

Department of Legislative Services
Maryland General Assembly
2024 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 322
Judiciary

(Delegate Attar)

Juvenile Law - Complaints - Forwarding to State's Attorney

This bill repeals a statutory provision that specifies that an intake officer in the Department of Juvenile Services (DJS) is not required to forward a complaint and case file to the State's Attorney if the complaint alleges the commission of an act by a child that would be a felony if committed by an adult and specified conditions are met. Thus, under the bill, intake officers are required to forward these complaints and files to the State's Attorney.

Fiscal Summary

State Effect: General fund expenditures increase for DJS and the Office of the Public Defender (OPD) to implement the bill, as discussed below. The Judiciary can implement the bill with existing budgeted resources. Revenues are not affected.

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

Small Business Effect: None.

Analysis

Bill Summary/Current Law: Intake occurs when a complaint is filed by a police officer or other person or agency having knowledge of facts that may cause a child to be subject to the jurisdiction of the juvenile court. Within 25 days after a complaint is filed, a DJS intake officer is required to make an inquiry to determine whether the juvenile court has jurisdiction and whether judicial action is in the best interests of the public or the child. The intake officer may make any of the following decisions: (1) deny authorization to file a petition or a peace order request or both in the juvenile court; (2) propose an informal

adjustment of the matter; or (3) authorize the filing of a petition or a peace order request or both in the juvenile court.

If a complaint alleges the commission of an act that would be a felony if committed by an adult or alleges a violation of § 4-203 (wearing, carrying, or transporting a handgun) or § 4-204 (use of a handgun or antique firearm in the commission of a crime) of the Criminal Law Article and the intake officer denies authorization to file a petition or proposes an informal adjustment, the intake officer must immediately forward the complaint and a copy of the entire intake case file, as specified, to the State's Attorney.

An intake officer is *not required* to forward the complaint and copy of the file to the State's Attorney if the complaint alleges the commission of an act that would be a felony if committed by an adult and (1) the intake officer proposes the matter for informal adjustment; (2) the act did not involve the intentional causing of, or attempt to cause, the death of or physical injury to another; and (3) the act would not be a crime of violence, as defined under § 14-101 of the Criminal Article, if committed by an adult. *The bill repeals this provision.*

Upon receipt of a complaint from DJS, 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, as specified. After the preliminary review, the State's Attorney must, within 30 days of receiving the complaint (unless the court extends the time) file a petition and/or a peace order request, refer the complaint to DJS for informal disposition, or dismiss the complaint.

State Fiscal Effect:

Department of Juvenile Services

DJS advises that the bill likely increases the number of youth detained, increases the number of youth in alternative to detention programs, and may increase the number of youth committed to DJS. DJS cannot determine the fiscal impact of the bill at this time.

According to DJS, nonviolent felonies made up 13.0% of juvenile complaints referred to the department in fiscal 2023. Most of those cases (78.3%) were referred to court; most of the diverted cases resulted in an informal adjustment (representing 18.2% of all fiscal 2023 nonviolent felony cases), and 3.5% of the diverted cases were resolved outright. If the cases that did not go to court are forwarded to State's Attorneys and eventually result in dispositions requiring more intense interventions, then general fund expenditures for DJS increase.

Office of the Public Defender

For similar reasons, the bill likely increases OPD's juvenile court caseload/workload. OPD advises that, while it cannot predict the number of new cases the bill would create, at least one additional juvenile defender is needed to implement the bill, at a cost of \$85,099 in fiscal 2025 and increasing to \$115,974 by fiscal 2029. To the extent the bill generates enough additional work to justify additional OPD personnel, general fund expenditures increase.

Additional Information

Recent 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 Legislative Services

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Analysis by: Amanda L. Douglas

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