

Department of Legislative Services
Maryland General Assembly
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FISCAL NOTE
Revised

Senate Bill 353

(Senator Jimeno, *et al.*)

(Commission on Juvenile Justice Jurisdiction)

Judicial Proceedings

Judiciary

Juvenile Law - Detained Juvenile Defendants - Transfer of Cases to Juvenile Court

This bill establishes time frames for the processing of a transfer hearing in which a juvenile charged with a criminal offense in the District Court or a circuit court may be transferred to juvenile court. The bill also mandates that the District Court and the circuit courts perform specified tasks if juveniles remain in custody for any reason after bail review hearings.

Fiscal Summary

State Effect: Any additional responsibilities that the bill assigns to the District Court or the Department of Juvenile Justice could be performed with existing resources.

Local Effect: Any additional responsibilities designated for the circuit courts could be accomplished with existing resources.

Small Business Effect: None.

Analysis

Bill Summary: This bill requires that a decision on the transfer of a juvenile defendant from the District Court or a circuit court to juvenile court be made within ten days of a transfer hearing. Additionally, if a juvenile remains in custody after a bail review hearing, a circuit court must set a transfer hearing to be held within 30 days after the filing of the charging document. If the case involves a felony not within the jurisdiction of the District Court and the juvenile is being held, the District Court must also set a

preliminary hearing to be held within 15 days of the bail review hearing. A hearing on a motion that a juvenile be held in a juvenile facility pending a transfer determination must be held no later than the next court day following the motion, unless extended by the court for good cause. The bill provides that a juvenile awaiting a transfer decision while being held in a juvenile facility must be held in a secure juvenile facility.

If a juvenile remains in custody after a bail review hearing, the bill requires the District Court and a circuit court to take certain actions. First, the District Court must clearly mark on the juvenile's case file and in computer records that the case involves a detained juvenile defendant. Second, the District Court or a circuit court, whichever has jurisdiction over the case, must give prompt notice to the juvenile's counsel.

The bill also authorizes the District Court or a circuit court to order that a study be made concerning a juvenile defendant, the juvenile's family, the juvenile's environment, and any other matters concerning the disposition of a case. The District Court may also order that a juvenile be held in a secure juvenile facility instead of an adult facility. If one is available, the District Court or a circuit court must consider a victim impact statement in making a transfer determination.

This bill only applies to offenses committed on or after the bill's effective date, October 1, 2001.

Current Law: The juvenile court does not have jurisdiction over cases involving children 14 to 17 who are alleged to have committed certain offenses. However, jurisdiction can be transferred from the District Court or a circuit court to juvenile court through transfer hearings. There are no timetables that apply specifically to transfer hearings. The court making a transfer decision may request that a study be made and may consider a victim impact statement in determining whether or not to transfer jurisdiction. Pending a transfer determination, the court may order that the defendant be held in a juvenile facility. The court is not required to indicate on a case file or in computer records that a juvenile is being held pending a transfer hearing.

Background: The Commission on Juvenile Justice and its Subcommittee on Transfer Time Limits recently completed a study on the amount of time it takes to process juvenile transfers. The subcommittee concluded that juveniles remain in jail for too long while awaiting transfer hearings and decisions. To speed this process, the subcommittee recommended that early identification and notification of cases involving juvenile defendants be required of the District Court and the circuit courts.

SB 353 attempts to address the problems identified by the commission by setting frames within which courts are required to conduct hearings and determine whether a detained juvenile defendant is to be processed as an adult or a juvenile.

Additional Information

Prior Introductions: None.

Cross File: HB 294 (Delegate Montague, *et al.*) – Judiciary.

Information Source(s): Department of Juvenile Justice, Judiciary, State's Attorneys' Association, District Court of Maryland, Department of Legislative Services

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