

Department of Legislative Services
Maryland General Assembly
2019 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 581
Judiciary

(Delegate Valentino-Smith, *et al.*)

Juvenile Law - Probation

This bill requires the duration of a term of probation as part of a juvenile disposition to be consistent with any treatment and rehabilitation needs identified for the child. The probation may not exceed (1) one year, if the most serious offense for which the child has been adjudicated delinquent would be a misdemeanor if committed by an adult or (2) two years, if the most serious offense would be a felony if committed by an adult. At the end of a probation term, the juvenile court may require an additional term for up to one year if the court determines, after a hearing, that an additional term is required to meet the child's treatment and rehabilitation needs.

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: 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 8,849 court dispositions in juvenile cases during fiscal 2018, 28.2%, or about 2,495 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, 2019 effective date. Accordingly, it is possible that any juvenile on probation at the time the bill takes effect may seek a hearing to terminate probation once a period of one year or two years, as applicable, 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: HB 893 of 2017, a similar bill, received an unfavorable report from the House Judiciary Committee. Its cross file, SB 583, received a hearing in the Senate Judicial Proceedings Committee, but was subsequently withdrawn.

Cross File: SB 899 (Senator Carter) - Rules.

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

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