

**Department of Legislative Services**

Maryland General Assembly

2003 Session

**FISCAL AND POLICY NOTE**

House Bill 1091

(Delegate Vallario)

Judiciary

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**Juvenile Law - Juvenile Court - Termination of Jurisdiction**

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This bill provides that the juvenile court's jurisdiction is terminated over a person who has reached 18 years of age when the person is convicted of a crime, unless the court issues an order retaining jurisdiction at any time before or within 30 days after the person's conviction.

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**Fiscal Summary**

**State Effect:** The bill is not expected to have a significant impact on State operations or finances.

**Local Effect:** Minimal – see above.

**Small Business Effect:** None.

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**Analysis**

**Current Law:** Once the juvenile court obtains jurisdiction over a child, that jurisdiction continues until the person reaches 21 years of age, unless terminated sooner. Unless otherwise ordered by the court, the court's jurisdiction is terminated over a person who has reached 18 years of age when the person is convicted of a crime, except for minor motor vehicle, vessel, and fish and wildlife violations.

In *Moore v. Miley*, No. 40, Sept. Term 2002, decided Jan. 7, 2003, the Court of Appeals held that the juvenile court had retained jurisdiction over 18 year old Tyronne Moore when it issued a writ of attachment in connection with the Department of Juvenile

Justice's effort to revoke Moore's probation. Moore resisted arrest when the writ was served, was charged as an adult, and pled guilty. The Court of Appeals rejected his argument that the juvenile court had lost jurisdiction immediately upon his adult conviction, holding that the juvenile writ of attachment was sufficient under the "unless otherwise ordered" language of the current statute to retain jurisdiction. It noted, however, that "[t]he language of the statute is ambiguous and the legislative intent in many ways is obscure. It seems desirable, therefore, that the Legislature consider clarification of the statute to make clearer its application."

**Background:** The first juvenile court was created by legislation in Cook County, Illinois in 1899. Other states, including Maryland in 1902, followed suit throughout the early 1900s. These juvenile courts focused on rehabilitation for juveniles rather than punishment. The juvenile justice system was uniformly designed to be nonadversarial, civil, and less formal in nature. However, all states also have procedures for prosecuting certain juveniles (those accused of more serious crimes) in the adult criminal system.

The *Moore* court indicated that one argument in favor of retaining juvenile court jurisdiction over those who, like Moore, are convicted of a fairly minor offense, is to not allow the conviction to interfere with the general rehabilitative program fashioned by the juvenile court.

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### Additional Information

**Prior Introductions:** None.

**Cross File:** None.

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

**Fiscal Note History:** First Reader - March 12, 2003  
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