

Department of Legislative Services
Maryland General Assembly
2012 Session

FISCAL AND POLICY NOTE

House Bill 1142
Judiciary

(Delegate Carter, *et al.*)

Criminal Procedure - Bail Review Hearing - Determination Regarding Place of Detention of Minor

This bill establishes that if the court, at a bail review hearing involving a minor defendant, orders the defendant's continued detention, the court in its discretion must determine whether the defendant must be held in an adult detention facility or a juvenile detention facility pending further proceedings.

Fiscal Summary

State Effect: None. The bill will not materially impact populations at Department of Juvenile Services' detention facilities or the Baltimore City Detention Center, a State-operated facility.

Local Effect: None. The bill will not materially impact populations at local correctional facilities.

Small Business Effect: None.

Analysis

Current Law: In general, the juvenile court has jurisdiction over a child alleged to be delinquent, in need of supervision, or who has received a citation for alcoholic beverage violations. The juvenile court does not have jurisdiction over children at least age 16 who are alleged to have committed specified violent crimes, children age 14 and older charged with a capital crime, and children who have previously been convicted as an adult of a felony and are subsequently alleged to have committed an act that would be a felony if committed by an adult. However, a circuit court may transfer a case involving

such a child to the juvenile court if such a transfer is believed to be in the interests of the child or society (“reverse waiver”). A reverse waiver is not permitted in certain circumstances, including if a child was previously transferred to juvenile court and adjudicated delinquent.

Pursuant to Maryland Rule 4-216(f), regardless of whether it has jurisdiction over the offense charged, if a child is eligible for a “reverse waiver,” the District Court at a bail review hearing may order that a study be made of the child, the child’s family, or other appropriate matters. The court may also order that the child be held in a secure juvenile facility. At a bail review hearing involving a minor who is not eligible for a “reverse waiver,” a child who was ordered detained would be held at an adult detention facility.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Judiciary (Administrative Office of the Courts), Department of Juvenile Services, Office of the Public Defender, Department of Public Safety and Correctional Services, Montgomery County, Department of Legislative Services

Fiscal Note History: First Reader - March 6, 2012
ncs/kdm

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