

Department of Legislative Services  
Maryland General Assembly  
2020 Session

FISCAL AND POLICY NOTE  
Third Reader

House Bill 36  
Judiciary

(Delegate Barron, *et al.*)

Judicial Proceedings

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Juvenile Proceedings - Fines, Fees, and Costs

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This bill repeals statutory provisions that authorize the juvenile court to (1) impose civil fines or court costs; (2) assess attorney’s fees; and (3) order a parent to pay a sum to support the child. The bill prohibits a court in a juvenile proceeding from ordering a parent, guardian, custodian, or child to pay a sum of money to cover the support of a child or a fine, fee, or cost. The bill applies to juvenile proceedings other than child in need of assistance proceedings. On the bill’s effective date of October 1, 2020, the balance of any court-ordered fines, fees, or costs previously assessed, as specified, are unenforceable and uncollectable and the applicable portion of any judgment is vacated.

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Fiscal Summary

**State Effect:** The bill is not anticipated to materially affect State finances or operations, as discussed below.

**Local Effect:** The bill is not anticipated to materially affect local finances or operations, as discussed below.

**Small Business Effect:** Minimal.

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Analysis

**Bill Summary/Current Law:** Subject to specified exceptions, the juvenile court has jurisdiction over any child alleged to be delinquent or in need of supervision. The juvenile court also has jurisdiction over juvenile peace orders.

A law enforcement officer authorized to make arrests must issue a citation to a child if the officer has probable cause to believe that the child is violating specified offenses, including

prohibitions against (1) the use or possession of less than 10 grams of marijuana; (2) consuming or possessing alcohol on public school premises; and (3) using or possessing tobacco products. Under current law, in addition to other dispositions, if the juvenile court finds that a child has committed a violation specified in a citation, it may impose a civil fine of up to \$25 for a first violation and \$100 for a second or subsequent violation. The bill repeals the authority of the juvenile court to impose a civil fine.

The bill also repeals statutory provisions that authorize the juvenile court (1) to impose reasonable court costs against a respondent found to be delinquent, or the respondent's parent, guardian, or custodian; (2) to assess attorney's fees against any party or a parent of the child for the services of an attorney appointed to represent a child in a juvenile proceeding; and (3) after giving the parent a reasonable opportunity to be heard, to order either or both parents to pay a sum in the amount the court directs to cover the support of the child wholly or partly.

**State/Local Fiscal Effect:** It is assumed that any potential loss of revenue from the bill's prohibition against the imposition of specified fines, fees, and costs in juvenile proceedings, and the inability to collect previously imposed fines, fees, and costs, does not materially affect State and local finances. The Department of Juvenile Services, the Office of the Public Defender, and the Judiciary advise that the bill is not anticipated to have a fiscal impact. According to an informal survey of judges by the Judiciary, fines and court costs in juvenile cases are not generally assessed.

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### Additional Information

**Prior Introductions:** HB 694 of 2019, a similar bill, received a hearing in the House Judiciary Committee, but no further action was taken. Its cross file, SB 823, received a hearing in the Senate Judicial Proceedings Committee, but no further action was taken.

**Cross File:** None.

**Information Source(s):** Judiciary (Administrative Office of the Courts); Office of the Public Defender; Maryland Department of Health; Department of Juvenile Services; Department of Legislative Services

**Fiscal Note History:** First Reader - January 14, 2020  
mr/aad Third Reader - March 16, 2020

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