

Department of Legislative Services
Maryland General Assembly
2023 Session

FISCAL AND POLICY NOTE
First Reader

Senate Bill 703

(Chair, Judicial Proceedings Committee)(By Request -
Departmental - Juvenile Services)

Judicial Proceedings

Juvenile Law – Community Detention

This departmental bill expands the definition of “community detention” under § 3-8A-01 of the Courts and Judicial Proceedings Article to include a program monitored by the Department of Juvenile Services (DJS) in which a child over whom a court exercises criminal jurisdiction is placed in the home of a parent, guardian, custodian, or other fit person, or in shelter care, as a condition of probation or as an alternative to detention.

Fiscal Summary

State Effect: The bill is not expected to materially affect State finance and operations.

Local Effect: The bill is not expected to materially affect local finances and operations.

Small Business Effect: DJS has determined that this bill has minimal or no impact on small business (attached). The Department of Legislative Services (DLS) concurs with this assessment.

Analysis

Current Law: “Community detention” is defined as a program monitored by DJS in which a delinquent child or a child alleged to be delinquent is placed in the home of a parent, guardian, custodian, or other fit person, or in shelter care, as a condition of probation or as an alternative to detention. Community detention includes electronic monitoring.

Background: DJS currently operates a statewide, 24-hour system of community detention that includes electronic monitoring. This program allows judges and magistrates to order

youth who are eligible to be released from detention to the custody of a parent or other family member, subject to certain conditions including home detention or global positioning system monitoring. In appropriate cases, the program provides an alternative to detention. While some judges currently order DJS to place youth in community detention, uncertainty exists around whether existing statute authorizes judges hearing criminal cases involving children to utilize the DJS community detention/electronic monitoring system.

State and Local Fiscal Effect: DJS and the Judiciary can implement the bill with existing budgeted resources. DJS advises that the bill relieves home detention programs operated by counties and the Department of Public Safety and Correctional Services of the obligation to monitor youth eligible for DJS's program. DLS advises that increased utilization by courts of DJS community detention as expanded under the bill is not expected to materially affect State or local finances or operations.

Small Business Effect: DJS advises that the bill prevents youth from remaining detained because they or their families cannot pay for private home detention. This estimate assumes that the bill applies to a small population and that absent the bill, youth assigned to DJS community detention would not procure the services of a private home detention monitoring agency (PHDMA) due to financial constraints. Thus, the bill is unlikely to affect small business PHDMAs.

Additional Information

Prior Introductions: Similar legislation has not been introduced within the last three years.

Designated Cross File: None.

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

Fiscal Note History: First Reader - February 21, 2023
km/aad

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ANALYSIS OF ECONOMIC IMPACT ON SMALL BUSINESSES

TITLE OF BILL: **Juvenile Law – Community Detention**

BILL NUMBER: SB 703

PREPARED BY: Michael DiBattista

PART A. ECONOMIC IMPACT RATING

This agency estimates that the proposed bill:

WILL HAVE MINIMAL OR NO ECONOMIC IMPACT ON MARYLAND SMALL BUSINESS

OR

WILL HAVE MEANINGFUL ECONOMIC IMPACT ON MARYLAND SMALL BUSINESSES

PART B. ECONOMIC IMPACT ANALYSIS