

Department of Legislative Services
Maryland General Assembly
2000 Session

FISCAL NOTE

House Bill 381 (Delegate Marriott. *et al.*)

Judiciary

Juvenile Court - Expansion of Jurisdiction

This bill expands the exclusive jurisdiction of the juvenile court to include 16 and 17 year old children who are alleged to have committed a violent crime, children 14 and older charged with a capital crime, and children who have previously been convicted as an adult.

The bill also makes technical changes to provisions of law regarding Criminal Justice Information System reporting and fingerprinting.

The bill applies only to cases filed on or after the bill's October 1, 2000 effective date.

Fiscal Summary

State Effect: Decrease in expenditures for the Department of Public Safety and Correctional Services (DPSCS) and increase in expenditures for the Department of Juvenile Justice (DJJ). Minimal effect on the Judiciary.

Local Effect: Decrease in expenditures for local detention facilities that house fewer juveniles pursuant to the bill.

Small Business Effect: Potential meaningful.

Analysis

Current Law: The juvenile court does not have jurisdiction over 16 and 17 year old children who are alleged to have committed a violent crime, children 14 and older charged with a capital crime, and children who have previously been convicted as an adult. However, a circuit court may transfer a case involving such a child to the juvenile court if a transfer is

believed to be in the interests of the child or society (“reverse waiver”).

The juvenile court may waive jurisdiction over a child alleged to be delinquent who is 15 or older, or who is younger than 15 and is charged with committing an act which if committed by an adult, would be punishable by death or life imprisonment.

Background: The bill does not alter the authority of the juvenile court to waive jurisdiction over a child.

State Fiscal Effect: The bill would result in a shift in children from the adult criminal system to the juvenile justice system. The magnitude of any such shift, and the resulting expenditure decrease for DPSCS and expenditure increase for DJJ cannot be reliably estimated. Information regarding the number of children who have been charged as adults with crimes, the number of children who have been convicted as adults of crimes, and the number of children who have been detained in adult facilities and their lengths of stay is not readily available. Criminal defendants in Baltimore City are generally housed pretrial in the Baltimore City Detention Center, a State-operated facility.

The annual per person operating cost for juvenile detention is currently estimated at \$37,928 per year. The average cost of a juvenile committed placement ranges from \$10,000 to \$50,000 per year. The cost to plan, construct, and equip a 24-bed juvenile facility is estimated at \$7.1 million.

The average total cost per inmate for the Division of Correction (DOC), including overhead, is estimated at \$20,400 per year. The average variable cost of housing a DOC inmate (food, medical care, etc.), excluding overhead, is \$3,120 per year.

Local Fiscal Effect: Criminal defendants in jurisdictions other than Baltimore City are generally housed in local detention facilities pretrial. The bill would result in a decrease in the number of juveniles detained, and therefore a decrease in expenditures, for local detention facilities.

The shift in cases from the circuit courts to juvenile courts (which are a part of the circuit court system, except in Montgomery County) is not expected to have a significant impact on the operations or finances of either court system.

Small Business Effect: Small businesses that operate juvenile facilities could receive additional children as a result of the bill.

Additional Information

Prior Introductions: None.

Cross File: None.

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

Fiscal Note History: First Reader - February 25, 2000
cm/jr

Analysis by: Claire E. Rooney

Direct Inquiries to:
John Rixey, Coordinating Analyst
(410) 946-5510
(301) 970-5510