

Department of Legislative Services  
Maryland General Assembly  
2024 Session

FISCAL AND POLICY NOTE  
First Reader

House Bill 134  
Judiciary

(Delegate Mangione)

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Juvenile Law - Juvenile Court Jurisdiction - Age of Child

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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.

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Fiscal Summary

**State Effect:** General fund expenditures for the Office of the Public Defender (OPD) may increase, as discussed below. Otherwise, the bill is not expected to materially affect State finances or operations.

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

**Small Business Effect:** None.

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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 age 13* and alleged to be delinquent; (2) a child who is at least age 10 and 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 a 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 increases the number of delinquency petitions filed and requires changes in forms and other documents, all of which can be handled with existing resources. The Department of Juvenile Services (DJS) advises that the bill is not expected to have a financial impact on DJS.

OPD advises that the bill requires an additional eight positions (five attorneys, one social worker, and two administrative employees) to handle the increased volume of juvenile matters. OPD estimates associated costs at \$1.1 million in fiscal 2025 and increasing to approximately \$1.3 million by fiscal 2029. These costs include \$500,000 per year for expert fees for psychologists. While the Department of Legislative Services (DLS) acknowledges that the bill increases OPD juvenile caseloads/workloads, DLS disagrees with the magnitude of OPD's estimate. OPD's entire juvenile division has 41 attorneys. To the extent the bill generates workloads necessitating additional personnel, general fund expenditures for OPD increase. *For illustrative purposes only*, the cost associated with an additional OPD attorney is \$96,089 in fiscal 2025 and increases to \$132,042 by fiscal 2029.

## Additional Information

**Recent Prior Introductions:** Similar legislation has been introduced within the last three years. See HB 698 of 2023.

**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

**Fiscal Note History:** First Reader - February 7, 2024  
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