

Department of Legislative Services
 Maryland General Assembly
 2023 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 358 (Delegate Attar)
 Judiciary

Department of Juvenile Services - Juvenile Felony Database

This bill requires the Department of Juvenile Services (DJS), in coordination with the Administrative Office of the Courts (AOC), to develop, maintain, regularly update, and publish on its website a searchable database of all offenses involving juveniles that would be a felony if committed by an adult. The database must include specified information regarding the offense but may not include specified identifying information regarding a juvenile. The bill establishes that provisions of law regarding the confidentiality of police and court records concerning a child do not prohibit the publication of, or access to or use of, the information described in the bill for purposes of the database.

Fiscal Summary

State Effect: General fund expenditures increase by at least \$984,800 in FY 2024 for staff and programming costs. Future years reflect annualization and ongoing programming costs. Revenues are not affected.

(in dollars)	FY 2024	FY 2025	FY 2026	FY 2027	FY 2028
Revenues	\$0	\$0	\$0	\$0	\$0
GF Expenditure	984,800	943,300	974,100	1,006,400	1,046,400
Net Effect	(\$984,800)	(\$943,300)	(\$974,100)	(\$1,006,400)	(\$1,046,400)

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

Local Effect: It is assumed that local governments can respond to potential requests for information regarding juvenile offenses needed for maintenance of the database using existing resources.

Small Business Effect: None.

Analysis

Bill Summary: The database must include (1) a description of the offense; (2) the date of the offense; (3) the location of the offense; (4) a general description of any judicial or other action taken in relation to a juvenile alleged to have committed the offense, including whether the juvenile was referred to a diversion or treatment program; and (5) any prior offenses committed by the juvenile. The database may not include any identifying information regarding a juvenile, including the juvenile’s name, age or age group, race, address, or any known aliases.

Current Law: In general, police records and court records concerning a child are confidential, and their contents may not be divulged, by subpoena or otherwise, except by court order upon a showing of good cause or in certain circumstances relating to notification of a local superintendent or school principal upon the arrest of a child for specified offenses. Numerous exceptions and permissible uses of a child’s police and/or court record are specified in statute. For example, the general prohibition does not restrict access to and the confidential use of police records by DJS or in the investigation and prosecution of the child by any law enforcement agency.

State Expenditures:

Department of Juvenile Services

DJS advises that its programming staff are fully subscribed with other projects and cannot absorb the workload anticipated with the creation and maintenance of this database with existing resources. Although the term “juvenile” is not defined in statute (or the bill), for purposes of the DJS estimate, it is assumed that the database will include all incidents involving individuals younger than age 18 regardless of whether the offense is under the jurisdiction of the juvenile court.

General fund expenditures increase by \$984,818 in fiscal 2024, which accounts for the bill’s October 1, 2023 effective date. This estimate reflects the cost of hiring six analysts (one in each DJS region) and two centrally located functional analysts to manage the database. It includes salaries, fringe benefits, one-time start-up costs, and ongoing operating expenses, including one-time programming costs of \$400,000.

Position(s)	8.0
Salaries and Fringe Benefits	\$525,546
Computer Programming Costs	\$400,000
Operating Expenses	<u>\$59,272</u>
Total FY 2024 State Expenditures	\$984,818

Future year expenditures reflect full salaries with annual increases and employee turnover, annual increases in ongoing operating expenses, and \$250,000 in annual costs for computer programming.

Judiciary

The Judiciary likely incurs one-time programming costs and minimal ongoing costs to interface with the database created by DJS. However, the Judiciary is not able to reliably estimate any potential expenditures until the database is created. Although AOC is to coordinate with DJS in the development of the database, this analysis generally assumes that DJS is primarily responsible for developing and maintaining the database, including the security necessary to maintain database integrity.

Additional Information

Prior Introductions: Similar legislation has been introduced within the last three years. See HB 1142 of 2022 and HB 672 of 2021.

Designated Cross File: None.

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

Fiscal Note History: First Reader - February 8, 2023
km/aad

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