(\$100,700)	(\$102,600)	(\$104,500)

Note: () - decrease; GF - general funds; FF - federal funds; SF - special funds

Local Effect: None.

Small Business Effect: None.

Fiscal Analysis

State Effect: Drug testing is currently monitored and recorded by case managers for youth on probation. DJJ does not currently have a statewide policy regarding whether failing to appear for testing or failing a certain number of tests would result in notification of the court.

The case managers and their supervisors usually make the decision to notify the court after consultation with the outpatient treatment program in which the youth in question participates. Statistics on the number of juveniles being tested for drugs as a condition of probation, the number of juveniles who fail to report for drug testing, or the number of juveniles who have failed drug testing twice are not readily available.

It is not clear whether the bill would result in more drug testing of juveniles, more violation of probation hearings, or more juveniles being held to have violated their probation than was the case in the past. If any of these occurs, the State could incur increased costs for drug monitoring and testing, hearings, and further remedial measures, possibly including incarceration.

DJJ estimates that approximately 1,000 youths per year would be subject to the MVA sanction. Based on this estimate, special fund expenditures by the MVA could increase by an estimated \$80,619 in fiscal 1999, which accounts for the bill's October 1, 1998 effective date. This estimate reflects the cost of hiring a half-time Administrative Specialist I and a half-time Clerk Typist III to process the associated applications for reinstatement, and a half-time Customer Service Representative to process the suspension paperwork. The estimate includes salaries, fringe benefits, one-time equipment costs, and ongoing operating expenses including administrative hearing costs, Medical Advisory Review Board fees, and communications expenses.

	<u>FY 1999</u>
Salaries and Fringe Benefits	\$25,057
Operating Expenses	\$48,537
One-Time Equipment Purchases	<u>\$7,025</u>
Total	\$80,619

Future year expenditures reflect: (1) full salaries with 3.5% annual increases and 3% employee turnover; and (2) 1% annual increases in ongoing operating expenses. Costs for the MVA would be higher to the extent that more youths are subject to the license suspension.

Information Source(s): Department of Juvenile Justice, Department of Transportation (Motor Vehicle Administration), Judiciary (District Court of Maryland), Department of Legislative Services

Fiscal Note History: First Reader - February 24, 1998

tlw

Analysis by: Claire E. Rooney

Reviewed by: John Rixey

Direct Inquiries to:

John Rixey, Coordinating Analyst

(410) 841-3710

(301) 858-3710