

Department of Legislative Services  
Maryland General Assembly  
2019 Session

FISCAL AND POLICY NOTE  
First Reader

Senate Bill 823 (Senator Smith)  
Judicial Proceedings

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Juvenile Proceedings - Fines, Fees, and Costs

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This bill repeals statutory provisions that authorize the juvenile court to (1) impose civil penalties or court costs; (2) assess attorney's fees; and (3) order a parent to pay a sum to support the child. The bill prohibits a court in a juvenile proceeding from ordering a parent, guardian, or custodian to pay a sum of money to cover the support of a child or a fine, fee, or cost. The bill applies to juvenile proceedings other than child in need of assistance proceedings.

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Fiscal Summary

**State Effect:** The bill is not anticipated to materially affect State finances or operations.

**Local Effect:** The bill is not anticipated to materially affect local finances or operations.

**Small Business Effect:** None.

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Analysis

**Bill Summary/Current Law:** Subject to specified exceptions, the juvenile court has jurisdiction over any child alleged to be delinquent or in need of supervision. The juvenile court also has jurisdiction over juvenile peace orders.

A law enforcement officer authorized to make arrests must issue a citation to a child if the officer has probable cause to believe that the child is violating specified offenses, including prohibitions against (1) the use or possession of less than 10 grams of marijuana; (2) consuming or possessing alcohol on public school premises; and (3) using or possessing tobacco products. Under current law, in addition to other dispositions, if the juvenile court

finds that a child has committed a violation specified in a citation, it may impose a civil fine of up to \$25 for a first violation and \$100 for a second or subsequent violation. The bill repeals the authority of the juvenile court to impose a civil fine.

The bill also repeals statutory provisions that authorize the juvenile court (1) on a finding of delinquency, to impose reasonable court costs against a respondent, or the respondent's parent, guardian, or custodian; (2) to assess attorney's fees against any party or a parent of the child for the services of an attorney appointed to represent a child in a juvenile proceeding; and (3) after giving the parent a reasonable opportunity to be heard, to order either or both parents to pay a sum in the amount the court directs to cover the support of the child wholly or partly.

**State and Local Fiscal Effect:** Despite the bill's prohibition against the imposition of specified fines, fees, and costs in juvenile proceedings, the bill is not anticipated to materially affect State and local finances. The Judiciary also advises that it has informally surveyed judges in the past to determine the frequency of assessing fines and court costs in juvenile cases and believes that they are not generally assessed.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** HB 694 (Delegate Barron, *et al.*) - Judiciary.

**Information Source(s):** Judiciary (Administrative Office of the Courts); Department of Juvenile Services; Department of Legislative Services

**Fiscal Note History:** First Reader - February 20, 2019  
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