

Department of Legislative Services
Maryland General Assembly
2026 Session

FISCAL AND POLICY NOTE
First Reader

Senate Bill 323

(Senator Smith, *et al.*)

Judicial Proceedings

Juvenile Court - Jurisdiction (Youth Charging Reform Act)

This bill expands the jurisdiction of the juvenile court by repealing and altering existing statutory exceptions to the juvenile court's exclusive original jurisdiction. However, the bill establishes that the juvenile court does not have jurisdiction over a child at least age 16 who is alleged to have committed any crime punishable by life imprisonment. The bill makes conforming changes and a correction to statutory cross references. The bill applies only prospectively and does not apply to any criminal prosecution or delinquency proceeding for any act committed before the bill's October 1, 2026 effective date.

Fiscal Summary

State Effect: Potential significant cost savings for the Department of Juvenile Services (DJS) in FY 2027 from operational efficiencies, which may be offset (to an unknown degree) by an increase in the DJS population and services, as discussed below. General fund expenditures for the Office of the Public Defender (OPD) decrease by *as much as* \$1.4 million in FY 2027, as discussed below. Potential reduced expenditures for the Department of Public Safety and Correctional Services (DPSCS). The Judiciary can implement the bill using existing budgeted resources. Revenues are not affected.

Local Effect: General fund expenditures for the State's Attorneys' offices increase *potentially significantly*, as discussed below.

Small Business Effect: None.

Analysis

Bill Summary: The bill repeals the following exclusions from the juvenile court's jurisdiction:

- a child at least age 14 alleged to have committed an act that, if committed by an adult, would be a crime punishable by life imprisonment;
- a child at least age 16 and alleged to have committed abduction, kidnapping, robbery under § 3-403 of the Criminal Law Article, third-degree sexual offense under 3-307(a)(1) of the Criminal Law Article, first-degree assault under § 3-202 of the Criminal Law Article, or attempted robbery under § 3-403 of the Criminal Law Article;
- a child at least age 16 and alleged to have committed a crime in violation of § 5-133 (possession of a regulated firearm), § 5-134 (sale, rental, or transfer of a regulated firearm), § 5-138 (sale, transfer, or disposal of a stolen regulated firearm), or § 5-203 (possession of a short-barreled rifle or short-barreled shotgun) of the Public Safety Article; or
- a child at least age 16 and alleged to have committed a crime in violation of § 4-203 (wearing, carrying, or transporting a handgun), § 4-404 (use of a machine gun in a crime of violence), § 4-405 (use of a machine gun for an aggressive purpose), § 5-621 (firearm in connection to a drug trafficking crime), or § 5-622 (possession of firearm after conviction) of the Criminal Law Article.

The bill makes conforming changes to various statutory cross references and corrects and conforms a cross reference regarding offenses that must be reported to schools.

Current Law:

Juvenile Court Jurisdiction

In general, the juvenile court has jurisdiction over children who are alleged to be delinquent, in need of supervision (CINS), or who have received a citation for specified violations. The juvenile court also has jurisdiction over peace order proceedings in which the respondent is a child.

The juvenile court has jurisdiction over a child who is at least age 10 and is alleged to have committed an act that would, if committed by an adult, be (1) a “crime of violence ” (as defined in § 14-101 of the Criminal Law Article); (2) specified crimes involving handguns and firearms; (3) aggravated cruelty to animals; or (4) third-degree sexual offense. Outside of these circumstances, 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. A child of any age may be adjudicated a CINS and subject to the juvenile court’s jurisdiction under applicable provisions.

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.

Transfers of Jurisdiction

However, for items (1), (3), and (4) above, the adult criminal court may transfer the case back to juvenile court before trial or before a plea is entered if the court determines from a preponderance of the evidence that transfer is in the interest of the child or society and specified conditions are met. This is often referred to as “reverse waiver.” A reverse waiver is not permitted in certain circumstances, such as when the child was previously convicted in an unrelated case excluded from the jurisdiction of the juvenile court or when the alleged crime is murder in the first degree and the accused child was at least age 16 when the alleged crime was committed.

The juvenile court may waive its jurisdiction (which transfers the case to adult court) with respect to a petition alleging delinquency if the petition concerns a child who is at least age 15 or a child who is charged with committing an act which, if committed by an adult, would be punishable by life imprisonment. The court may waive its jurisdiction only after it has conducted a waiver hearing held prior to the adjudicatory hearing and after notice has been given to all parties. The court may not waive its jurisdiction over a case unless it determines, from a preponderance of the evidence presented at the hearing, that the child is an unfit subject for juvenile rehabilitative measures.

The juvenile court must consider the following criteria when making a waiver determination: (1) the child’s age; (2) the mental and physical condition of the child; (3) the child’s amenability to any available treatment; (4) the nature of the offense and the child’s alleged participation in it; and (5) public safety. These criteria must be considered individually and in relation to each other on the record.

Statutory provisions also authorize a court exercising criminal jurisdiction to transfer the child to the juvenile court at sentencing if (1) as a result of trial or a plea, all charges under specified provisions that excluded jurisdiction from the juvenile court do not result in a finding of guilty and (2) pretrial transfer of the case was prohibited under specified statutes or the court did not transfer jurisdiction after a reverse waiver hearing. In determining whether to transfer jurisdiction at sentencing, the court must consider (1) the child’s age; (2) the mental and physical condition of the child; (3) the child’s amenability to any available treatment; (4) the nature of the child’s acts as proven in the trial or admitted to in a plea; and (5) public safety.

Juvenile Court Dispositions

Generally, a disposition hearing is held by the juvenile court to determine whether a child who has been adjudicated delinquent needs or requires the court's guidance, treatment, or rehabilitation and, if so, the nature of the guidance, treatment, or rehabilitation. Among other options, and subject to specified limitations, a juvenile court may:

- place the child on probation or under supervision in the child's own home or in the custody or under the guardianship of a relative or other fit person, on terms the court deems appropriate, including community detention;
- commit the child to the custody or guardianship of DJS or other agency on terms that the court considers appropriate, including designation of the type of facility where the child is to be accommodated; or
- order the child or the child's parents, guardian, or custodian to participate in rehabilitative services that are in the best interest of the child and the family.

State Fiscal Effect:

Department of Juvenile Services

General fund expenditures for DJS decrease, potentially significantly, due to realized operational efficiencies under the bill. According to DJS, in fiscal 2025, 417 youth were held in DJS detention facilities while awaiting transfer hearings in the adult court system. During that same time, 614 youth who were charged as adults ultimately had their cases transferred to juvenile court (whether or not they were detained during that year). In 2025, DJS reported that up to 68% of its pre-disposition population is youth charged as adults, whose length of stay averages 147 days. Comparatively, youth charged in the juvenile court held in pre-disposition facilities stay on average for 27 days. Consequently, DJS anticipates processing cases and providing services at a faster rate to its youth population; any associated cost savings due to operational efficiencies may be offset (to an unknown degree) by an increased DJS population and increased demand for DJS services.

Office of the Public Defender

Based on information submitted for similar legislation introduced last year, general fund expenditures for OPD contractual services for psychologists may decrease by as much as \$1.4 million in fiscal 2027, which accounts for the bill's October 1, 2026 effective date, and by *as much as* \$1.85 million each year thereafter. OPD utilizes contractual psychologists to evaluate the current developmental capacity of children in the adult criminal court. In fiscal 2024 (the last year readily available), OPD represented 618 youth in transfer hearings and anticipates a 75% reduction in these hearings under the bill. However, it is unclear if OPD utilizes these services for hearings to waive cases from the

juvenile court to the adult court. Should that occur, OPD experiences cost savings below this estimate. Any such impact depends on waiver requests by prosecutors in response to the bill, which cannot be reliably determined at this time.

OPD further advises that the bill's reduction in the workload associated with hearings to transfer children from the adult criminal court to the juvenile court could further reduce expenditures equivalent to the costs associated with 31 positions (22 attorneys, 4.5 social workers, and 4.5 administrative personnel). However, this estimate assumes that these positions will be reassigned to other OPD units, which will allow OPD to meet caseload standards or mitigate the need for future additional OPD personnel.

Department of Public Safety and Correctional Services

General fund expenditures for the DPSCS decrease if the bill results in fewer youth being sentenced to DPSCS facilities.

Local Fiscal Effect: The Maryland State's Attorneys' Association (MSAA) advises the bill significantly increases workloads for juvenile cases, which often include increased filings and shortened timelines. Accordingly, the following localities have reported the need for 59 total additional personnel to implement the bill, broken down by the following:

<u>County</u>	<u>Personnel</u>
Anne Arundel	4 employees (1 assistant state's attorney; 0.5 case manager; 0.5 victim/witness advocate; 1 investigator; 1 body camera worn paralegal)
Baltimore City	16 employees (11 assistant state's attorneys; 5 support staff)
Baltimore County	6 employees (3 assistant state's attorneys; 2 paralegals; 1 administrative aide)
Carroll	3 employees (1 assistant state's attorney; 1 assistant; 1 witness coordinator)
Frederick	3 employees (1 assistant state's attorney; 1 investigator; 1 administrative aide)
Howard	5 employees (2 assistant state's attorneys; 3 paralegals)
Montgomery	9 employees (4 assistant state's attorneys; 4 legal assistants; 1 technology specialist)
Prince George's	13 employees (4 assistant state's attorneys; 3 administrative aides; 2 victim/witness coordinators; 2 paralegals; 2 investigators)

While acknowledging the general potential for a significant fiscal impact, the Department of Legislative Services is unable to validate the magnitude of the estimates provided by MSAA at this time. MSAA did not provide data to support its estimated need for personnel under the bill.

Additional Information

Recent Prior Introductions: Similar legislation has been introduced within the last three years. See SB 422 and HB 1433 of 2025.

Designated Cross File: HB 409 (Delegate Bartlett, *et al.*) - Judiciary.

Information Source(s): Judiciary (Administrative Office of the Courts); Office of the Public Defender; Maryland State's Attorneys' Association; Department of Juvenile Services; Department of Public Safety and Correctional Services; Department of Legislative Services

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Analysis by: Amanda L. Douglas

Direct Inquiries to:
(410) 946-5510
(301) 970-5510