

Department of Legislative Services
Maryland General Assembly

FISCAL NOTE

Revised

House Bill 309 (Chairman, Judiciary Committee. *et al.*)
(Departmental - Juvenile Justice)

Judiciary

Juvenile Justice Act of 1998

This departmental bill contains the following four provisions relating to the juvenile justice system:

1. It divests jurisdiction of the juvenile court over a child who previously has been convicted as an adult of a felony and is subsequently alleged to have committed an act that would be a felony if committed by an adult, unless a reverse waiver has been granted;
2. It modifies a confidentiality requirement pertaining to juvenile police records by allowing law enforcement agencies to include relevant information concerning outstanding juvenile writs of attachment in any law enforcement computer information system for the purpose of apprehending the juveniles named in the writs;
3. It amends the qualifications for participation in the Juvenile Justice Facilities Capital Program to return youth services bureaus to eligibility; and
4. It establishes a 23-member Commission on Juvenile Justice Jurisdiction to study juvenile and adult court jurisdiction issues and other aspects of the juvenile justice system and recommend changes. The commission is to be staffed by the Department of Juvenile Justice (DJJ), shall exist for a period of two years, and must submit a report, including any policy recommendations, by September 30, 2000 to the Governor and General Assembly.

Fiscal Summary

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

Local Effect: Potential minimal increase in expenditures and revenues.

Small Business Effect: DJJ has determined that this bill would have minimal or no impact on small businesses (attached). Legislative Services concurs with this assessment. (This assessment does not reflect any amendments to the bill.)

Fiscal Analysis

State Effect: Transfer of jurisdiction over subsequent acts of a child: DJJ estimates that this 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 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 \$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.

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 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.

Modification of confidentiality requirement: The bill authorizes, but does not require, inclusion of juvenile writ of attachment information in any law enforcement computer information system. In Maryland, adult warrant and apprehension information is currently contained in the Maryland Interagency Law Enforcement System (MILES), which is used by the State Police and local law enforcement agencies. A new system, the Maryland Statewide Warrant System (MSWS), has been designed and is scheduled for implementation in June 1998.

General fund expenditures would increase by approximately \$5,000 to \$10,000 for minor programming modifications to enable MILES and/or MSWS to accept juvenile writ of attachment information. This estimate assumes that juvenile information would not be required to be segregated from adult information. If segregation is required, then significant additional costs could be incurred.

Data entry and accessing of juvenile writ of attachment information by State government personnel could be handled with existing resources.

Juvenile Justice Facilities Capital Program: Prior to fiscal 1996, youth services bureaus, which are either non-profit organizations or units of local government, depending on the county, were eligible to apply for funds from the Juvenile Justice Facilities Capital Program. However, beginning in fiscal 1996, the funding and direct contracting authority for the program was transferred from DJJ to the Governor's Office of Children, Youth, and Families. This provision would restore the status quo for the youth services bureaus and should have no fiscal effect on the State because it merely alters the purposes for which existing funds may be used without increasing overall funding.

Commission on Juvenile Justice Jurisdiction: Commission members would be reimbursed for expenses under the standard State travel regulations. Any such expenditures would depend upon the time, location, and frequency of the commission's meetings. Expenses are assumed to be minimal and absorbable within existing agencies resources. In fiscal 2001, approximately \$20,000 in additional costs would be incurred to obtain technical assistance in the preparation of the commission's report to ensure objectivity.

Local Effect: Transfer of jurisdiction over subsequent acts of a child: 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.

Modification of confidentiality requirement: Data entry and accessing of juvenile warrant information by local government personnel could be handled with existing resources.

Juvenile Justice Facilities Capital Program: Youth services bureaus that are units of local government would benefit due to the restored eligibility to participate in the program.

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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