

Department of Legislative Services
Maryland General Assembly
2017 Session

FISCAL AND POLICY NOTE
First Reader

Senate Bill 583

(Senator Rosapepe)

Judicial Proceedings

Juvenile Law - Probation

This bill requires a juvenile court, when determining a term of probation as part of a juvenile disposition, to consider specified purposes of the juvenile justice system. A term of probation may not exceed one year; however, at the end of a probation term, the juvenile court may, for good cause, require an additional term of probation for up to one year.

Fiscal Summary

State Effect: The Department of Juvenile Services (DJS) can use existing resources to manage any impact on juveniles under its supervision. The bill is also not anticipated to materially impact the workload or finances of the Judiciary or the Office of the Public Defender (OPD).

Local Effect: The bill is not anticipated to materially impact the workload or finances of circuit courts or State's Attorneys' offices.

Small Business Effect: None.

Analysis

Current Law/Background: Section 3-8A-02 of the Courts and Judicial Proceedings Article sets forth the following purposes for statutory provisions regarding the juvenile justice system:

- ensuring that the following objectives for children who have committed delinquent acts are balanced: (1) public safety and the protection of the community; (2) accountability of the child to the victim and the community for offenses

committed; and (3) competency and character development to assist children in becoming responsible and productive members of society;

- holding parents of children found to be delinquent responsible for the child's behavior and accountable to the victim and the community;
- holding parents of children found to be delinquent or in need of supervision responsible, where possible, for remedying the circumstances that required the court's intervention;
- providing for the care, protection, and wholesome mental and physical development of children coming within the jurisdiction of the juvenile justice system and providing for a program of treatment, training, and rehabilitation consistent with the child's best interests and the protection of the public interest;
- conserving and strengthening family ties and separating a child from the child's parents only when necessary for the child's welfare or in the interest of public safety;
- if necessary to remove a child from the home, securing custody, care, and discipline as nearly as possible equivalent to that which should have been given by a child's parents;
- providing to children in State care and custody a safe, human, and caring environment and access to required services; and
- providing judicial procedures for carrying out the statutory provisions regarding the juvenile justice system.

In making a disposition on a juvenile petition, a court may place the child on probation or under supervision in the juvenile's own home or in the custody or under the guardianship of a relative or other fit person, upon terms the court deems appropriate, including community detention. There are no specified limitations on a term of probation; however, a juvenile court's jurisdiction over a child generally ends when the individual reaches age 21.

Of the 10,846 court dispositions in juvenile cases during fiscal 2016, 26%, or about 2,820 dispositions, were for probation.

State/Local Fiscal Effect: The Department of Legislative Services notes that the bill does not include a provision to limit its applicability only to juvenile matters heard on or after the bill's October 1, 2017 effective date. Accordingly, it is possible that any juvenile

currently on probation may seek a hearing to terminate probation once a period of one year has expired. While this may lead to increased requests for hearings, particularly in the first several months after the bill's effective date, any potential minimal increase in expenditures to accommodate those additional hearings is not anticipated to materially impact the finances of the Judiciary. The bill is otherwise not anticipated to materially impact the workload of the Judiciary, State's Attorneys' offices, OPD, or DJS.

Additional Information

Prior Introductions: None.

Cross File: HB 893 (Delegate Valentino-Smith, *et al.*) - Judiciary.

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

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mm/kdm

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