

Department of Legislative Services
 Maryland General Assembly
 2024 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 483 (Delegate Attar)
 Judiciary

Juvenile Court – Jurisdiction

This bill expands the exclusive original jurisdiction of the juvenile court to include a child older than age 10 who is alleged to have committed an act, that if committed by an adult, would constitute (1) use of a firearm in the commission of a crime of violence, as defined in § 14-101 of the Criminal Law Article; (2) assault in the second degree under § 3-203 of the Criminal Law Article; (3) sexual offense in the third or fourth degree under § 3-307 or § 3-308 of the Criminal Law Article, respectively; (4) possession with intent to distribute under § 5-602 of the Criminal Law Article; (5) a violation of § 5-133 of the Public Safety Article involving possession of a regulated firearm; or (6) a violation of §§ 4-203, 4-204, 4-404, or 4-408 of the Criminal Law Article involving a handgun or machine gun.

Fiscal Summary

State Effect: General fund expenditures for the Office of the Public Defender (OPD) increase by \$91,100 in FY 2025. Future year estimates are annualized, adjusted for inflation, and reflect ongoing operating costs. The Judiciary can implement the bill with existing budgeted resources. Revenues are not affected.

(in dollars)	FY 2025	FY 2026	FY 2027	FY 2028	FY 2029
Revenues	\$0	\$0	\$0	\$0	\$0
GF Expenditure	91,100	109,600	114,500	119,500	124,700
Net Effect	(\$91,100)	(\$109,600)	(\$114,500)	(\$119,500)	(\$124,700)

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

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

Small Business Effect: None.

Analysis

Current Law: In general, the juvenile court has jurisdiction over children who are alleged to be delinquent, in need of supervision, or who have received a citation for specified violations. However, except under limited circumstances involving a child who is at least age 10 and alleged to have committed a “crime of violence,” as defined in § 14-101 of the Criminal Law Article, 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. In addition, 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. The juvenile court also has jurisdiction over peace order proceedings in which the respondent is a child.

State Fiscal Effect: OPD advises that the bill may result in as many as 124 additional matters per year, which requires an additional three attorneys, one social worker, and one administrative employee, at a cost of \$401,589 in fiscal 2025 and increasing to \$544,915 by fiscal 2029. This staffing estimate is based on a 2022 workload study in Oregon suggesting attorneys allocate 43.79 hours per case with a low to mid felony. The Department of Legislative Services (DLS) advises that this magnitude of additional personnel may not be necessary for the anticipated additional caseload/workload. OPD is in the process of developing Maryland-specific caseload standards, and the Oregon caseload standard is much lower than the current OPD standard, which was adopted in 2005.

Regardless, DLS advises that implementation of the bill requires at least one attorney. Additional resources needed to address the bill cannot be determined without actual experience under the bill. Should OPD require additional resources, they can request additional positions through the annual budget process.

Therefore, general fund expenditures increase by \$91,079 in fiscal 2025, which accounts for the bill’s October 1, 2024 effective date. This estimate reflects the cost of hiring one attorney to assist with cases and workload generated by the bill. It includes a salary, fringe benefits, one-time start-up costs, and ongoing operating expenses.

Position	1
Salary and Fringe Benefits	\$83,823
Operating Expenses	<u>7,256</u>
Total FY 2025 State Expenditures	\$91,079

Future year expenditures reflect full salaries with annual increases and employee turnover as well as annual increases in ongoing operating expenses.

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 Expenditures: The bill may affect operations and finances of State’s Attorneys’ offices. Baltimore County advises that it requires an additional assistant State’s Attorney, at a cost of \$139,200 in fiscal 2025, to implement the bill.

Additional Information

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

Designated Cross File: None.

Information Source(s): Anne Arundel and Baltimore counties; Judiciary (Administrative Office of the Courts); Office of the Public Defender; Maryland State’s Attorneys’ Association; Department of Juvenile Services; Department of Natural Resources; Department of State Police; Maryland Department of Transportation; Department of Legislative Services

Fiscal Note History: First Reader - February 8, 2024
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