



RACIAL EQUITY IMPACT NOTE

DEPARTMENT OF LEGISLATIVE SERVICES
MARYLAND ▪ GENERAL ▪ ASSEMBLY

2024 Session
HB1437

Juvenile Law - Juvenile Crime Reform

Bill Summary

Among other changes, this bill grants the juvenile court exclusive original jurisdiction over a child who is at least 10 years old who is alleged to have committed an act that, if committed by an adult, would constitute (1) a crime involving weapons, as specified by Title 4 of the Criminal Law Article; (2) a crime involving the use or possession of a “firearm,” as defined in § 5-101 of the Public Safety Article; or (3) a crime involving an unlawful taking or unauthorized use of a motor vehicle as defined by §§ 7-105 and 7-203 of the Criminal Law Article.

Racial Equity Impact Statement

The bill expands the exclusive jurisdiction of the juvenile court to cover youth between 10 and 12 years of age accused of specified crimes involving firearms 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 they would be eligible for adjudication in the juvenile court. Any increase in intakes under the bill or other impacts 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.

Analysis

The bill expands 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 a crime involving (1) weapons under Title 4 of the Criminal Law Article; (2) use or possession of a firearm as defined in § 5-101 of the Public Safety Article; and (3) theft or unauthorized use of a motor vehicle under § 7-105 or

§ 7-203 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 requires annual reports to the General Assembly on the number of children in need of supervision petitions authorized and denied at intake by jurisdiction. The bill also requires the Governor's Office of Crime Prevention and Policy (GOCPP) to expand its existing mandate to request and analyze data relating to juveniles who are charged as adults in the State to include those charged and adjudicated delinquent in juvenile court. Specifically, GOCPP must collect the data by county and specify the types of crimes committed broken down by crimes against people, property, and society.

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.

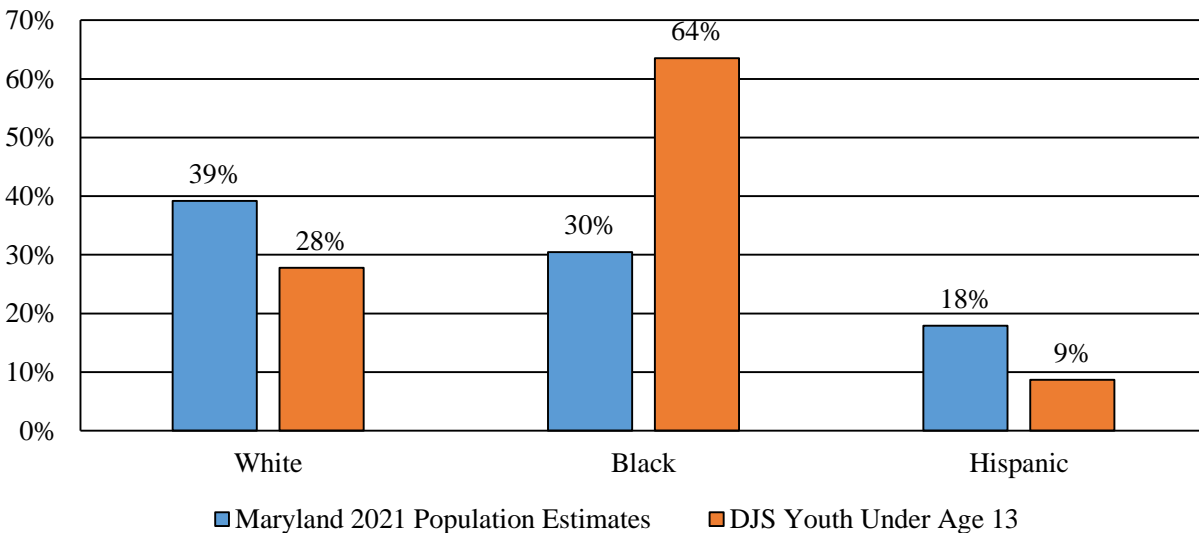
Impacts of the Bill

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 youth under age 13 cohort was responsible for less than 3.5% of combined intake charges for deadly weapon, handgun, and motor vehicle theft in fiscal 2023 when compared to overall intakes. 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.

Exhibit 1
DJS Intakes for Youth Under Age 13
Fiscal 2023



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

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 impactful. Intakes for these juveniles will likely increase under the bill 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. Additional data would be required to understand the importance and potential interactions of these issues.

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

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

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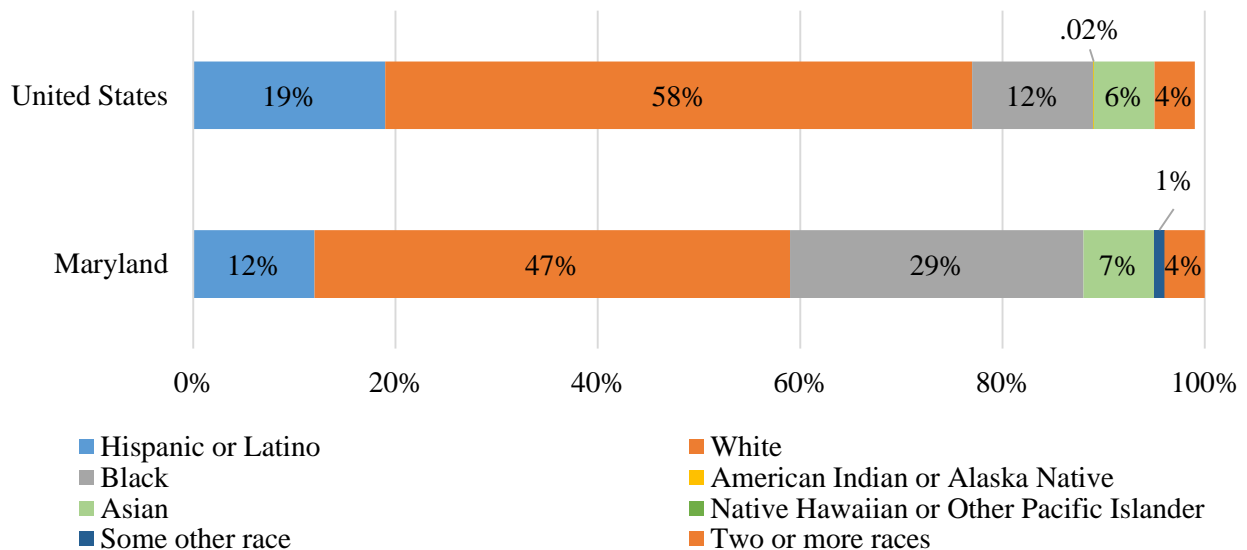
Appendix – Maryland Demographics

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.