



# **RACIAL EQUITY IMPACT NOTE**

DEPARTMENT OF LEGISLATIVE SERVICES  
MARYLAND ▪ GENERAL ▪ ASSEMBLY

2024 Session  
HB0814

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## **Juvenile Law - Reform**

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### **Bill Summary**

This bill makes numerous changes to the juvenile justice process in the State.

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### **Racial Equity Impact Statement**

The bill makes comprehensive changes to the juvenile justice process, including expanding the exclusive jurisdiction of the juvenile court to cover youth between 10 and 12 years of age accused of specified crimes involving weapons, firearms, cruelty to animals, sexual offenses, and motor vehicle theft. The bill will likely increase Department of Juvenile Services (DJS) intake activity for youth 10 to 12 years of age as well as for older juveniles who meet various arrest and offense criteria. Any increase in intakes under the bill or other impacts – positive or negative – will likely affect Black youth to the greatest extent as they are significantly overrepresented in DJS custody, both in overall intakes and in the cohort of youths younger than age 13. Specific impacts cannot be measured without additional data on the racial and ethnic distribution of youth charged with the crimes specified in the bill, as well as probation, State’s Attorney referral, and arrest data.

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### **Analysis**

This analysis will focus on the bill’s provisions that generally expand the juvenile court’s jurisdiction to include a child at least age 10 and alleged to have committed an act that would, if committed by an adult, be (1) a crime involving weapons under Title 4 of the Criminal Law Article; (2) a crime involving firearms under Title 5 of the Public Safety Article; (3) a crime involving animals under Title 10, Subtitle 6 of the Criminal Law Article; (4) a sexual offense in the third degree under § 3-307 of the Criminal Law Article; and (5) theft of a motor vehicle under § 7-105 of the Criminal Law Article. Under existing law, the juvenile court has exclusive jurisdiction over youth between the ages of 10 and 12 who commit specified crimes of violence.

In addition to the expansion of the juvenile court's jurisdiction, the bill will generally increase the number of youth referred to DJS, State's Attorneys, and potentially to the juvenile court. The provisions cover:

- *Youth taken into custody by a law enforcement officer.* 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;
- *Youth under age 13 who have allegedly committed an act resulting in the death of a victim.* If a law enforcement officer alleges that a child younger than age 13 committed an act that resulted in the death of a victim, the officer must forward the complaint to DJS for appropriate action. The bill also requires an intake officer to authorize the filing of a petition alleging a child is either delinquent or in need of supervision upon receiving a complaint that a child younger than age 13 committed an act that resulted in the death of another person;
- *Youth alleged to have committed specified firearm offenses under the Public Safety Article.* If an intake officer denies authorization to file a petition or proposes an informal adjustment for a youth accused of a specified firearm violation, the intake officer must immediately forward the complaint and a copy of the entire intake case file, as specified, to the State's Attorney; and
- *Youth alleged to have committed any offense while under DJS supervision.* DJS intake officers are required to immediately forward the complaint and copy of the file to the State's Attorney if the complaint alleges the child committed a delinquent act while under the supervision of DJS *and* the intake officer denies authorization to file a petition or proposes informal adjustment.

The bill also makes changes regarding (1) authorized detention for a juvenile prior to a hearing; (2) time limits on probation for juvenile offenders; (3) technical violations of juvenile probation; (4) confidentiality of juvenile records; (5) the membership, duties, terms, and staff of the Commission on Juvenile Justice Reform and Emerging and Best Practices; (6) the responsibilities of the Juvenile Justice Monitoring Unit; and (7) reporting requirements for DJS.

#### *Juvenile Court – Jurisdiction*

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.

### *DJS Intake Process*

According to DJS, intake officers receive complaints from persons or agencies (e.g., private citizens, schools, victims, or law enforcement agencies) and assess whether the juvenile court has jurisdiction and whether judicial action or another resolution is warranted. An intake officer may (1) reject a complaint as legally insufficient; (2) resolve the matter at intake with or without services; (3) propose an informal adjustment period (pre-court supervision); or (4) authorize the filing of a formal petition by the State's Attorney's Office. While intake officers have wide discretion, violent felonies and handgun violations must be reviewed by the State's Attorney if informal adjustment is recommended at intake.

### *Juvenile Justice Reform*

Chapter 42 of 2022 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 youth 10 to 12 years of age accused of specified violent offenses. Chapter 42 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 reports of increasing juvenile crime, including a mass shooting in Baltimore City, the House Judiciary Committee conducted hearings in fall 2023 that included presentations from a range of entities involved in the juvenile justice system. At those hearings, 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.

### *Impacts of the Bill*

According to DJS data, there were 299 intake complaint decisions for youth under age 13 during fiscal 2023, or 2.4% of total intakes for all juveniles. Intakes for this age group decreased substantially (49%) over the three-year period between fiscal 2021 and 2023. This reduction – at least for fiscal 2023 – may be in part the result of Chapter 42's provisions establishing age 13 as the minimum age for which delinquency can be adjudicated in the juvenile court. The under 13 cohort was responsible for less than 3.5% of combined intake charges for deadly weapon, handgun, motor vehicle theft and misdemeanor sex offenses in fiscal 2023 when compared to overall intakes. This percentage is down from 6.5% in fiscal 2022 for the same combined offense categories. While the bill's provisions apply to those youth between 10 and 12 years of age, the DJS data covers all

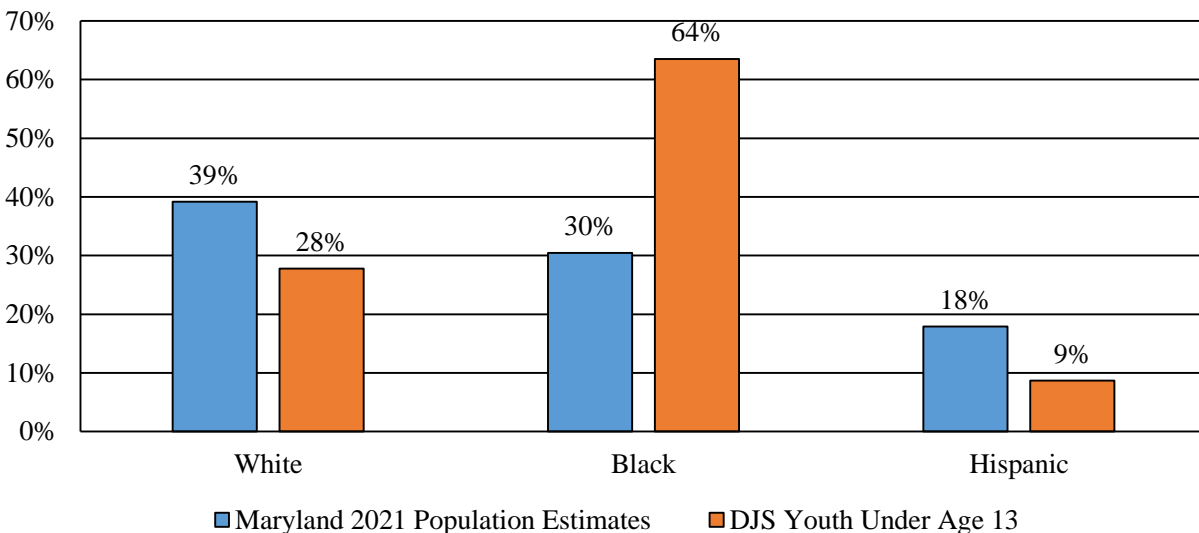
complaints for youth under age 13. Approximately 20 individuals in this group (6.6%) are identified as 9 years old or younger.

As shown in **Exhibit 1**, while Black youth under age 13 account for 30% of the State’s population for that age group, 64% of DJS intake complaint decisions pertained to Black juveniles in fiscal 2023. The exhibit also shows that Black youth in this age group are significantly overrepresented in the DJS population as compared to both white and Hispanic youth.

There is no reliable demographic data available to determine precisely how many youth under age 13 have been processed for each of the crimes addressed by the bill.

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**Exhibit 1**  
**DJS Intakes for Youth Under Age 13**  
**Fiscal 2023**



Source: U.S. Census Bureau; Department of Juvenile Services; Department of Legislative Services

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## Conclusion

The bill’s provisions expanding the juvenile court’s jurisdiction over specified youth between 10 and 12 years of age are likely to be most impactful. Intakes for these juveniles will likely increase under the bill due to mandatory reporting and referral requirements but there is no way to predict to what extent these cases will be adjudicated in the juvenile court since alternative resolutions, such as informal adjustment, will continue to be available.

There has been considerable discussion in the juvenile justice policy arena that preteens have diminished neurocognitive capacity to be held culpable for their actions and also lack the ability

to understand legal charges against them. It is important to note, however, that the bill would also provide covered youth access to more structured services, either administered under DJS or under the supervision of the juvenile court, so this early intervention may benefit younger juveniles. Detailed data on various aspects of the juvenile justice process would be required to understand the complexity of these issues.

As discussed previously, the exact magnitude of the bill's potential impacts on racial equity cannot be fully measured without additional historical and comprehensive data on the racial and ethnic distributions specific to the youth subpopulations covered by the bill. However, any benefits from services received or adverse effects as a result of the bill's changes will likely affect Black youth to a greater extent.

The additional provisions of the bill related to procedures for processing juvenile offenders – such as notifications, filing requirements, detention, probation, and intake deadlines – were not included in this analysis due to a lack of available data.

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**Information Sources:** U.S. Census Bureau; Department of Juvenile Services; Department of Legislative Services

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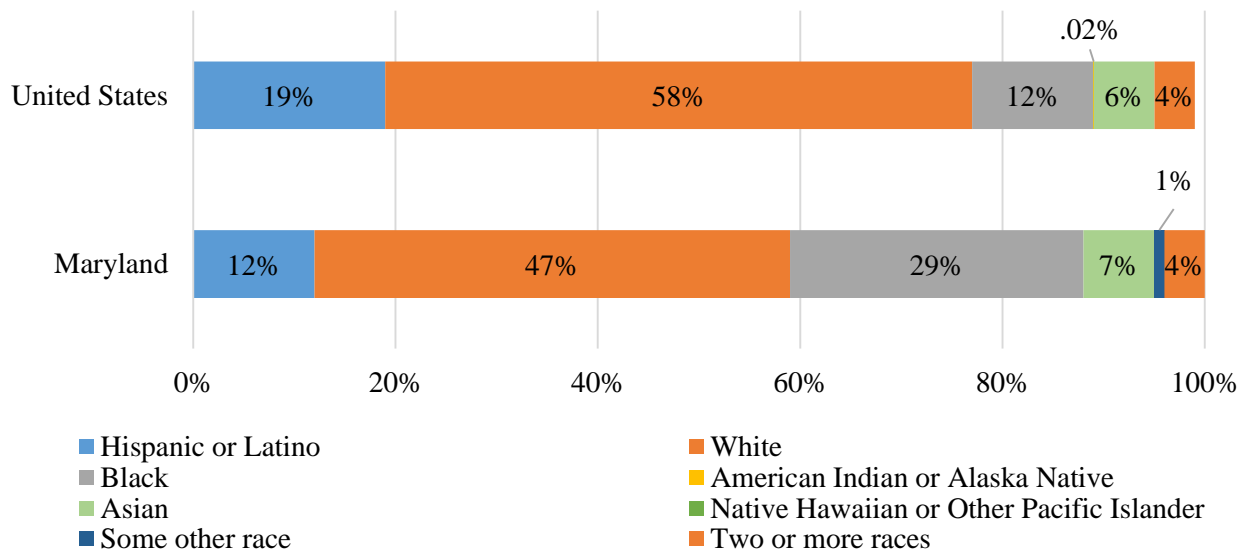
## Appendix – Maryland Demographics

### *Race and Ethnicity of the Maryland Population*

Maryland’s 2020 census population is 6,177,244, a 7% increase from the 2010 census count and approximately 2% higher than the 2019 census population estimates. In addition to an increase in population, Maryland’s racial demographics have become more diverse. Maryland is now a state in which racial minorities make up a majority of its total population. Notable changes relevant to this shift are the increase in groups who identify as “other” and “multiracial” (*i.e.*, two or more racial identities), which total 5% of the State’s population. Additionally, the change in demographics is due to the decrease in the number of individuals who only report “white” as their racial group. Despite this decrease, non-Hispanic whites remain the largest race demographic group in the State at 47% of the State’s population.

Compared to the U.S. population overall, Maryland’s population of individuals who identify as a single race is more diverse. Maryland is ranked as the fourth most diverse state by the U.S. Census Bureau’s [Diversity Index](#). As shown in **Exhibit 1**, in Maryland, 47% identify as white alone compared to 58% of the national population. Similarly, 51% of the population identify as non-white or multi-racial compared to 38% of the national population. In both the State and national populations, the largest shares of the non-white population are individuals who are Black, with 29% of the State population identifying only as Black and another 2.5% identifying as Black in combination with some other race. Maryland’s Asian population is 7%, which is slightly higher than the Asian share of the national population of 6%. The State’s overall population by ethnicity, however, is slightly less diverse than the U.S. population; 12% of the State’s population identified as Hispanic or Latino compared to 19% of the U.S. population.

**Exhibit 1**  
**U.S. and Maryland Population by Race and Ethnicity**  
**2020**



Source: U.S. Census Bureau, 2020 Census Redistricting Data (Public Law 94-171), Table ID P2, HISPANIC OR LATINO, AND NOT HISPANIC OR LATINO BY RACE.