

Department of Legislative Services
 Maryland General Assembly
 2025 Session

FISCAL AND POLICY NOTE
 First Reader

House Bill 1433 (Delegate Toles, *et al.*)
 Judiciary and Ways and Means

Juvenile Court - Jurisdiction

This bill expands the jurisdiction of the juvenile court by repealing and altering existing statutory exceptions to the juvenile court’s exclusive original jurisdiction. However, the bill establishes that the juvenile court does not have jurisdiction over a child at least age 16 who is alleged to have committed any crime punishable by life imprisonment. The bill makes conforming changes and a correction to statutory cross references. The bill applies only prospectively and does not apply to any criminal prosecution or delinquency proceeding for any act committed before the bill’s October 1, 2025 effective date.

Fiscal Summary

State Effect: General fund expenditures decrease by \$12.3 million for the Department of Juvenile Services (DJS) in FY 2026, which may be partially offset by increased general fund expenditures for DJS services (not shown in table below). General fund expenditures for the Office of the Public Defender (OPD) decrease by \$1.4 million in FY 2026, as discussed below. Future years reflect annualization and inflation. The Judiciary can implement the bill using existing budgeted resources. Revenues are not affected.

(in dollars)	FY 2026	FY 2027	FY 2028	FY 2029	FY 2030
Revenues	\$0	\$0	\$0	\$0	\$0
GF Expenditure	(13,703,700)	(18,899,800)	(19,590,400)	(20,314,000)	(21,040,100)
Net Effect	\$13,703,700	\$18,899,800	\$19,590,400	\$20,314,000	\$21,040,100

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

Local Effect: While the bill may alter workloads in State’s Attorneys’ offices, it is not anticipated to materially affect overall local finances or operations.

Small Business Effect: None.

Analysis

Bill Summary: The bill repeals the following exclusions from the juvenile court's jurisdiction:

- a child age 14 alleged to have committed an act that, if committed by an adult, would be a crime punishable by life imprisonment;
- a child at least age 16 and alleged to have committed abduction, kidnapping, robbery under § 3-403 of the Criminal Law Article, third-degree sexual offense under 3-307(a)(1) of the Criminal Law Article, first-degree assault under § 3-202 of the Criminal Law Article, or attempted robbery under § 3-403 of the Criminal Law Article;
- a child at least age 16 and alleged to have committed a crime in violation of § 5-133 (possession of a regulated firearm), § 5-134 (sale, rental, or transfer of a regulated firearm), § 5-138 (sale, transfer, or disposal of a stolen regulated firearm), or § 5-203 (possession of a short-barreled rifle or short-barreled shotgun) of the Public Safety Article;
- a child at least age 16 and alleged to have committed a crime in violation of § 4-203 (wearing, carrying, or transporting a handgun), § 4-404 (use of a machine gun in a crime of violence), § 4-405 (use of a machine gun for an aggressive purpose), § 5-621 (firearm in connection to a drug trafficking crime), or § 5-622 (possession of firearm after conviction) of the Criminal Law Article; or
- a child previously convicted as an adult of a felony who is subsequently alleged to have committed an act that would be a felony if committed by an adult.

The bill makes conforming changes to various statutory cross references and corrects and conforms a cross reference regarding offenses that must be reported to schools.

Current Law:

Juvenile Court Jurisdiction

In general, the juvenile court has jurisdiction over children who are alleged to be delinquent, in need of supervision (CINS), or who have received a citation for specified violations. The juvenile court also has jurisdiction over peace order proceedings in which the respondent is a child.

The juvenile court has jurisdiction over a child who is at least age 10 and is alleged to have committed an act that would, if committed by an adult, be (1) a "crime of violence" (as defined in § 14-101 of the Criminal Law Article); (2) specified crimes involving handguns and firearms; (3) aggravated cruelty to animals; or (4) third-degree sexual offense. Outside

of these circumstances, the juvenile court does not have jurisdiction over a child younger than age 13 for purposes of a delinquency proceeding, and such a child may not be charged with a crime. A child of any age may be adjudicated a CINS and subject to the juvenile court's jurisdiction under applicable provisions.

The juvenile court does not have jurisdiction over (1) a child at least age 14 alleged to have committed an act which, if committed by an adult, would be a crime punishable by life imprisonment; (2) a child at least age 16 alleged to have violated specified traffic or boating laws; (3) a child at least age 16 alleged to have committed specified crimes (violent crimes, firearms crimes, etc.); or (4) a child who previously has been convicted as an adult of a felony and is subsequently alleged to have committed an act that would be a felony if committed by an adult. These cases are tried in adult criminal court.

Transfers of Jurisdiction

However, for items (1), (3), and (4) above, the adult criminal court may transfer the case back to juvenile court before trial or before a plea is entered if the court determines from a preponderance of the evidence that transfer is in the interest of the child or society and specified conditions are met. This is often referred to as "reverse waiver." A reverse waiver is not permitted in certain circumstances, such as when the child was previously convicted in an unrelated case excluded from the jurisdiction of the juvenile court or when the alleged crime is murder in the first degree and the accused child was at least age 16 when the alleged crime was committed.

The juvenile court may waive its jurisdiction (which transfers the case to adult court) with respect to a petition alleging delinquency if the petition concerns a child who is at least age 15 or a child who is charged with committing an act which, if committed by an adult, would be punishable by life imprisonment. The court may waive its jurisdiction only after it has conducted a waiver hearing held prior to the adjudicatory hearing and after notice has been given to all parties. The court may not waive its jurisdiction over a case unless it determines, from a preponderance of the evidence presented at the hearing, that the child is an unfit subject for juvenile rehabilitative measures.

The juvenile court must consider the following criteria when making a waiver determination: (1) the child's age; (2) the mental and physical condition of the child; (3) the child's amenability to any available treatment; (4) the nature of the offense and the child's alleged participation in it; and (5) public safety. These criteria must be considered individually and in relation to each other on the record.

Statutory provisions also authorize a court exercising criminal jurisdiction to transfer the child to the juvenile court at sentencing if (1) as a result of trial or a plea, all charges under specified provisions that excluded jurisdiction from the juvenile court do not result in a

finding of guilty and (2) pretrial transfer of the case was prohibited under specified statutes or the court did not transfer jurisdiction after a reverse waiver hearing. In determining whether to transfer jurisdiction at sentencing, the court must consider (1) the child's age; (2) the mental and physical condition of the child; (3) the child's amenability to any available treatment; (4) the nature of the child's acts as proven in the trial or admitted to in a plea; and (5) public safety.

Juvenile Court Dispositions

Generally, a disposition hearing is held by the juvenile court to determine whether a child who has been adjudicated delinquent needs or requires the court's guidance, treatment, or rehabilitation and, if so, the nature of the guidance, treatment, or rehabilitation. Among other options, and subject to specified limitations, a juvenile court may:

- place the child on probation or under supervision in the child's own home or in the custody or under the guardianship of a relative or other fit person, on terms the court deems appropriate, including community detention;
- commit the child to the custody or guardianship of DJS or other agency on terms that the court considers appropriate, including designation of the type of facility where the child is to be accommodated; or
- order the child or the child's parents, guardian, or custodian to participate in rehabilitative services that are in the best interest of the child and the family.

State Fiscal Effect:

Department of Juvenile Services

General fund expenditures for DJS decrease by \$12.3 million in fiscal 2026, which accounts for the bill's October 1, 2025 effective date, which may be partially offset by general fund expenditures for increased DJS services, as discussed below. In fiscal 2027, the first full fiscal year under the bill, DJS general fund expenditures decrease by \$17.0 million.

DJS advises that the bill would allow the department to close one of its facilities (Charles H. Hickey, Jr. School). This estimate reflects the reduction of expenditures associated with closure of that facility, including (1) associated contractual services and operating expenses and (2) the elimination of 137 positions, which accounts for personnel DJS plans to retain and relocate.

DJS reports up to 68% of its pre-disposition population is youth charged as adults, whose length of stay averages 147 days. Comparatively, youth charged in the juvenile court held in pre-disposition facilities stay on average for 27 days. DJS estimates that the bill reduces its average daily population by 120 youth, which will allow the department to close the Charles H. Hickey School.

However, increased expenditures for DJS post-disposition services due to the bill's expansion of juvenile court jurisdiction may partially offset savings from closing a facility. The extent of expenditures associated with increased demand for DJS services can only be determined with actual experience under the bill. Currently, demand for DJS services already exceeds availability in some categories. For example, to address treatment availability shortages, DJS opened two pending-placement facilities in the past year for youth adjudicated delinquent but awaiting placement in a committed treatment facility.

Office of the Public Defender

General fund expenditures for OPD contractual services for psychologists decrease by approximately \$1.4 million in fiscal 2026, which accounts for the bill's October 1, 2025 effective date, and by approximately \$1.85 million each year thereafter. OPD utilizes contractual psychologists to evaluate the current developmental capacity of children in the adult criminal court. In fiscal 2024, OPD represented 618 youth in transfer hearings and anticipates a 75% reduction in these hearings under the bill.

OPD further advises that the bill's reduction in the workload associated with hearings to transfer children from the adult criminal court to the juvenile court could further reduce expenditures equivalent to the costs associated with 31 positions (22 attorneys, 4.5 social workers, and 4.5 administrative personnel – approximately \$2.6 million in fiscal 2026). However, this estimate assumes that these positions will be reassigned to other OPD units, which will allow OPD to meet caseload standards or mitigate the need for future additional OPD personnel.

Additional Information

Recent Prior Introductions: Similar legislation has not been introduced within the last three years.

Designated Cross File: SB 422 (Chair, Judicial Proceedings Committee) - Judicial Proceedings., SB 422 (Chair, Judicial Proceedings Committee) - Judicial Proceedings.

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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