

**Department of Legislative Services**  
Maryland General Assembly  
2011 Session

**FISCAL AND POLICY NOTE**

Senate Bill 65

(Chair, Judicial Proceedings Committee)(By Request -  
Departmental - Juvenile Services)

Judicial Proceedings

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**Courts - Natural Resources Violations - Jurisdiction**

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This bill establishes that the juvenile court does not have jurisdiction over a child at least 16 years old who is alleged to have committed an act in violation of the Natural Resources Article or any regulation adopted under that article, except those acts for which a penalty of incarceration is imposed. The bill expands the jurisdiction of the District Court to include these cases. The bill also establishes that the juvenile court has jurisdiction over all of the charges if a child is charged with two or more related violations of laws or regulations pertaining to the Natural Resources Article that would result in the child being subject to both the juvenile court and a court exercising criminal jurisdiction.

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**Fiscal Summary**

**State Effect:** Potential minimal increase in general fund revenues due to additional fines imposed on juveniles who are prosecuted as adults under the bill's provisions. Expanding the jurisdiction of the District Court will not have a discernible impact on State finances or operations.

**Local Effect:** Altering the jurisdiction of the juvenile court will not have a discernible impact on local finances or operations.

**Small Business Effect:** The Department of Juvenile Services (DJS) has determined that this bill has minimal or no impact on small business (attached). Legislative Services concurs with this assessment.

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## Analysis

**Current Law:** Although the juvenile court generally has jurisdiction over a child who is alleged to be delinquent, statutory law provides for several exceptions based upon the child's age and the act that is alleged to have been committed. The juvenile court does not have jurisdiction over a child at least 16 years old who is alleged to have violated any traffic law or ordinance or any provision of law, rule, or regulation governing the use or operation of a boat, unless incarceration is imposed as a penalty for the act. However, if a child is charged with two or more related violations of traffic laws or ordinances or the State Boat Act, which would result in the child being subject to both the juvenile court and a court exercising criminal jurisdiction, the juvenile court has exclusive jurisdiction over all of the charges. The District Court generally has exclusive original jurisdiction in a criminal case in which a person at least 16 years old is charged with a violation of the vehicle or State Boat Act, unless incarceration is imposed as a penalty for the violation.

The State Boat Act (Title 8, Subtitle 7 of the Natural Resources Article), enacted in 1960, governs boating in the State. The Natural Resources Police enforce the law and its regulations. The Natural Resources Article governs other criminal acts in addition to the State Boat Act, such as those relating to hunting and fishing. Regulations adopted in accordance with the article include those relating to the use of State parks and forests.

**Background:** DJS advises that this bill will allow law enforcement officers to charge a juvenile offender with a violation of any Natural Resource statute or regulation except those acts that prescribe incarceration. The bill is intended to bring these violations in line with the citations that are currently used for violations of the Transportation Article. This will allow law enforcement officers to cite juvenile offenders and process them more efficiently, as the officers will be able to return to service more quickly and not be unavailable for service while processing a juvenile offender through the intake system.

The Department of Natural Resources estimates that it files fewer than 10 complaints each year against juveniles for violations of the Natural Resources Article that would be subject to the jurisdiction of the District Court under the bill's provisions.

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## Additional Information

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** Department of Juvenile Services, Department of Natural Resources, Judiciary (Administrative Office of the Courts), Department of Legislative Services

**Fiscal Note History:** First Reader - January 24, 2011  
ncs/kdm

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## ANALYSIS OF ECONOMIC IMPACT ON SMALL BUSINESSES

TITLE OF BILL: Courts – Natural Resources Violations - Jurisdiction

BILL NUMBER: SB 65

PREPARED BY: Department of Juvenile Services

### PART A. ECONOMIC IMPACT RATING

This agency estimates that the proposed bill:

WILL HAVE MINIMAL OR NO ECONOMIC IMPACT ON MARYLAND SMALL BUSINESS

OR

WILL HAVE MEANINGFUL ECONOMIC IMPACT ON MARYLAND SMALL BUSINESSES

### PART B. ECONOMIC IMPACT ANALYSIS

The proposed legislation will have no impact on small business in Maryland.