

Department of Legislative Services
Maryland General Assembly
2019 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 1367
Judiciary

(Delegate J. Lewis, *et al.*)

Juvenile Law - Diversion Program

This bill adds to the permitted actions a State's Attorney may take regarding specified juvenile complaints by authorizing a State's Attorney to refer a child to a diversion program.

Fiscal Summary

State Effect: The bill is not anticipated to materially affect State finances or operations, including the workload of the Judiciary.

Local Effect: The bill is not anticipated to materially affect local government finances or operations, including the workload of the circuit courts.

Small Business Effect: None.

Analysis

Current Law/Background: If a juvenile complaint is filed that alleges the commission of an act which would be a felony if committed by an adult or alleges a violation of specified prohibitions regarding handguns or firearms, and if an intake worker for the Department of Juvenile Services (DJS) denies authorization to file a petition or proposes an informal adjustment, the worker must immediately forward the complaint and the entire intake case file to the State's Attorney. The intake case file must include information as to any and all prior intake involvement with the child. The State's Attorney must make a preliminary review as to whether the court has jurisdiction and whether judicial action is in the best interests of the public or the child. After the preliminary review, the State's Attorney must, within 30 days of receiving the complaint (1) file a petition or a peace order

request or both; (2) refer the complaint to DJS for informal disposition; or (3) dismiss the complaint. The 30-day period may be extended by the court.

A diversion program is one in which the primary goal is to reduce the occurrence of juvenile crime by diverting a youth from the traditional juvenile justice system and providing an alternative to formal processing. Diversion programs and practices vary in terms of the juvenile justice contact point at which the youth is diverted and the types of services provided. For example, some local law enforcement agencies run diversion programs; only juveniles who fail to complete those programs are referred to DJS. Although law enforcement officers must typically file a complaint with a DJS intake officer within 15 days after taking a child into custody, if a child is referred to a diversion program, the law enforcement officer may file a complaint up to 120 days later.

State and Local Fiscal Effect: Although the bill may impact the number of cases for which a petition or peace order is filed, potentially reducing the number of formalized cases, any such impact is not anticipated to materially affect State and local finances or operations.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Maryland State Commission on Criminal Sentencing Policy; Judiciary (Administrative Office of the Courts); Maryland State's Attorneys' Association; Department of Juvenile Services; Department of Legislative Services

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an/kdm

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