

**Department of Legislative Services**  
 Maryland General Assembly  
 2024 Session

**FISCAL AND POLICY NOTE**  
**Third Reader - Revised**

Senate Bill 744

(The President, *et al.*)

Judicial Proceedings

Judiciary

**Juvenile Law - Reform**

This bill makes numerous changes to the juvenile justice process in the State, including (1) altering the jurisdiction of the juvenile court; (2) altering procedures relating to juvenile intake, complaints, detention, and probation; (3) requiring the forwarding of complaints and the filing of Child in Need of Supervision (CINS) petitions for specified motor vehicle thefts; (4) requiring the State Board of Victim Services to develop a pamphlet about CINS petitions; (5) repealing provisions relating to the State Advisory Board for Juvenile Services; (6) altering provisions relating to the Commission on Juvenile Justice Reform and Emerging and Best Practices; and (7) altering reporting requirements for the Juvenile Justice Monitoring Unit (JJMU), the Governor’s Office for Crime Prevention and Policy (GOCPP), and the Department of Juvenile Services (DJS). **As noted below, provisions related to procedures for children in the juvenile justice system and the State Board of Victim Services take effect October 1, 2024; provisions related to the commission, JJMU, and specified administrative responsibilities and reporting requirements take effect July 1, 2024.**

**Fiscal Summary**

**State Effect:** General fund expenditures for DJS increase by *at least* \$6.5 million in FY 2025; additional significant personnel and capital costs (not shown below) may be incurred, as discussed below. General fund expenditures for the Office of the Public Defender (OPD) increase by *as much as* \$1.7 million in FY 2025, as discussed below. General fund expenditures for GOCPP increase by \$179,100 in FY 2025. Future year expenditures are annualized, adjusted for inflation, and reflect ongoing operating costs. Revenues are not affected.

(\$ in millions)	FY 2025	FY 2026	FY 2027	FY 2028	FY 2029
Revenues	\$0	\$0	\$0	\$0	\$0
GF Expenditure	8.3	10.5	10.8	11.0	11.3
Net Effect	(\$8.3)	(\$10.5)	(\$10.8)	(\$11.0)	(\$11.3)

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

**Local Effect:** The bill may affect operations and expenditures for State’s Attorneys’ offices, as discussed below. The circuit courts can implement the bill with existing budgeted resources. Revenues are not affected.

**Small Business Effect:** None.

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## Analysis

### Bill Summary/Current Law:

#### I. Policies and Procedures for Children in the Juvenile Justice System (Effective October 1, 2024)

##### *Juvenile Court Jurisdiction*

Under 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.

The bill expands the juvenile court’s jurisdiction to include a child who is at least age 10 and alleged to have committed an act that would, if committed by an adult, be (1) a violation of § 4-203 (wearing, carrying, or transporting a handgun) or § 4-204 (use of a handgun or antique firearm in the commission of a crime) of the Criminal Law Article; (2) a crime involving firearms under § 5-133 (possession of a regulated firearm), § 5-134 (sale, rental, or transfer of a regulated firearm), § 5-136 (straw purchases), § 5-138 (sale, transfer, or disposal of a stolen regulated firearm), § 5-141 (knowing participation in a straw purchase), § 5-142 (removal or alteration of an identification mark or number on a firearm), § 5-203 (possession of a short-barreled rifle or short-barreled shotgun), or § 5-703 (untraceable firearms/violating serial number requirements for

firearms) of the Public Safety Article; or (3) a sexual offense in the third degree under § 3-307 of the Criminal Law Article.

### *Intake in Juvenile Cases*

Under 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 DJS 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. In general, the bill alters the length of time DJS has to make an inquiry from 25 days to *15 business days*. However, if a law enforcement officer requests an intake officer to authorize detention of a child prior to a hearing and the intake officer does not do so, the intake officer must make an inquiry within two business days as to the court's jurisdiction and whether judicial action is in the best interests of the public or the child.

Under current law, as part of their inquiry, a DJS intake officer does not need to interview the child who is the subject of the complaint when the complaint alleges a violation of § 4-203 (wearing, carrying, or transporting a handgun) or § 4-204 (use of a handgun or antique firearm in the commission of a crime) of the Criminal Law Article. The bill expands this provision. Under the bill, intake officers are also not required to interview a child during an inquiry if the complaint alleges a violation of § 5-133 (possession of a regulated firearm), § 5-134 (sale, rental, or transfer of a regulated firearm), § 5-136 (straw purchases), § 5-138 (sale, transfer, or disposal of a stolen regulated firearm), § 5-141 (knowing participation in a straw purchase), § 5-142 (removal or alteration of an identification mark or number on a firearm), § 5-203 (possession of short barreled rifle or short barreled shotgun), or § 5-703 (untraceable firearms/violating serial number requirements for firearms) of the Public Safety Article.

### *Forwarding Complaints to the State's Attorney for Consideration for Prosecution*

Under current law, if a complaint alleges the commission of an act that would be a felony if committed by an adult or alleges a violation of § 4-203 (wearing, carrying, or transporting a handgun) or § 4-204 (use of a handgun or antique firearm in the commission of a crime) of the Criminal Law Article and the intake officer denies authorization to file a petition or proposes an informal adjustment, the intake officer must *immediately* forward the complaint and a copy of the entire intake case file, as specified, to the State's Attorney.

Under the bill, a complaint alleging a violation of any of the following statutes is also subject to this requirement: § 5-133 (possession of a regulated firearm), § 5-134 (sale, rental, or transfer of a regulated firearm), § 5-136 (straw purchases), § 5-138 (sale, transfer, or disposal of a stolen regulated firearm), § 5-141 (knowing participation in a straw purchase), § 5-142 (removal or alteration of an identification mark or number on a firearm), § 5-203 (possession of short barreled rifle or short barreled shotgun), or § 5-703 (untraceable firearms/violating serial number requirements for firearms) of the Public Safety Article.

Under current law, an intake officer is *not required* to forward the complaint and copy of the file to the State's Attorney if the complaint alleges the commission of an act that would be a felony if committed by an adult and (1) the intake officer proposes the matter for informal adjustment; (2) the act did not involve the intentional causing of, or attempt to cause, the death of or physical injury to another; and (3) the act would not be a crime of violence, as defined under § 14-101 of the Criminal Article, if committed by an adult. The bill repeals this statutory exception.

#### *Preliminary Review of Forwarded Complaints by State's Attorneys*

Under current law, upon receipt of a forwarded complaint, the State's Attorney must make a preliminary review as to whether the court has jurisdiction and whether judicial action is in the best interests of the public or the child. After the preliminary review, and within 30 days of the State's Attorney's receipt of the complaint (unless the court extends the time), the State's Attorney must file a petition or a peace order request or both; refer the complaint to DJS for informal disposition; or dismiss the complaint. The bill specifies that an intake officer is not prohibited from proceeding with an informal adjustment during the State's Attorney's preliminary review.

#### *Informal Adjustments*

Under current law, an intake officer may propose an informal adjustment if, based on the complaint and the inquiry, the officer concludes that a juvenile court has jurisdiction but that an informal adjustment, rather than judicial action, is in the best interests of the public and the child. The intake officer must propose an informal adjustment by informing the victim, the child, and the child's parent or guardian of the nature of the complaint, the objectives of the adjustment process, and the conditions and procedures under which it will be conducted. The intake officer may not proceed with an informal adjustment unless the child and the child's parent or guardian consent to the informal adjustment procedure. However, an intake officer may proceed with an informal adjustment without informing the victim if the intake officer has made reasonable efforts to contact the victim. During an informal adjustment process, the child is subject to such supervision as the intake officer deems appropriate. The process may not exceed 90 days unless the time is extended by the

court or the intake officer determines that additional time is necessary for the child to complete a program that is part of the informal adjustment process. If, at any time before the completion of an agreed upon informal adjustment, the intake officer believes that it cannot be completed successfully, the intake officer must either authorize the filing of a petition and/or a peace order request or deny authorization to file a petition and/or a peace order request.

The bill requires that if the intake officer denies authorization to file a petition and/or peace order request, the intake officer must immediately forward the complaint and entire intake case file to the State's Attorney.

#### *Child in Need of Supervision Petitions – Motor Vehicle Theft*

The bill requires that if a law enforcement officer alleges that a child younger than age 13 committed an act that would constitute motor vehicle theft under § 7-105 of the Criminal Law Article, the officer must forward the complaint to DJS to file a petition alleging that the child is in need of supervision.

The bill also requires an intake officer to authorize the filing of a CINS petition upon receiving a complaint alleging that a child younger than age 13 committed an act that would constitute motor vehicle theft under § 7-105 of the Criminal Law Article.

#### *Child in Custody*

Under current law, if a law enforcement officer takes a child into custody, the officer must immediately notify, or cause to be notified, the child's parents, guardian, or custodian in a manner reasonably calculated to give actual notice of the action. The notice must include the child's location, provide the reason for the child being taken into custody, and instruct the parent, guardian, or custodian on how to make immediate in-person contact with the child.

Under the bill, if a law enforcement officer determines that a child could be taken into custody pursuant to the law of arrest but elects not to do so, the officer must complete a written report with specified information about the child and the circumstances of the officer's interaction with the child and forward the report to DJS. The bill further requires that, if a child is taken into custody by a law enforcement officer pursuant to the law of arrest, the officer must:

- complete and forward a written complaint or citation to DJS for processing, in accordance with existing statutory requirements;
- if the child was referred to an at-risk youth prevention and diversion program, as defined in § 8-601 of the Human Services Article, complete and forward a written

- report to DJS indicating that the child was diverted to (1) a law enforcement diversion program, including a diversion program operated by a local State's Attorney; (2) a diversion program operated by another agency or organization; (3) a local care team; or (4) another community-based service provider; or
- complete and forward a written report to DJS indicating that no further action was taken.

#### *Authorized Detention Prior to a Hearing*

Under current law, a child who is taken into custody may be placed in detention or community detention prior to a hearing if such action is required to protect the child or others or the child is likely to leave the jurisdiction of the court. Generally, a child whose most serious offense would be a misdemeanor if committed by an adult cannot be placed in detention before a hearing unless (1) the act involved a handgun and would violate the Criminal Law Article or Public Safety Article if committed by an adult or (2) the child has been adjudicated delinquent *at least twice within the preceding 12 months*.

The bill repeals the reference to handgun offenses and substitutes the following specified gun offenses: § 4-203 (wearing, carrying, or transporting a handgun) or § 4-204 (use of a handgun or antique firearm in the commission of a crime) of the Criminal Law Article, or § 5-133 (possession of a regulated firearm), § 5-134 (sale, rental, or transfer of a regulated firearm), § 5-136 (straw purchases), § 5-138 (sale, transfer, or disposal of a stolen regulated firearm), § 5-141 (knowing participation in a straw purchase), § 5-142 (removal or alteration of an identification mark or number on a firearm), § 5-203 (possession of short barreled rifle or short barreled shotgun), or § 5-703 (untraceable firearms/violating serial number requirements for firearms) of the Public Safety Article. The bill also repeals the exception for a child who was adjudicated delinquent at least twice in the preceding 12 months and substitutes an exception for a child who was adjudicated at least twice *in the preceding 2 years*. Additionally, the bill allows the juvenile court to order detention before a hearing when a child is alleged to have committed, while under DJS supervision, an act that would result in a penalty of imprisonment of more than 2 years and *would not* constitute second-degree assault under § 3-203 of the Criminal Law Article if committed by an adult.

Under current law, if a child remains in detention prior to a hearing, within 14 days of the child's initial detention, DJS must appear at a hearing before the court with the child to explain the reasons for the child's continued detention; DJS must appear at subsequent hearings with the child every 14 days thereafter. The bill allows the waiver of one such hearing on the consent of the court, the State's Attorney, and counsel for the child.

## *Juvenile Probation*

*Time Limits on Juvenile Probation:* Under current law, 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.

Under current law, 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.

The bill extends time limits on juvenile probation. For offenses that would be a *misdemeanor*, the maximum initial probation period increases from six months to one year, and the total probation term, including extensions, increases from a one-year maximum to a two-year maximum. For offenses that would be a *felony*, the maximum initial probation period increases from one year to two years, and the total probation term, including extensions, increases from two years to three years. However, if after a hearing, the court finds by clear and convincing evidence that there is good cause to extend the probation and an extension is in the best interest of the child, the total period of probation increases from three years to four years, inclusive of all extensions.

*Violations of Juvenile Probation:* Under current law, “technical violation” means a violation of probation that *does not* involve an arrest or summons issued by a commissioner on a statement of charges filed by a law enforcement officer; 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; a violation of a no-contact or stay-away order; or absconding. A child may not be placed in a facility used for detention for a technical violation.

Under current law, 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

for the delinquent act for which the child was originally placed on probation. Under the bill, a court may also impose a new term of probation if a child failed to appear at a court-ordered treatment program at least twice without good cause, unless the court finds that the child substantially completed the treatment program.

*Progress Reports:* The bill requires that if a child is placed on probation and has four or more unexcused failures to appear at a court-ordered treatment program, the court must be provided with a progress report.

### *Confidential Juvenile Records*

Under current law, a court record pertaining to a child is confidential and its contents may not be divulged, by subpoena or otherwise, except by order of the court upon a showing of good cause, or as specified in §§ 7-303 and 22-309 of the Education Article. This provision does not prohibit access to and confidential use of a court record by the State Advisory Board for Juvenile Services if the board is performing its statutory duties. The bill reassigns access to these records from the board to the Commission on Juvenile Justice Reform and Emerging Best Practices for the purpose of performing its statutory duties.

## **II. State Board of Victim Services (Effective October 1, 2024)**

Under current law, the State Board of Victim Services, which is housed within GOCPP, is required to develop pamphlets on specified topics. The bill expands the board's pamphlet-related duties by requiring the board to develop a pamphlet on how victims and their representatives can file a complaint to DJS alleging that a child is in need of supervision.

## **III. Commission on Juvenile Justice Reform and Emerging and Best Practices (Effective July 1, 2024)**

Under current law, the State Advisory Board for Juvenile Services (the board), which is within DJS, is comprised of certain members and is tasked with several responsibilities, including reporting and advising the Secretary of DJS on multiple juvenile programs in the State; recommending policies and programs to improve juvenile services in the State; participating in interpreting the objectives of DJS for the public; participating in planning the development and use of available resources to meet the needs of DJS; and examining and reviewing fatalities involving children under DJS supervision for the purpose of advising the Secretary of DJS on policies and programs to prevent fatalities, as specified.

The bill repeals the board and for the most part, transfers membership and responsibilities of the board to the Commission on Juvenile Justice Reform and Emerging and Best Practices (the commission). The bill makes additional changes to membership of the



commission and establishes requirements related to membership, including the length of a term and the staggering of terms. A member of the commission serves at the pleasure of the person who appointed the member. The Governor must appoint the commission's chair from among the members of the commission. The bill removes DJS and the Department of Human Services (DHS) as the staffing agencies for the commission; under the bill, GOCP (formerly the Governor's Office of Crime Prevention, Youth, and Victim Services) must staff the commission.

Under current law, the commission is tasked with:

- researching culturally competent, evidence-based, research-based, and promising practices relating to (1) child welfare; (2) juvenile rehabilitation; (3) mental health services for children; and (4) prevention and intervention services for juveniles;
- evaluating the cost-effectiveness of practices researched by the commission;
- identifying means of evaluating the effectiveness of practices researched by the commission; and
- giving special attention to organizations located in or serving historically underserved communities, identifying strategies to enable the community-based organizations that provide services for juveniles to evaluate and validate services and programming provided by those organizations.

As noted above, the bill transfers many of the responsibilities of the State Advisory Board to the commission. The bill expands the commission's duties to include:

- reviewing (1) each aspect of the juvenile services program in the State; (2) the educational programs and services of DJS; (3) programs designed to divert children from the juvenile justice system; and (4) the treatment and programming needs of females in the juvenile justice system;
- reviewing data relating to arrests, completion of programming, and recidivism from the Maryland Longitudinal Data System Center;
- identifying opportunities for greater coordination between DJS and specified entities;
- recommending policies and programs to improve juvenile services in the State;
- participating in interpreting for the public the objectives of juvenile services in the State;
- participating in planning the development and use of available resources to meet the needs of juveniles; and
- examining and reviewing fatalities involving children under the supervision of DJS, to provide recommendations on policies and programs to prevent fatalities, including (1) a death caused by a child under the supervision of DJS if the child is

convicted or adjudicated for the death and (2) the death of a child under the supervision of DJS.

#### **IV. Juvenile Justice Monitoring Unit (Effective July 1, 2024)**

The bill alters the reporting requirements of JJMU of the Office of the Attorney General (OAG) to account for the repeal of the State Advisory Board for Juvenile Services and the expanded responsibilities of the commission under the bill.

#### **V. Administrative Responsibilities and Reporting Requirements for the Department of Juvenile Services (Effective July 1, 2024)**

##### *State Comprehensive Juvenile Services 3-Year Plan*

Current law requires the Secretary of DJS to develop a State Comprehensive Juvenile Services 3-Year Plan. The plan must (1) include an inventory of all in-day treatment programs and residential care programs and an accounting of the residence of all clients; (2) include an inventory of nonresidential treatment programs; (3) specify the needs of the various areas of services for clients, including alcohol and drug abuse rehabilitation services; (4) specify the needs of clients, including predelinquent diversion services programs; (5) establish priorities for the different services needed; (6) set standards for the quality of residential services and outreach services; (7) include a program dedicated to reducing recidivism rates of clients; (8) include programs dedicated to diverting children from the juvenile justice system; and (9) include any other matters that the Secretary considers appropriate.

The bill expands the required contents of the plan to include (1) programs developed for youth at the highest risk of becoming victims or perpetrators of gun violence and (2) programs developed for youth involved in motor vehicle theft.

##### *Expanded Department of Juvenile Services Reporting Requirements*

Chapter 42 of 2022 required DJS to report to the General Assembly on several topics related to its procedures, operations, and programming. The bill extends the deadline for this report by two years to April 15, 2025. The bill also expands the required content of the report to include the number of cases resolved at intake and the number of cases referred for informal adjustment within the prior fiscal year.

#### **VI. Expanded Reporting Requirements for the Governor's Office of Crime Prevention and Policy (Effective July 1, 2024)**

Under current law, GOCPP must report to the General Assembly by December 31 each

year on the implementation and effectiveness of at-risk youth prevention and diversion programs. The bill further requires GOCCP to report to DJS by December 31 each year on the number of children referred to an at-risk youth prevention and diversion program in the previous year; the age, gender, and race of the referred children; and the number of children currently enrolled in such a program.

The bill also requires that on or before December 31, 2024, and on or before December 31 each year thereafter, GOCCP must report to the General Assembly on the number of children arrested and the number of times the arrest of a child resulted in a complaint with DJS for the calendar year.

**Background:** Chapter 42 implemented many recommendations of the Juvenile Justice Reform Council, which was established in 2019 to research best practices for the treatment of juveniles who are subject to the criminal and juvenile justice systems and make recommendations to limit or otherwise mitigate contributing risk factors. Among other provisions, Chapter 42 raised, to age 13, the minimum age of juveniles subject to the jurisdiction of the juvenile court for purposes of delinquency proceedings, with an exception for 10- to 12-year-olds accused of specified violent offenses. The legislation also established limitations on the use of detention and probation and expanded the circumstances under which juveniles may be handled by an informal process within DJS without an opportunity for further review by a State's Attorney.

In response to news reports of increasing juvenile crime and a mass shooting in Baltimore City, legislators conducted hearings that included presentations from a range of entities involved in the juvenile justice system. In a hearing before the House Judiciary Committee in September 2023, committee members and presenters explored many specific issues and their possible impacts on juvenile crime. Broad themes included the availability of resources to systemically address the root causes of crime, potential hindrances for law enforcement officers, a perceived lack of consequences for DJS-involved youth, and the overall efficacy of the current juvenile justice system in addressing repeat offenders. DJS, while noting that juvenile crime represents a small portion of all crime in Maryland, also acknowledged the need for more diverse options for judges to consider when making dispositional decisions for juveniles, noting, for example, that Maryland does not have a residential drug treatment program for adolescents. OPD further stressed that the availability of community services for juveniles and their families has atrophied in recent years, further noting that poverty, mental health, and the widespread prevalence and availability of firearms are among other factors that must be examined when discussing juvenile justice reform.

**State Expenditures:** General fund expenditures for DJS increase by *at least* \$6.5 million in fiscal 2025; additional significant personnel and capital costs (not shown below) may be incurred, as discussed below. General fund expenditures for OPD increase *by as much as*

\$1.7 million in fiscal 2025, as discussed below. General fund expenditures for GOCPP increase by approximately \$179,100 in fiscal 2025.

*Department of Juvenile Services*

General fund expenditures for additional DJS personnel increase *by at least* \$6.5 million in fiscal 2025, which accounts for the bill’s October 1, 2024 effective date for specified provisions related to DJS procedures. This estimate reflects the cost of hiring 38 employees (25 case managers, 2 case manager supervisors, 10 community detention case managers, and 1 community detention supervisor) to implement the bill’s provisions and address the bill’s projected effect on DJS populations and procedures. It includes salaries, fringe benefits, one-time start-up costs, ongoing operating expenses, and projected costs for contracted out-of-home placements under the bill.

Positions	38
Salaries and Fringe Benefits	\$1,971,941
Contractual Services for Out-of-Home Placements	4,252,500
Other Operating Expenses	<u>275,728</u>
<b>Minimum DJS FY 2025 Expenditures</b>	<b>\$6,500,169</b>

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

Although not accounted for in this analysis, DJS also anticipates significant capital costs (in excess of \$1.5 million under a preliminary DJS estimate), funded with pay-as-you-go general funds and/or general obligation bonds. The State’s capital program is determined annually through the capital budget process subject to debt affordability limits. As total spending is fixed each year, to the extent that a new project is added to the program, other projects may receive less funding, be delayed, or get canceled.

To the extent that capital projects are initiated, DJS incurs significant staffing costs (in excess of \$2 million annually under one preliminary DJS estimate) not reflected above. However, The Department of Legislative Services (DLS) notes that future year expenditures account for continued use of contractual services (approximately \$5.67 million annually) for out-of-home placements. It is unclear to what extent additional capacity in State facilities could mitigate significant departmental costs for contracted out-of-home placements. DJS was not able to provide sufficient information to explain the potential magnitude and need for facilities and associated facility personnel under the bill. While it is plausible additional facilities may need to be opened (whether by reopening former facilities or constructing new ones with a large capital investment), the magnitude of those efforts and costs cannot be independently determined at this time. DJS was also

not able to provide sufficient information regarding \$600,000 in additional annual contractual services and supplies; therefore those costs are not accounted for in this analysis.

The bill has several interconnected provisions, which when viewed together, significantly alter procedures in juvenile cases and are anticipated to alter DJS populations, particularly provisions that change where children involved in juvenile cases are placed. DJS advises that its facilities are currently operating at or close to capacity, and there are waitlists for placements in its facilities and programs. DJS also advises that additional facility space may be needed to address needs in jurisdictions that lack diversion programs. However, DLS notes that the bill codifies existing options for law enforcement officers, and diversion programs exist in the larger jurisdictions that are the source for the highest volume of DJS complaints.

#### *Office of the Public Defender*

OPD advises that between 2016 and 2023, OPD's juvenile defender personnel decreased from 61 attorneys to 41 attorneys; this decrease was mainly due to reassignment of juvenile defenders to other units within the office, including when there was a significant drop in juvenile prosecution and detention during the COVID pandemic. OPD further advises that thus far, it has not experienced a noticeable change in operations from the 2022 juvenile reforms. According to OPD, the office handled more juvenile matters in fiscal 2023 (2,892) than it did in fiscal 2022 (2,266).

OPD advises that the bill's provisions make extensive changes that increase OPD case volume and increase OPD workload in existing juvenile cases, including expanding juvenile court jurisdiction, shortening the timeframe for intake, increasing referrals to State's Attorneys, expanding eligibility for detention, and extending terms of juvenile probation. Based on DJS data and experience, OPD estimates that it will require 18.5 additional employees (13 attorneys, 2 social workers, and 3.5 administrative employees) for full implementation of the bill.

OPD is in the process of developing new Maryland-specific caseload standards; the current OPD standards were adopted in 2005. OPD calculated this need for personnel based on a 2022 Oregon workload study that included juvenile cases and was conducted by some of the same experts and used a similar methodology as the National Public Defense Workload Study, which was released in September 2023. The national standards use a different calculation/methodology than the 2005 OPD standards currently in use, which, according to the office, do not recognize the different levels of effort needed for different types of cases. According to OPD, juvenile cases are specialized and particularly resource-intensive, especially in cases involving younger children.

DLS notes that as mentioned above, OPD has not adopted new Maryland-specific caseload standards yet, and the Oregon standards are noticeably lower than current OPD caseload standards. For context, according to information recently submitted pursuant to the 2023 *Joint Chairmen’s Report*, OPD noted that based on fiscal 2023 data, it would need 947 additional attorneys to meet the national caseload standards that used a similar methodology as the Oregon caseload study OPD used in its calculations for this bill.

Thus, DLS advises that the estimate below (18.5 positions – 13 attorneys, 2 social workers, and 3.5 administrative employees) represents a *maximum* estimate of additional resources needed for OPD to implement the bill. Correspondingly, general fund expenditures increase *by as much as* \$1,663,420 in fiscal 2025, which accounts for the bill’s October 1, 2024 effective date for provisions related to the juvenile justice process. To the extent that adopted caseload standards are higher than the Oregon standard or attorney positions overlap (OPD based its calculations using individual components of the bill), actual expenditures will be less.

Positions	18.5
Salaries and Fringe Benefits	\$1,525,960
Operating Expenses	<u>137,460</u>
<b>OPD FY 2025 Expenditures</b>	<b>\$1,663,420</b>

The estimate above includes salaries, fringe benefits, one-time start-up costs, and ongoing operating expenses. Future year expenditures reflect full salaries with annual increases and employee turnover as well as annual increases in ongoing operating expenses.

*Governor’s Office of Crime Prevention and Policy*

General fund expenditures for GOCPP increase by \$179,148 in fiscal 2025, which accounts for the bill’s July 1, 2024 effective date for GOCPP-related provisions. This estimate reflects the cost of hiring two program coordinators (one administrator and one administrative officer) for GOCPP to comply with its responsibilities pertaining to the Commission on Juvenile Justice Reform and Emerging Best Practices. It includes salaries, fringe benefits, one-time start-up costs, and ongoing operating expenses.

Positions	2
Salaries and Fringe Benefits	\$164,096
Operating Expenses	<u>15,052</u>
<b>GOCPP FY 2025 Expenditures</b>	<b>\$179,148</b>

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

The commission is currently staffed by DJS and DHS; the bill removes staffing responsibilities from DJS and DHS and designates GOCPP as the staffing agency for the commission. The bill transfers responsibilities of the existing State Advisory Board for Juvenile Services within DJS (repealed under the bill) to the commission and establishes additional responsibilities for the commission. GOCPP advises while many of these responsibilities existing under current law, all of the responsibilities are new to the office and cannot be absorbed by existing staff. This analysis assumes that (1) GOCPP can produce the annual juvenile arrests report using existing resources and/or the additional employees listed above and (2) the State Board of Victim Services, which is housed within GOCPP, can develop pamphlets on filing CINS complaints using existing budgeted resources.

#### *Office of the Attorney General*

OAG advises that due to potential increases in the DJS population, the bill increases JJMU's existing workload such that an additional monitor is required. According to OAG, there has been an ongoing need for additional personnel within JJMU and existing JJMU staff (three monitors and a director) cannot accommodate this additional workload. DLS advises that JJMU's current staffing levels predate the changes to the juvenile justice system in 2022, and the bill's changes to JJMU's responsibilities do not independently generate the need for additional personnel.

#### *Other Agencies and Miscellaneous Impacts*

The Judiciary advises that it can implement the bill with existing budgeted resources. The Maryland Department of Transportation advises that its police forces can address additional activity generated by the bill, including additional training and new reporting procedures, with existing budgeted resources.

Expense reimbursements for members of the Commission on Juvenile Justice Reform and Emerging and Best Practices are assumed to be minimal and absorbable within existing budgeted resources.

**Local Fiscal Effect:** The bill may affect operations related to juvenile cases for State's Attorneys' offices. Baltimore County advises that implementation of the bill requires an additional assistant State's Attorney, at a cost of \$139,200 in fiscal 2025 and increasing to \$156,671 by fiscal 2029.

## **Additional Information**

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

**Designated Cross File:** HB 814 (The Speaker and Delegate Clippinger) - Judiciary.

**Information Source(s):** Baltimore, Frederick, and Montgomery counties; Governor's Office of Crime Prevention and Policy; Judiciary (Administrative Office of the Courts); Office of the Public Defender; Department of General Services; Department of Human Services; Department of Juvenile Services; Department of Natural Resources; Department of State Police; Maryland Department of Transportation; Office of the Attorney General; Department of Legislative Services

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