

Department of Legislative Services  
Maryland General Assembly  
2024 Session

FISCAL AND POLICY NOTE  
First Reader

House Bill 314  
Judiciary

(Delegate Attar)

---

Juvenile Law – Probation – Technical Violations

---

This bill authorizes the juvenile court, when it finds a child committed a technical violation of probation, to (1) order community detention for a first violation and (2) for subsequent technical violations, detain or commit the child or make any other disposition authorized by statute.

---

Fiscal Summary

**State Effect:** Potential significant increases in expenditures for the Department of Juvenile Services (DJS) and the Office of the Public Defender (OPD), as discussed below. The Judiciary can implement the bill with existing budgeted resources. Revenues are not affected.

**Local Effect:** The bill may affect workloads for State’s Attorneys’ offices. Otherwise, the bill is not expected to materially affect local finances and operations.

**Small Business Effect:** None.

---

Analysis

**Current Law:**

*Time Limits on Juvenile Probation*

When the most serious offense a child commits is an offense that would be a *misdemeanor* if committed by an adult, the court may place the child on probation for up to six months. The court may extend this period by up to three months if, after a hearing, the court

determines that there is good cause to extend the probation and the purpose of extension is to ensure the child completes a treatment or rehabilitative program or service. The overall term of probation, including extensions, may not exceed one year.

If a child commits an offense that would be a *felony* if committed by an adult, the court may place the child on probation for up to one year. The court may extend this period by up to three months if, after a hearing, the court determines that there is good cause to extend the probation and the purpose of extension is to ensure the child completes a treatment or rehabilitative program or service. The total period of probation may not exceed two years. However, the court may extend the total period of probation beyond two years if, after a hearing, the court finds by *clear and convincing* evidence that there is good cause for the extension and extending the probation is in the best interest of the child. However, if such an extension is granted, the total period of probation, including all extensions, may not exceed three years.

### *Violations of Probations*

If a child commits a probation violation, *except for a technical violation*, the court may, after a hearing, place the child on a new probation for an amount of time that is consistent with the probationary time periods for the offense for the delinquent act for which they originally received probation.

A “technical violation” means a violation of probation that does *not* involve (1) an arrest or summons by a commissioner on a statement of charges filed by a law enforcement officer; (2) a violation of a criminal prohibition, or an act that would be a violation of a criminal prohibition if committed by an adult, other than a minor traffic offense; (3) a violation of a no-contact or stay-away order; or (4) absconding.

If a child is found to have committed a violation of probation, *except for a technical violation*, a court may, after a hearing, place the child on a new term of probation for a period that is consistent with the period of probation that may be imposed under this section for the delinquent act for which the child was originally placed on probation. A child may not be placed in a facility used for detention for a technical violation.

**State Fiscal Effect:** General fund expenditures for DJS and OPD may increase significantly to address probation violations in accordance with the bill.

### *Department of Juvenile Services*

DJS advises that the bill substantially increases the number of youth in community detention, requiring 20 community detention officers and 2 community detention supervisors, at a cost of \$1.2 million in fiscal 2025 and increasing to \$1.6 million by

fiscal 2029. DJS estimates that the bill also increases the annual contracted cost associated with electronic monitoring by \$75,000. Furthermore, the department advises that the bill may increase the average daily population of DJS detention facilities, which, according to the department, may require the reopening of closed facilities and/or the development new secure detention facilities. DJS could not reliably estimate these costs but expects this to be a major capital investment. DJS did not provide additional information regarding its calculations and the development of its estimate.

*Office of the Public Defender*

OPD acknowledges that, while it does not know the number of technical violations impacted, the bill may result in additional litigation. OPD advises that the bill requires two additional attorneys and one administrative employee to handle the increased volume of juvenile technical violations. OPD estimates associated costs at \$212,648 in fiscal 2025 and increasing to \$285,564 in fiscal 2029. The Department of Legislative Services advises that the impact of the bill on OPD finances and operations, which cannot be reliably estimated at this time, depends on the workload associated with litigating technical violations given the sanctions available under the bill and new caseload standards adopted by OPD (which are currently in development).

---

### **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; Department of Juvenile Services; Department of Legislative Services

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

---

Analysis by: Amanda L. Douglas

Direct Inquiries to:

(410) 946-5510

(301) 970-5510