

Department of Legislative Services
Maryland General Assembly
2023 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 698
Judiciary

(Delegate Szeliga, *et al.*)

Juvenile Law - Juvenile Court Jurisdiction - Age of Child

This bill alters, from 13 years to 11 years, the minimum age at which a child alleged to be delinquent is subject to the exclusive original jurisdiction of the juvenile court.

Fiscal Summary

State Effect: The bill can be implemented with existing budgeted resources, as discussed below. Revenues are not affected.

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

Small Business Effect: None.

Analysis

Bill Summary/Current Law: Pursuant to Chapters 41 and 42 of 2022, in general, the juvenile court has exclusive original jurisdiction over (1) a child who is *at least 13 years old* alleged to be delinquent; (2) a child who is at least 10 years old alleged to have committed an act that would, if committed by an adult, be a crime of violence under § 14-101 of the Criminal Law Article; (3) a child who is in need of supervision; (4) a child who has received a citation for a violation; (5) a peace order proceeding in which the respondent is a child; and (6) proceedings arising under the Interstate Compact on Juveniles.

The bill grants the juvenile court exclusive original jurisdiction of a child who is *at least 11 years old* alleged to be delinquent.

The juvenile court does not have jurisdiction over (1) children at least age 16 who are alleged to have committed specified violent crimes; (2) children age 14 and older charged with a crime punishable by life imprisonment; (3) children who have previously been convicted as an adult of a felony and are subsequently alleged to have committed an act that would be a felony if committed by an adult; (4) a peace order proceeding in which the victim is a person eligible for relief; or (5) (except as noted above) a delinquency proceeding against a child who is under the age of *13 years*.

The bill makes a corresponding change by lowering the minimum age to 11 years in the provision regarding a delinquency proceeding.

Juvenile Justice Reform Council

Chapters 252 and 253 of 2019 established the Juvenile Justice Reform Council. Among other things, the council was asked to (1) use a data-driven approach to develop a statewide framework of policies to invest in strategies to increase public safety and reduce recidivism of youth offenders; (2) research best practices for the treatment of juveniles who are subject to the criminal and juvenile justice systems; and (3) identify and make recommendations to limit or otherwise mitigate risk factors that contribute to juvenile contact with the criminal and juvenile justice systems. The council's [final report](#) recommended, among other things, that the juvenile court have jurisdiction over a child at least 13 years old who is alleged to have committed a delinquent act.

State Expenditures: The Judiciary advises that the bill will increase the number of delinquency petitions filed and requires changes in forms and other documents, all of which can be handled with existing resources.

The Office of the Public Defender (OPD) advises that the bill requires an additional 17 positions (10 attorneys, 4 social workers, and 3 administrative employees) to handle the increased volume of juvenile matters. OPD estimates associated costs at \$2.6 million in fiscal 2024 and increasing to approximately \$3.5 million by fiscal 2028. These costs include \$1.0 million per year for expert fees for psychologists. The Department of Legislative Services disagrees with this assessment.

Prior to Chapters 41 and 42 of 2022, which took effect on June 1, 2022, there was no minimum age requirement for juvenile court jurisdiction over delinquency petitions. OPD did not indicate in its fiscal estimate that the office eliminated or redistributed staff and resources to reflect the more limited jurisdiction of the juvenile court as of June 1, 2022. Accordingly, this analysis assumes that the same resources that existed prior to June 1, 2022, are still available.

Also, based on data from the Department of Juvenile Services (DJS), additional delinquency petitions under the bill are expected to be minimal in relation to OPD's overall juvenile caseload. *For illustrative purposes only*, according to *DJS's Data Resource Guide*, during fiscal 2020, DJS received 1,466 complaints regarding children younger than age 13; 25.6% (approximately 375) of these complaints resulted in a delinquency petition. Of the complaints for children younger than age 13, 1,143 (78.0%) concerned children ages 11 and 12. Applying this percentage to the number of petitions results in approximately 293 additional petitions. For reference, in fiscal 2020, DJS received 14,893 complaints (all ages); 39.1% (approximately 5,823) resulted in a formal petition.

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); Office of the Public Defender; Maryland State's Attorneys' Association; Department of Juvenile Services; Department of Public Safety and Correctional Services; Department of Legislative Services

Fiscal Note History: First Reader - March 2, 2023
rh/aad

Analysis by: Brandon Stouffer

Direct Inquiries to:
(410) 946-5510
(301) 970-5510