

Department of Legislative Services
Maryland General Assembly
2007 Session

FISCAL AND POLICY NOTE

House Bill 644
Judiciary

(Delegate Dumais, *et al.*)

Juvenile Law - Purposes and Hearings

The bill adds the express purpose of removing from children the taint of criminality and consequences of criminal behavior to the law related to juvenile causes.

The bill also revises the hearing process pertaining to children who commit delinquent acts and children in need of supervision. The bill authorizes the juvenile court to exclude the general public from all hearings and proceedings, admitting only the victim and those with a direct interest in the proceedings.

The bill takes effect July 1, 2007.

Fiscal Summary

State Effect: None. The bill would not directly affect State finances.

Local Effect: None. Changes are procedural in nature and would not directly affect local finances.

Small Business Effect: None.

Analysis

Current Law: In general, the juvenile court has jurisdiction over a child alleged to be delinquent, in need of supervision, or who has received a citation for alcoholic beverage violations. The juvenile court does not have jurisdiction over children at least 16 years old 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 of a

felony and are subsequently alleged to have committed an act that would be a felony if committed by an adult.

A circuit court may transfer a case involving a child to the juvenile court if a transfer is believed to be in the interests of the child or society (“reverse waiver”). A reverse waiver is not permitted in certain circumstances, including if a child was previously transferred to juvenile court and adjudicated delinquent. The District Court also has the authority to transfer cases to juvenile court under certain circumstances. In addition, 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.

If a child at least 16 years old is alleged to have committed a violent crime, or was previously 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, the adjudication of delinquency and the disposition of charges are reportable to the Central Repository. Children that fall into this category who were not fingerprinted at the time of arrest are subject to court-ordered fingerprinting at a disposition hearing or within three days after the disposition hearing.

Additional Information

Prior Introductions: None.

Cross File: SB 477 is designated as a cross file but is not identical.

Information Source(s): Department of Juvenile Services, Department of Legislative Services

Fiscal Note History: First Reader - February 15, 2007
ncs/rhh

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