

Department of Legislative Services
 Maryland General Assembly
 2018 Session

FISCAL AND POLICY NOTE
 Third Reader - Revised

House Bill 1524
 Judiciary

(Delegate Clippinger, *et al.*)

Judicial Proceedings

Juvenile Justice Coordinating Council

This bill establishes the Juvenile Justice Coordinating Council in the Governor’s Office of Crime Control and Prevention (GOCCP). Among other duties, the council must make recommendations regarding improvements to the juvenile justice system in the State. By December 31, 2019, the council must report its findings and recommendations to the Governor and the General Assembly. **The bill takes effect July 1, 2018, and terminates June 30, 2021.**

Fiscal Summary

State Effect: General fund expenditures increase by \$70,400 in FY 2019 for staff needed to support the council’s work. Future year expenditures reflect termination of the council at the end of FY 2021 and the elimination of contractual employees in FY 2020, as discussed below. Revenues are not affected.

(in dollars)	FY 2019	FY 2020	FY 2021	FY 2022	FY 2023
Revenues	\$0	\$0	\$0	\$0	\$0
GF Expenditure	70,400	37,900	0	0	0
Net Effect	(\$70,400)	(\$37,900)	\$0	\$0	\$0

Note:() = decrease; GF = general funds; FF = federal funds; SF = special funds; - = indeterminate increase; (-) = indeterminate decrease

Local Effect: None.

Small Business Effect: None.

Analysis

Bill Summary: The council must convene an advisory stakeholder group, as specified, and work with the group to conduct roundtable discussion forums seeking public input in all geographic regions of the State. It must review specified information, including, among other things, (1) the results of complaints against juveniles; (2) the number of juvenile cases handled by the Office of the Public Defender (OPD) by jurisdiction; (3) the number of staff OPD dedicates to the representation of juvenile clients by jurisdiction, as specified; (4) continued contact by OPD with a juvenile client after the juvenile's case is completed; (5) effective out-of-school programs for juveniles found to be delinquent or at the risk of delinquency; (6) the number of assistant State's Attorneys who handle juvenile cases; (7) the qualifications and number of staff employed by the Department of Juvenile Services (DJS) who directly interact with juveniles; (8) wrap-around services for juveniles and their families; (9) best practices and evidence-based practices in juvenile justice, including practices recommended by the Office of Juvenile Justice and Delinquency Prevention and in other states; (10) the State's residential facilities for juveniles; (11) juvenile records, including best practices related to sealing, expungement, and confidentiality; and (12) gender, racial, and ethnic disparities present in the State's juvenile justice system.

The council must study any other relevant information available from DJS. In conducting the study and making recommendations regarding improvements to the juvenile justice system, the council may request technical assistance from the Abell Foundation and the Council of State Governments.

GOCCP must staff the council; the Executive Director of GOCCP is the chair. Members of the council may not receive compensation but are entitled to reimbursement for expenses under the standard State travel regulations, as provided in the State budget.

Current Law/Background:

Juvenile Justice System

With certain exceptions, persons younger than the age of 18 who commit illegal acts are handled by the juvenile justice system. Unlike the adult criminal system, the juvenile system is designed to protect public safety while restoring order to the lives of young offenders without a determination of guilt or the imposition of fixed sentences.

Historically, one of the principal purposes of the juvenile justice system was to remove from children committing delinquent acts the "taint of criminality" and the consequences of criminal behavior. In 1997, the General Assembly passed legislation adopting a philosophy of juvenile justice known as "balanced and restorative justice." Balanced and restorative justice requires the juvenile justice system to balance the following objectives

for children who have committed delinquent acts: (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 the child in becoming a productive member of society.

Juvenile Justice System – Oversight and Monitoring

DJS administers the majority of the State’s juvenile programs. DJS’ goals include keeping supervised and committed youth safe while holding youth accountable for their actions and reducing violence against children through collaboration with law enforcement and other agency partners. Additionally, it supports community programs intended to prevent delinquent acts by juveniles before State involvement becomes necessary.

The juvenile justice policy unit within GOCCP helps ensure compliance with the federal Juvenile Justice and Delinquency Prevention Act. It works with the Juvenile Grant Planning and Review Council, an entity required for states participating in specified federal grant programs, to develop juvenile justice and delinquency prevention plans.

Among other duties, the State Advisory Board for Juvenile Services recommends policies and programs to improve juvenile services in the State and consults with and advises the Secretary on programs designed to divert children from the juvenile justice system.

The Juvenile Justice Monitoring Unit within the Office of the Attorney General investigates the needs of children under the jurisdiction of DJS and determines whether their needs are being met in compliance with State law. This includes reporting on allegations of abuse and on treatment of and services for youth held in facilities.

State Expenditures: General fund expenditures increase by a minimum of \$70,384 in fiscal 2019 to support the council, as discussed below.

GOCCP

General fund expenditures increase by \$25,828 in fiscal 2019, which assumes a 90-day start-up delay from the bill’s July 1, 2018 effective date. This estimate reflects the cost of hiring one part-time administrator to staff the council, assist with data collection, and prepare the required report. It includes a salary, fringe benefits, and operating expenses.

Contractual Position	0.5
Salaries and Fringe Benefits	\$20,703
Operating Expenses	<u>5,125</u>
Total FY 2019 GOCCP Expenditures	\$25,828

DJS

General fund expenditures increase by a minimum of \$44,556 in fiscal 2019, which assumes a 90-day start-up delay from the bill's July 1, 2018 effective date. This estimate reflects the cost of hiring one research associate to compile data needed by the council. It includes a salary, fringe benefits, and operating expenses.

Contractual Position	1
Salaries and Fringe Benefits	\$39,197
Operating Expenses	<u>5,359</u>
Total FY 2019 DJS Expenditures	\$44,556

DJS also advises that as the primary agency involved in the juvenile justice system, it anticipates having a significant role in the council's work even though it has no specific staffing responsibilities. Accordingly, expenditures may increase further to the extent that resources need to be diverted from normal DJS operations in order to provide enhanced support to council activities.

Neither staffing estimate includes any health insurance costs that could be incurred for specified contractual employees under the State's implementation of the federal Patient Protection and Affordable Care Act. It is also assumed that expense reimbursements can be absorbed within existing budgeted resources.

Although the council does not terminate until the end of fiscal 2021, the council must report its findings and recommendations by December 31, 2019, and there is no requirement for any subsequent report. Therefore, it is assumed that the significant portion of the council's work is done within the first 18 months in order to meet the reporting requirement. Accordingly, both estimates assume the termination of the contractual employees on December 31, 2019 (after the required report is submitted), and that existing resources will be sufficient to facilitate any potential activities of the council following the submission of the council's findings and recommendations. However, the need for additional resources may continue if the council elects to undertake more extensive work after the report is submitted or if necessary based on the findings and recommendations within the report.

Additional Information

Prior Introductions: None.

Cross File: SB 1134 (Senator Ferguson) - Judicial Proceedings.

Information Source(s): Montgomery and Prince George's counties; Governor's Office of Crime Control and Prevention; Judiciary (Administrative Office of the Courts); Office of the Public Defender; Maryland State's Attorneys' Association; Department of Juvenile Services; Department of Public Safety and Correctional Services; Department of State Police; Department of Legislative Services

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