



RACIAL EQUITY IMPACT NOTE

DEPARTMENT OF LEGISLATIVE SERVICES
MARYLAND ▪ GENERAL ▪ ASSEMBLY

2024 Session
SB0052

Juvenile Justice Restoration Act of 2024

Bill Summary

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 the use or possession of a firearm, as defined in § 5-101 of the Public Safety Article, or (2) any crime, if the child has been arrested on two prior occasions.

Racial Equity Impact Statement

The bill would expand the juvenile court's exclusive jurisdiction to cover youth between 10 and 12 years of age accused of firearm violations or who have been arrested at least twice previously. Data from the Department of Juvenile Services (DJS) indicates that Black youth are overrepresented in DJS custody, both in overall intakes and in the cohort of youths younger than age 13. Demographic data specific to firearm use and possession for youth between 10 and 12 years old are not readily available to measure specific impacts. Additional data on the racial and ethnic distribution of youth charged with use or possession of a firearm, or who have been arrested on at least two prior occasions, would be required to measure the impacts of the bill.

Analysis

Under existing law, the juvenile court has exclusive jurisdiction over youth between the ages of 10 and 12 who commit specified crimes of violence. The bill would expand the court's jurisdiction to include juveniles between these ages who are accused of use or possession of a firearm, as defined in § 5-101 of the Public Safety Article, or if the youth has been arrested on two prior occasions.

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.

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.

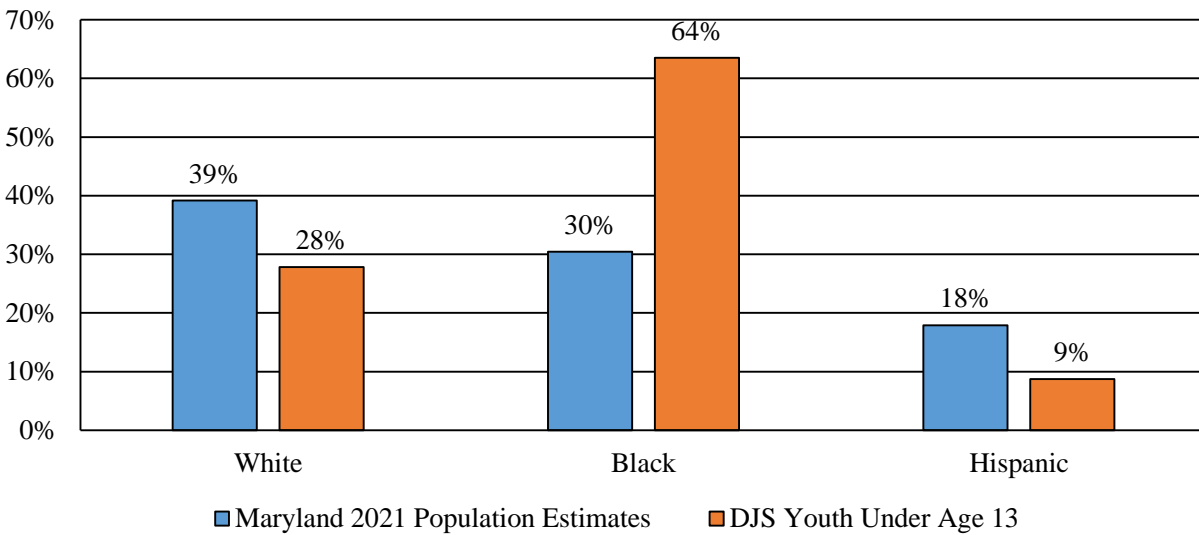
Impacts of the Bill

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. While the bill covers only those youth between 10 and 12 years of age, the data covers all complaints for youth under age 13. Approximately 20 individuals in this group (6.6%) are identified as 9 years old or under.

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’s intake complaint decisions pertained to Black juveniles. 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 data available to determine precisely how many youth under age 13 have been processed for use or possession of a firearm or how many are repeat offenders. The 2023 DJS data does give some insight, although limited, into the relative size of this population. In fiscal 2023, 3.9% of all intakes involved handgun offenses and youth under age 13 accounted for less than 1% of this total.

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 statewide racial and ethnic demographics of intake complaint decisions for youth under age 13 illustrate that Black youth in this age group are overrepresented for DJS intake complaints compared to their share of the State's population. Intake complaints for youth under age 13, however, comprise a relatively small portion of the overall juvenile population managed by DJS.

The bill would allow a portion of the youth under age 13 to face adjudication in the juvenile court for the offenses listed in the bill in addition to the youth in this age group that are currently under the jurisdiction of the court for crimes of violence. No data is readily available to (1) determine how many additional youth would fall under the court's jurisdiction; or (2) measure any inequities related specifically to the firearm use and possession violations, or repeat offenders as described in the bill. Because the racial distribution of youth under age 13 is similar to the overall DJS population, the bill has the potential to exacerbate any existing inequities in intake decisions, State's Attorney referrals, and court dispositions.

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 distribution of firearm use and possession and offender adjudication history of youth under age 13.

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

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Published: 02/10/2024

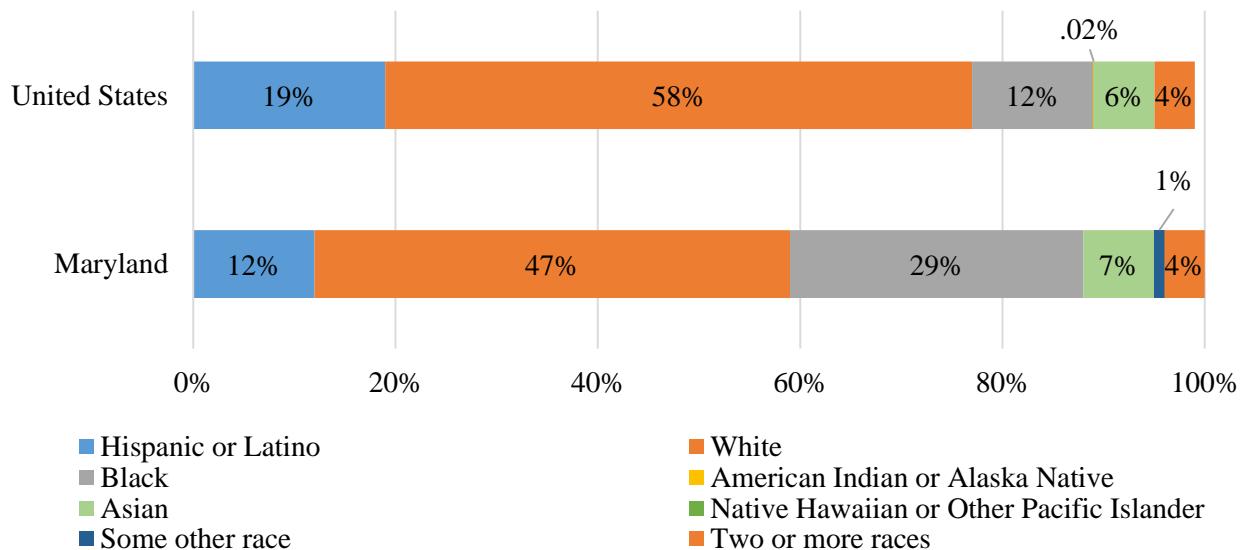
Appendix – Maryland Demographics

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.