

Department of Legislative Services  
 Maryland General Assembly  
 2024 Session

FISCAL AND POLICY NOTE  
 First Reader

House Bill 927 (Delegate Attar)  
 Judiciary

Juvenile Law - Expedited Pretrial Status Hearing

This bill requires a magistrate for juvenile causes to hold a hearing to determine a child’s pretrial status within 24 hours of the child being charged with (1) a violation involving a crime of violence under § 14-101 of the Criminal Law Article; (2) the unlawful possession of a firearm under § 5-133 of the Public Safety Article; or (3) the unlawful taking or unauthorized use of a motor vehicle under § 7-105 or § 7-203 of the Criminal Law Article.

Fiscal Summary

**State Effect:** General fund expenditures increase by \$1.2 million in FY 2025 for the Office of the Public Defender (OPD) to staff attorneys on weekends to meet the requirements of the bill. Potential significant increase in general fund expenditures for the Judiciary to ensure adequate weekend coverage and (possibly) hold additional hearings, as discussed below. Revenues are not affected.

(in dollars)	FY 2025	FY 2026	FY 2027	FY 2028	FY 2029
Revenues	\$0	\$0	\$0	\$0	\$0
GF Expenditure	1,172,900	1,419,400	1,481,400	1,545,200	1,612,000
Net Effect	(\$1,172,900)	(\$1,419,400)	(\$1,481,400)	(\$1,545,200)	(\$1,612,000)

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

**Local Effect:** The bill may affect circuit court operations and State’s Attorneys’ offices. Revenues are not affected.

**Small Business Effect:** None.

## Analysis

**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 Department of Juvenile Services 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. Petitions alleging delinquency are prepared and filed by the State's Attorney. A petition alleging delinquency must be filed within 30 days of a referral from an intake officer, unless that time is extended by the court for good cause shown. Petitions alleging that a child is in need of supervision are filed by the intake officer.

Detention is used for the temporary care of children who, pending court disposition, are likely to leave the jurisdiction of the court or require secure custody in physically restricting facilities for the protection of themselves or the community. A child may not be placed in detention prior to adjudication if the most serious alleged offense would be a misdemeanor if committed by an adult unless the act involved a handgun and would be a violation under the Criminal Law Article or the Public Safety Article if committed by an adult or if the child has been adjudicated delinquent at least twice in the preceding 12 months.

### **State Fiscal Effect:**

#### *Judiciary*

The Judiciary may incur significant expenditures to provide juvenile magistrate coverage on weekends and holidays. While juvenile courts and juvenile magistrates are located within the circuit courts, the Judiciary pays for magistrates. Magistrates do not work on weekends, and the bill's 24-hour requirement will require additional coverage.

The Judiciary advises that it is difficult to fully assess the bill's impact due to ambiguities in the bill language. Specifically, the bill does not define "pretrial status" nor is that term defined elsewhere in statute or court rules. Adjudications are the equivalent of trials in the juvenile system. The Judiciary further notes that it is unclear if the intention of the bill is to hold a hearing separate from the hearing under § 3-8A-15 of the Courts and Judicial Proceedings Article (detention and shelter care prior to an adjudication hearing). The Judiciary also notes that it is unclear what would happen if a jurisdiction does not have a magistrate that hears juvenile justice cases.

According to the Judiciary, during fiscal 2023 in jurisdictions other than Baltimore City, there were nearly 3,600 cases, which included a charge that could prompt the requirement to hold a hearing within 24 hours under the bill; that figure increases significantly once cases in Baltimore City are included. (Data is not available at this time for Baltimore City. Baltimore City is not on the Maryland Electronic Courts system yet.)

*Office of the Public Defender*

OPD advises that the bill requires an additional 22 positions (19 attorneys, 2 administrative employees, and 1 social worker) to have a functional staff on weekends to meet the requirements of the bill, at a cost of \$2.0 million in fiscal 2025 and increasing to \$2.8 million by fiscal 2029. However, some of those positions are associated with additional cases that may be generated by the bill, which is unclear at this time.

Thus, this estimate accounts for 12 attorneys (one attorney per OPD district), which is the minimum level of personnel needed to provide coverage for hearings on weekends. As a result, general fund expenditures increase by \$1,172,860 in fiscal 2025, which accounts for the bill’s October 1, 2024 effective date. This estimate includes salaries, fringe benefits, one-time start-up costs, estimated panel attorney costs, and ongoing operating expenses.

Positions	12
Salaries and Fringe Benefits	\$1,065,988
Panel Attorneys	19,800
Operating Expenses	<u>87,072</u>
<b>OPD FY 2025 State Expenditures</b>	<b>\$1,172,860</b>

Future year expenditures reflect full salaries with annual increases and employee turnover as well as annual increases in ongoing operating expenses. To the extent that OPD can implement alternative coverage arrangements with existing personnel (*e.g.*, compensated on call OPD attorneys), expenditures are less.

This estimate does not include any health insurance costs that could be incurred for specified contractual employees under the State’s implementation of the federal Patient Protection and Affordable Care Act.

**Local Fiscal Effect:** Because juvenile courts are housed within the circuit courts, the bill may affect circuit court operations. It is unclear to what extent State’s Attorneys’ will participate in the hearings required under the bill. Regardless, the bill may affect operations in State’s Attorneys’ offices. According to the Maryland State’s Attorneys’ Association, the effect of the bill on State’s Attorneys’ offices is unknown at this time.

## **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 Public Safety and Correctional Services; Department of Legislative Services

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