

SENATE BILL 853

E3

1lr2169
CF HB 1187

By: **Senator Carter (By Request – Juvenile Justice Reform Council)**

Introduced and read first time: February 9, 2021

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Juvenile Law – Juvenile Justice Reform**

3 FOR the purpose of altering provisions of law relating to the jurisdiction of the juvenile
4 court; providing that a child who is under a certain age is not subject to the
5 jurisdiction of the juvenile court and may not be charged with a crime; establishing
6 an exception to the requirement that a certain intake officer forward a certain
7 complaint and copy of a certain intake case file to the State's Attorney under certain
8 circumstances; altering provisions of law relating to the referral by an intake officer
9 of a complaint alleging the commission of a certain act by a juvenile under certain
10 circumstances; establishing a certain exception to the requirement that a certain
11 intake officer provide certain information to a victim; repealing the requirement that
12 a victim consent before a certain intake officer is authorized to proceed with an
13 informal adjustment of a certain matter; authorizing a court to hold a certain
14 proceeding in abeyance to allow for informal adjustment under certain
15 circumstances; requiring a court to dismiss a delinquency petition under certain
16 circumstances; requiring a court to resume certain proceedings against a child under
17 certain circumstances; requiring the juvenile court or an intake officer to consider
18 the results of a risk scoring instrument under certain circumstances; prohibiting a
19 certain child from being placed in detention before a hearing under certain
20 circumstances; altering a requirement that the Department of Juvenile Services
21 appear at a certain hearing before the juvenile court with a certain child to explain
22 the reasons for the child's continued detention under certain circumstances;
23 requiring the Department of Juvenile Services to submit a certain plan to the
24 juvenile court within a certain number of days after a decision to detain a certain
25 child; altering a provision of law prohibiting a certain child from being committed to
26 the Department of Juvenile Services for out-of-home placement under certain
27 circumstances; providing for certain maximum periods of time that the juvenile court
28 is authorized to place a child on probation; authorizing the court to extend a certain
29 period of probation by certain periods of time under certain circumstances;
30 prohibiting a certain child from being placed in a facility used for detention for a
31 certain technical violation of probation; authorizing a certain law enforcement officer

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



to issue a citation to a child for an offense that would be a misdemeanor if committed by an adult under certain circumstances and subject to a certain exception; requiring the State Department of Education to develop and implement certain educational programming; requiring the Governor's Office of Crime Prevention, Youth, and Victim Services to request and analyze certain data; requiring the Governor's Office of Crime Prevention, Youth, and Victim Services to annually report certain findings to the Governor and the General Assembly; establishing the Commission on Juvenile Justice Reform and Emerging and Best Practices; providing for the composition, chair, and staffing of the Commission; prohibiting a member of the Commission from receiving certain compensation but authorizing the reimbursement of certain expenses; requiring the Commission to research and evaluate certain matters; requiring the Commission to annually report its findings to the Governor and the General Assembly; requiring the Juvenile Justice Reform Council to submit a supplemental report on its findings and recommendations to the Governor and the General Assembly on or before a certain date; altering the termination date for the Council; requiring the Department of Juvenile Services to report on certain matters to the General Assembly on or before a certain date; requiring the Governor's Office of Crime Prevention, Youth, and Victim Services to develop a certain model policy, study certain matters, and report its findings to the General Assembly on or before a certain date; altering certain definitions; defining certain terms; correcting an obsolete cross-reference; repealing an obsolete term; making conforming changes; and generally relating to juvenile justice.

BY repealing and reenacting, without amendments,

Article – Courts and Judicial Proceedings

Section 3–8A–01(a)

Annotated Code of Maryland

(2020 Replacement Volume)

BY repealing and reenacting, with amendments,

Article – Courts and Judicial Proceedings

Section 3–8A–01(l) and (dd), 3–8A–03, 3–8A–10(c)(4) and (e), 3–8A–15(b) and (l),
3–8A–19(d)(1)(i) and (3)(i), and 3–8A–33(a)

Annotated Code of Maryland

(2020 Replacement Volume)

BY adding to

Article – Courts and Judicial Proceedings

Section 3–8A–10(n), 3–8A–15(m), 3–8A–19.6, and 3–8A–19.7

Annotated Code of Maryland

(2020 Replacement Volume)

BY repealing and reenacting, with amendments,

Article – Education

Section 22–303

Annotated Code of Maryland

(2018 Replacement Volume and 2020 Supplement)

1 BY adding to
2 Article – Public Safety
3 Section 3–523
4 Annotated Code of Maryland
5 (2018 Replacement Volume and 2020 Supplement)

6 BY adding to
7 Article – State Government
8 Section 9–3301 and 9–3302 to be under the new subtitle “Subtitle 33. Commission
9 on Juvenile Justice Reform and Emerging and Best Practices”
10 Annotated Code of Maryland
11 (2014 Replacement Volume and 2020 Supplement)

12 BY repealing and reenacting, with amendments,
13 Chapter 253 of the Acts of the General Assembly of 2019
14 Section 1(g)(2) and 2

15 BY adding to
16 Chapter 253 of the Acts of the General Assembly of 2019
17 Section 1(g)(3)

18 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
19 That the Laws of Maryland read as follows:

20 **Article – Courts and Judicial Proceedings**

21 3–8A–01.

22 (a) In this subtitle the following words have the meanings indicated, unless the
23 context of their use indicates otherwise.

24 (l) **(1)** “Delinquent act” means an act which would be a crime if committed by
25 an adult.

26 **(2) “DELINQUENT ACT” DOES NOT INCLUDE AN ACT THAT IS:**

27 **(I) COMMITTED IN A SCHOOL; AND**

28 **(II) TRADITIONALLY SUBJECT ONLY TO ADMINISTRATIVE**
29 **DISCIPLINE BY THE SCHOOL.**

30 (dd) “Violation” means a violation for which a citation is issued under:

31 (1) § 5–601 of the Criminal Law Article involving the use or possession of
32 less than 10 grams of marijuana;

(2) § 10–113, § 10–114, § 10–115, or § 10–116 of the Criminal Law Article;

(3) § 10–132 of the Criminal Law Article;

(4) § 10–136 of the Criminal Law Article; [or]

(5) § 26–103 of the Education Article; **OR**

(6) § 3–8A–33(A)(2) OF THIS SUBTITLE.

3–8A–03.

(a) **EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, A CHILD UNDER THE AGE OF 13 YEARS:**

(1) IS NOT SUBJECT TO THE JURISDICTION OF THE COURT UNDER THIS SUBTITLE; AND

(2) MAY NOT BE CHARGED WITH A CRIME.

(B) In addition to the jurisdiction specified in Subtitle 8 of this title, the court has exclusive original jurisdiction over:

(1) A child who is [alleged] **AT LEAST 13 YEARS OLD:**

(I) ALLEGED to be delinquent or in need of supervision; or [who]

(II) WHO has received a citation for a violation;

(2) **EXCEPT AS PROVIDED IN SUBSECTION (E) OF THIS SECTION, A CHILD WHO IS AT LEAST 10 YEARS OLD ALLEGED TO HAVE DONE AN ACT:**

(I) THAT, IF COMMITTED BY AN ADULT, WOULD CONSTITUTE:

1. A CRIME PUNISHABLE BY LIFE IMPRISONMENT;

2. FIRST DEGREE CHILD ABUSE UNDER § 3–601 OF THE CRIMINAL LAW ARTICLE;

3. SEXUAL ABUSE OF A MINOR UNDER § 3–602(B) OF THE CRIMINAL LAW ARTICLE;

1 4. **SECOND DEGREE MURDER UNDER § 2-204 OF THE**
2 **CRIMINAL LAW ARTICLE;**

3 5. **ARMED CARJACKING UNDER § 3-705 OF THE**
4 **CRIMINAL LAW ARTICLE;**

5 6. **SECOND DEGREE RAPE UNDER § 3-304 OF THE**
6 **CRIMINAL LAW ARTICLE;**

7 7. **CONTINUING COURSE OF CONDUCT WITH A CHILD**
8 **UNDER § 3-315 OF THE CRIMINAL LAW ARTICLE; OR**

9 8. **THIRD DEGREE SEXUAL OFFENSE UNDER § 3-307 OF**
10 **THE CRIMINAL LAW ARTICLE; OR**

11 **(II) ARISING OUT OF THE SAME INCIDENT AS AN ACT LISTED IN**
12 **ITEM (I) 1 THROUGH 8 OF THIS ITEM;**

13 **(3)** Except as provided in subsection [(d)(6)] **(E)(6)** of this section, a peace
14 order proceeding in which the respondent is a child; and

15 **[(3)] (4)** Proceedings arising under the Interstate Compact on Juveniles.

16 **[(b)] (C)** The court has concurrent jurisdiction over proceedings against an adult
17 for the violation of § 3-8A-30 of this subtitle. However, the court may waive its jurisdiction
18 under this subsection upon its own motion or upon the motion of any party to the
19 proceeding, if charges against the adult arising from the same incident are pending in the
20 criminal court. Upon motion by either the State's Attorney or the adult charged under §
21 3-8A-30 of this subtitle, the court shall waive its jurisdiction, and the adult shall be tried
22 in the criminal court according to the usual criminal procedure.

23 **[(c)] (D)** The jurisdiction of the court is concurrent with that of the District Court
24 in any criminal case arising under the compulsory public school attendance laws of this
25 State.

26 **[(d)] (E)** The court does not have jurisdiction over:

27 (1) A child at least 14 years old alleged to have done an act that, if
28 committed by an adult, would be a crime punishable by life imprisonment, as well as all
29 other charges against the child arising out of the same incident, unless an order removing
30 the proceeding to the court has been filed under § 4-202 of the Criminal Procedure Article;

31 (2) A child at least 16 years old alleged to have done an act in violation of
32 any provision of the Transportation Article or other traffic law or ordinance, except an act
33 that prescribes a penalty of incarceration;

(3) A child at least 16 years old alleged to have done an act in violation of any provision of law, rule, or regulation governing the use or operation of a boat, except an act that prescribes a penalty of incarceration;

(4) A child at least 16 years old alleged to have committed any of the following crimes, as well as all other charges against the child arising out of the same incident, unless an order removing the proceeding to the court has been filed under § 4–202 of the Criminal Procedure Article:

(i) Abduction;

(ii) Kidnapping;

(iii) Second degree murder;

(iv) Manslaughter, except involuntary manslaughter;

(v) Second degree rape;

(vi) Robbery under § 3–403 of the Criminal Law Article;

(vii) Third degree sexual offense under § 3–307(a)(1) of the Criminal Law Article;

(viii) A crime in violation of § 5–133, § 5–134, § 5–138, or § 5–203 of the Public Safety Article;

(ix) Using, wearing, carrying, or transporting a firearm during and in relation to a drug trafficking crime under § 5–621 of the Criminal Law Article;

(x) Use of a firearm under § 5–622 of the Criminal Law Article;

(xi) Carjacking or armed carjacking under § 3–405 of the Criminal Law Article;

(xii) Assault in the first degree under § 3–202 of the Criminal Law Article;

(xiii) Attempted murder in the second degree under § 2–206 of the Criminal Law Article;

(xiv) Attempted rape in the second degree under § 3–310 of the Criminal Law Article;

(xv) Attempted robbery under § 3–403 of the Criminal Law Article; or

(xvi) A violation of § 4-203, § 4-204, § 4-404, or § 4-405 of the Criminal Law Article;

(5) 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, unless an order removing the proceeding to the court has been filed under § 4-202 of the Criminal Procedure Article; or

(6) A peace order proceeding in which the victim, as defined in § 3-8A-01(cc)(1)(ii) of this subtitle, is a person eligible for relief, as defined in § 4-501 of the Family Law Article.

[(e)] (F) If the child is charged with two or more violations of the Maryland Vehicle Law, another traffic law or ordinance, or the State Boat Act, allegedly arising out of the same incident and which would result in the child being brought before both the court and a court exercising criminal jurisdiction, the court has exclusive jurisdiction over all of the charges.

3-8A-10.

(c) (4) (i) **1. [If] EXCEPT AS PROVIDED IN SUBSUBPARAGRAPH 2 OF THIS SUBPARAGRAPH, IF** a complaint is filed that alleges the commission of an act which would be a felony if committed by an adult or alleges a violation of § 4-203 or § 4-204 of the Criminal Law Article, and if the intake officer denies authorization to file a petition or proposes an informal adjustment, the intake officer shall immediately:

[1.] A. Forward the complaint to the State's Attorney; and

[2.] B. Forward a copy of the entire intake case file to the State's Attorney with information as to any and all prior intake involvement with the child.

2. FOR A COMPLAINT THAT ALLEGES THE COMMISSION OF AN ACT THAT WOULD BE A FELONY IF COMMITTED BY AN ADULT, THE INTAKE OFFICER IS NOT REQUIRED TO FORWARD THE COMPLAINT AND COPY OF THE INTAKE CASE FILE TO THE STATE'S ATTORNEY IF:

A. THE INTAKE OFFICER PROPOSES THE MATTER FOR INFORMAL ADJUSTMENT;

B. THE ACT DID NOT INVOLVE THE INTENTIONAL CAUSING OF, OR ATTEMPT TO CAUSE, THE DEATH OF OR PHYSICAL INJURY TO ANOTHER; AND

**C. THE ACT WOULD NOT BE A CRIME OF VIOLENCE, AS
DEFINED UNDER § 14-101 OF THE CRIMINAL LAW ARTICLE, IF COMMITTED BY AN
ADULT.**

(ii) The State's Attorney shall make a preliminary review as to whether the court has jurisdiction and whether judicial action is in the best interests of the public or the child. The need for restitution may be considered as one factor in the public interest. After the preliminary review the State's Attorney shall, within 30 days of the receipt of the complaint by the State's Attorney, unless the court extends the time:

1. File a petition or a peace order request or both;

2. Refer the complaint to the Department of Juvenile Services for informal disposition; or

3. Dismiss the complaint.

(iii) This subsection may not be construed or interpreted to limit the authority of the State's Attorney to seek a waiver under § 3-8A-06 of this subtitle.

(e) (1) **(I) [The] SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, THE** intake officer [may propose an informal adjustment of the matter if], based on the complaint and the [inquiry, the intake officer concludes] **INQUIRY, AND AFTER CONCLUDING** that the court has jurisdiction [but that], **MAY PROPOSE AN INFORMAL ADJUSTMENT OF THE MATTER IF THE INTAKE OFFICER CONCLUDES THAT** an informal adjustment, rather than judicial action, is in the best interests of the public and the child.

(II) THE INTAKE OFFICER SHALL PROPOSE AN INFORMAL ADJUSTMENT OF THE MATTER IF:

1. **THE CHILD WHO IS THE SUBJECT OF THE COMPLAINT HAS NOT BEEN PREVIOUSLY ADJUDICATED DELINQUENT;**

2. **A. THE COMPLAINT ALLEGES THAT THE CHILD COMMITTED AN ACT THAT WOULD BE A MISDEMEANOR IF COMMITTED BY AN ADULT; OR**

B. IF THE COMPLAINT ALLEGES THAT THE CHILD COMMITTED AN ACT THAT WOULD BE A FELONY IF COMMITTED BY AN ADULT, THE ACT DID NOT INVOLVE THE INTENTIONAL CAUSING OF, OR ATTEMPT TO CAUSE, THE DEATH OF OR PHYSICAL INJURY TO ANOTHER AND WOULD NOT BE A CRIME OF VIOLENCE, AS DEFINED UNDER § 14-101 OF THE CRIMINAL LAW ARTICLE, IF COMMITTED BY AN ADULT; AND

1 **3. THE COMPLAINT DOES NOT ALLEGE AN ACT**
2 **INVOLVING THE USE OR POSSESSION OF A FIREARM.**

3 (2) (I) **[The] EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS**
4 **PARAGRAPH, THE** intake officer shall propose an informal adjustment by informing the
5 victim, the child, and the child's parent or guardian of the nature of the complaint, the
6 objectives of the adjustment process, and the conditions and procedures under which it will
7 be conducted.

8 (II) **EXCEPT AS OTHERWISE PROVIDED IN THIS SUBSECTION,**
9 **THE INTAKE OFFICER MAY PROCEED WITH AN INFORMAL ADJUSTMENT WITHOUT**
10 **INFORMING THE VICTIM AS REQUIRED BY SUBPARAGRAPH (I) OF THIS PARAGRAPH**
11 **IF THE INTAKE OFFICER HAS MADE REASONABLE EFFORTS TO CONTACT THE VICTIM**
12 **FOR THE PURPOSE OF INFORMING THE VICTIM UNDER SUBPARAGRAPH (I) OF THIS**
13 **PARAGRAPH.**

14 (3) The intake officer may not proceed with an informal adjustment unless
15 the [victim,] the child[,] and the child's parent or guardian consent to the informal
16 adjustment procedure.

17 (N) (1) **SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, AT ANY TIME**
18 **BEFORE AN ADJUDICATORY HEARING, THE COURT MAY HOLD THE PROCEEDINGS IN**
19 **ABEYANCE FOR INFORMAL ADJUSTMENT IF CONSENTED TO BY:**

20 (I) **THE STATE'S ATTORNEY;**

21 (II) **THE CHILD WHO IS THE SUBJECT OF THE PETITION AND THE**
22 **CHILD'S COUNSEL; AND**

23 (III) **THE COURT.**

24 (2) (I) **IF THE CHILD SUCCESSFULLY COMPLETES THE INFORMAL**
25 **ADJUSTMENT, THE COURT SHALL DISMISS THE DELINQUENCY PETITION.**

26 (II) **IF THE CHILD DOES NOT SUCCESSFULLY COMPLETE THE**
27 **INFORMAL ADJUSTMENT, THE COURT SHALL RESUME PROCEEDINGS UNDER THIS**
28 **SUBTITLE AGAINST THE CHILD.**

29 3-8A-15.

30 (b) (1) **[If] SUBJECT TO PARAGRAPHS (2) AND (3) OF THIS SUBSECTION,**
31 **IF** a child is taken into custody under this subtitle, the child may be placed in detention or
32 community detention prior to a hearing if:

1 [(1)] (I) Such action is required to protect the child or others; or

2 [(2)] (II) The child is likely to leave the jurisdiction of the court.

3 (2) (I) IN THIS PARAGRAPH, “RISK SCORING INSTRUMENT” MEANS
4 A TOOL, A METRIC, AN ALGORITHM, OR SOFTWARE THAT:

5 1. IS USED TO ASSIST IN DETERMINING THE ELIGIBILITY
6 OF A CHILD FOR RELEASE BEFORE A HEARING; AND

7 2. HAS BEEN INDEPENDENTLY VALIDATED AT LEAST
8 ONCE IN THE PRECEDING 5 YEARS.

9 (II) THE COURT OR AN INTAKE OFFICER SHALL CONSIDER THE
10 RESULTS OF A RISK SCORING INSTRUMENT BEFORE PLACING A CHILD IN
11 DETENTION.

12 (3) A CHILD ALLEGED TO HAVE COMMITTED A DELINQUENT ACT MAY
13 NOT BE PLACED IN DETENTION BEFORE A HEARING IF THE MOST SERIOUS OFFENSE
14 WOULD BE A MISDEMEANOR IF COMMITTED BY AN ADULT, UNLESS:

15 (I) THE ACT INVOLVED A HANDGUN AND WOULD BE A
16 VIOLATION UNDER THE CRIMINAL LAW ARTICLE OR THE PUBLIC SAFETY ARTICLE
17 IF COMMITTED BY AN ADULT; OR

18 (II) THE CHILD HAS BEEN ADJUDICATED DELINQUENT AT
19 LEAST TWICE IN THE PRECEDING 12 MONTHS.

20 (l) If a child remains in a facility used for detention [for the specific act for which
21 the child has been adjudicated delinquent for more than 25 days after the court has made
22 a disposition on a petition under § 3–8A–19 of this subtitle], the Department of Juvenile
23 Services shall:

24 (1) [On the first available court date after the 25th day that the child
25 remains in a facility used for detention,] **WITHIN 14 DAYS AFTER THE CHILD’S INITIAL**
26 **DETENTION**, appear at a hearing before the court with the child to explain the reasons for
27 continued detention; and

28 (2) Every [25] 14 days thereafter, appear at another hearing before the
29 court with the child to explain the reasons for continued detention.

30 (M) **WITHIN 10 DAYS AFTER A DECISION TO DETAIN A CHILD UNDER THIS**
31 **SUBTITLE IN A FACILITY USED FOR DETENTION, THE DEPARTMENT OF JUVENILE**

SERVICES SHALL SUBMIT A PLAN TO THE COURT FOR RELEASING THE CHILD INTO THE COMMUNITY.

3-8A-19.

(d) (1) In making a disposition on a petition under this subtitle, the court may:

(i) **[Place] SUBJECT TO § 3-8A-19.6 OF THIS SUBTITLE, PLACE** the child on probation or under supervision in his own home or in the custody or under the guardianship of a relative or other fit person, upon terms the court deems appropriate, including community detention;

(3) (i) Except as provided in subparagraph (ii) or (iii) of this paragraph, a child may not be committed to the Department of Juvenile Services for out-of-home placement if the most serious offense is:

1. Possession of marijuana under § 5-601(c)(2)(ii) of the Criminal Law Article;

2. **[Possession or purchase of a noncontrolled substance** under § 5-618 of the Criminal Law Article;

3. Disturbing the peace or disorderly conduct under § 10-201 of the Criminal Law Article;

4. Malicious destruction of property under § 6-301 of the Criminal Law Article;

5. An offense involving inhalants under § 5-708 of the Criminal Law Article;

6. An offense involving prostitution under § 11-303, § 11-306, or § 11-307 of the Criminal Law Article;

7. Theft under § 7-104(g)(2) or (3) of the Criminal Law Article; or

8. Trespass under § 6-402(b)(1) or § 6-403(c)(1) of the Criminal Law Article] **AN OFFENSE THAT WOULD BE A MISDEMEANOR IF COMMITTED BY AN ADULT, UNLESS:**

A. THE OFFENSE INVOLVES A FIREARM; AND

B. THE CHILD HAS BEEN ADJUDICATED DELINQUENT ON A PRIOR OCCASION FOR AN OFFENSE INVOLVING A FIREARM; OR

3-8A-19.6.

(B) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, IF THE MOST SERIOUS OFFENSE COMMITTED BY A CHILD WOULD BE A MISDEMEANOR IF COMMITTED BY AN ADULT, THE COURT MAY PLACE THE CHILD ON PROBATION FOR A PERIOD NOT EXCEEDING 6 MONTHS.

(I) THERE IS GOOD CAUSE TO EXTEND THE PROBATION; AND

(3) THE TOTAL PERIOD OF THE PROBATION, INCLUDING EXTENSIONS OF THE PROBATION, MAY NOT EXCEED 1 YEAR.

(c) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION AND SUBSECTION (D) OF THIS SECTION, IF THE MOST SERIOUS OFFENSE COMMITTED BY A CHILD WOULD BE A FELONY IF COMMITTED BY AN ADULT, THE COURT MAY PLACE THE CHILD ON PROBATION FOR A PERIOD NOT EXCEEDING 1 YEAR.

(2) (I) SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION, THE COURT MAY, AFTER A HEARING, EXTEND THE PROBATION BY PERIODS NOT EXCEEDING 3 MONTHS IF THE COURT FINDS THAT:

1. THERE IS GOOD CAUSE TO EXTEND THE PROBATION;
AND

2. THE PURPOSE OF EXTENDING THE PROBATION IS TO ENSURE THAT THE CHILD COMPLETES A TREATMENT OR REHABILITATIVE PROGRAM OR SERVICE.

1 **(II) EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS**
2 **SUBSECTION, IF THE PROBATION IS EXTENDED UNDER THIS PARAGRAPH, THE**
3 **TOTAL PERIOD OF THE PROBATION MAY NOT EXCEED 2 YEARS.**

4 **(3) (I) SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, THE**
5 **COURT MAY EXTEND THE PERIOD OF THE PROBATION FOR A PERIOD OF TIME**
6 **GREATER THAN THE PERIOD DESCRIBED IN PARAGRAPH (2)(II) OF THIS**
7 **SUBSECTION IF, AFTER A HEARING, THE COURT FINDS BY CLEAR AND CONVINCING**
8 **EVIDENCE THAT:**

9 **1. THERE IS GOOD CAUSE TO EXTEND THE PROBATION;**
10 **AND**

11 **2. EXTENDING THE PROBATION IS IN THE BEST**
12 **INTEREST OF THE CHILD.**

13 **(II) IF THE PROBATION IS EXTENDED UNDER THIS PARAGRAPH,**
14 **THE TOTAL PERIOD OF PROBATION, INCLUDING EXTENSIONS UNDER PARAGRAPH**
15 **(2) OF THIS SUBSECTION, MAY NOT EXCEED 3 YEARS.**

16 **(D) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, IF**
17 **THE MOST SERIOUS OFFENSE COMMITTED BY A CHILD WOULD BE A CRIME THAT, IF**
18 **COMMITTED BY AN ADULT, WOULD BE PUNISHABLE BY LIFE IMPRISONMENT, THE**
19 **COURT MAY PLACE THE CHILD ON PROBATION FOR A PERIOD NOT EXCEEDING 2**
20 **YEARS.**

21 **(2) THE COURT MAY, AFTER A HEARING, EXTEND THE PROBATION BY**
22 **PERIODS NOT EXCEEDING 3 MONTHS IF THE COURT FINDS THAT:**

23 **(I) THERE IS GOOD CAUSE TO EXTEND THE PROBATION; AND**

24 **(II) THE PURPOSE OF EXTENDING THE PROBATION IS TO**
25 **ENSURE THAT THE CHILD COMPLETES A TREATMENT OR REHABILITATIVE**
26 **PROGRAM OR SERVICE.**

27 **3-8A-19.7.**

28 **(A) IN THIS SECTION, “TECHNICAL VIOLATION” MEANS A VIOLATION OF**
29 **PROBATION THAT DOES NOT INVOLVE:**

30 **(1) AN ARREST OR A SUMMONS ISSUED BY A COMMISSIONER ON A**
31 **STATEMENT OF CHARGES FILED BY A LAW ENFORCEMENT OFFICER;**

(2) A VIOLATION OF A CRIMINAL PROHIBITION, OR AN ACT THAT WOULD BE A VIOLATION OF A CRIMINAL PROHIBITION IF COMMITTED BY AN ADULT, OTHER THAN A MINOR TRAFFIC OFFENSE;

(3) A VIOLATION OF A NO-CONTACT OR STAY-AWAY ORDER; OR

(4) ABSCONDING.

(B) A CHILD MAY NOT BE PLACED IN A FACILITY USED FOR DETENTION FOR A TECHNICAL VIOLATION.

3-8A-33.

(a) (1) [A] NOTWITHSTANDING PARAGRAPH (2) OF THIS SUBSECTION, A law enforcement officer authorized to make arrests shall issue a citation to a child if the officer has probable cause to believe that the child is violating:

[(1)] (I) § 5-601 of the Criminal Law Article involving the use or possession of less than 10 grams of marijuana;

[(2)] (II) § 10-113, § 10-114, § 10-115, or § 10-116 of the Criminal Law Article;

[(3)] (III) § 10-132 of the Criminal Law Article;

[(4)] (IV) § 10-136 of the Criminal Law Article; or

[(5)] (V) § 26-103 of the Education Article.

(2) A LAW ENFORCEMENT OFFICER AUTHORIZED TO MAKE ARRESTS MAY ISSUE A CITATION TO A CHILD IF THE OFFICER HAS PROBABLE CAUSE TO BELIEVE THAT THE CHILD HAS COMMITTED AN ACT THAT WOULD BE A MISDEMEANOR IF COMMITTED BY AN ADULT, UNLESS THE ACT INVOLVES THE USE OR POSSESSION OF A FIREARM.

Article – Education

22-303.

(a) (1) The Department shall develop and implement juvenile services educational programs at all residential facilities of the Department of Juvenile Services [by July 1, 2014].

(2) THE PROGRAMS DEVELOPED AND IMPLEMENTED UNDER THIS SECTION SHALL:

1 (I) BE COMPREHENSIVE; AND

2 (II) INCLUDE OPTIONAL PROGRAMS IN TECHNICAL AND
3 VOCATIONAL EDUCATION AND TRAINING THAT INCLUDE:

4 1. INSTRUCTION BY HIGHLY QUALIFIED TEACHERS; AND

5 2. ON-THE-JOB TRAINING.

6 (b) This section does not prohibit the Department from contracting with a private
7 party to provide educational services for students with special needs under the control and
8 general management of the Department.

9 Article – Public Safety

10 3–523.

11 (A) THE GOVERNOR’S OFFICE OF CRIME PREVENTION, YOUTH, AND
12 VICTIM SERVICES SHALL REQUEST AND ANALYZE DATA RELATING TO JUVENILES
13 WHO ARE CHARGED, CONVICTED, AND SENTENCED AS ADULTS IN THE STATE,
14 INCLUDING DATA FROM:

15 (1) LAW ENFORCEMENT AGENCIES IN THE STATE;

16 (2) THE ADMINISTRATIVE OFFICE OF THE COURTS;

17 (3) LOCAL CORRECTIONAL FACILITIES IN THE STATE; AND

18 (4) THE DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL
19 SERVICES.

20 (B) THE INFORMATION COLLECTED AND ANALYZED UNDER SUBSECTION (A)
21 OF THIS SECTION SHALL INCLUDE:

22 (1) THE NUMBER OF JUVENILES CHARGED, CONVICTED, AND
23 SENTENCED AS ADULTS;

24 (2) THE OUTCOMES OF CASES INVOLVING JUVENILES CHARGED AS
25 ADULTS, INCLUDING WHETHER THE CASE RESULTED IN CONVICTION, DISMISSAL, OR
26 TRANSFER TO THE JUVENILE COURT UNDER § 4–202, § 4–202.1, OR § 4–202.2 OF THE
27 CRIMINAL PROCEDURE ARTICLE;

(3) THE NUMBER OF JUVENILES HOUSED IN EACH STATE
CORRECTIONAL FACILITY AND LOCAL CORRECTIONAL FACILITY; AND

(4) THE LENGTH OF SENTENCE FOR EACH JUVENILE SENTENCED AS
AN ADULT IN THE STATE.

(C) ON OR BEFORE DECEMBER 31, 2022, AND ON OR BEFORE DECEMBER
31 EACH YEAR THEREAFTER, THE GOVERNOR'S OFFICE OF CRIME PREVENTION,
YOUTH, AND VICTIM SERVICES SHALL REPORT ITS FINDINGS TO THE GOVERNOR
AND, IN ACCORDANCE WITH § 2-1257 OF THE STATE GOVERNMENT ARTICLE, THE
GENERAL ASSEMBLY.

Article – State Government

SUBTITLE 33. COMMISSION ON JUVENILE JUSTICE REFORM AND EMERGING AND BEST PRACTICES.

9-3301.

IN THIS SUBTITLE, "COMMISSION" MEANS THE COMMISSION ON JUVENILE
JUSTICE REFORM AND EMERGING AND BEST PRACTICES.

9-3302.

(A) THERE IS A COMMISSION ON JUVENILE JUSTICE REFORM AND
EMERGING AND BEST PRACTICES.

(B) THE COMMISSION CONSISTS OF THE FOLLOWING MEMBERS:

(1) THE SECRETARY OF JUVENILE SERVICES;

(2) THE SECRETARY OF HUMAN SERVICES; AND

(3) THE FOLLOWING MEMBERS, APPOINTED BY THE GOVERNOR:

(I) ONE REPRESENTATIVE OF AN INSTITUTE FOR PUBLIC
POLICY THAT SPECIALIZES IN JUVENILE JUSTICE ISSUES IN THE STATE;

(II) ONE REPRESENTATIVE OF AN INSTITUTE OPERATED BY THE
UNIVERSITY OF MARYLAND SPECIALIZING IN PROVIDING EVIDENCE-BASED AND
CULTURALLY COMPETENT SERVICES FOR JUVENILES; AND

(III) THREE REPRESENTATIVES WITH RELEVANT EDUCATION
AND EXPERIENCE.

1 **(C) THE GOVERNOR SHALL DESIGNATE THE CHAIR OF THE COMMISSION.**

2 **(D) THE DEPARTMENT OF JUVENILE SERVICES AND THE DEPARTMENT OF**
3 **HUMAN SERVICES SHALL PROVIDE STAFF FOR THE COMMISSION.**

4 **(E) A MEMBER OF THE COMMISSION:**

5 **(1) MAY NOT RECEIVE COMPENSATION AS A MEMBER OF THE**
6 **COMMISSION; BUT**

7 **(2) IS ENTITLED TO REIMBURSEMENT FOR EXPENSES UNDER THE**
8 **STANDARD STATE TRAVEL REGULATIONS, AS PROVIDED IN THE STATE BUDGET.**

9 **(F) THE COMMISSION SHALL:**

10 **(1) RESEARCH CULTURALLY COMPETENT, EVIDENCE-BASED,**
11 **RESEARCH-BASED, AND PROMISING PRACTICES RELATING TO:**

12 **(I) CHILD WELFARE;**

13 **(II) JUVENILE REHABILITATION;**

14 **(III) MENTAL HEALTH SERVICES FOR CHILDREN; AND**

15 **(IV) PREVENTION AND INTERVENTION SERVICES FOR**
16 **JUVENILES;**

17 **(2) EVALUATE THE COST-EFFECTIVENESS OF PRACTICES**
18 **RESEARCHED BY THE COMMISSION;**

19 **(3) IDENTIFY MEANS OF EVALUATING THE EFFECTIVENESS OF**
20 **PRACTICES RESEARCHED BY THE COMMISSION; AND**

21 **(4) GIVING SPECIAL ATTENTION TO ORGANIZATIONS LOCATED IN OR**
22 **SERVING HISTORICALLY UNDERSERVED COMMUNITIES, IDENTIFY STRATEGIES TO**
23 **ENABLE COMMUNITY-BASED ORGANIZATIONS THAT PROVIDE SERVICES FOR**
24 **JUVENILES TO EVALUATE AND VALIDATE SERVICES AND PROGRAMMING PROVIDED**
25 **BY THOSE ORGANIZATIONS.**

26 **(G) ON OR BEFORE DECEMBER 31, 2022, AND ON OR BEFORE DECEMBER**
27 **31 EACH YEAR THEREAFTER, THE COMMISSION SHALL REPORT ITS FINDINGS TO**

1 THE GOVERNOR AND, IN ACCORDANCE WITH § 2-1257 OF THIS ARTICLE, THE
2 GENERAL ASSEMBLY.

3 Chapter 253 of the Acts of 2019

4 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
5 That:

6 (g) (2) On or before December 1, 2020, the Council shall submit a final report
7 on its findings and recommendations to the Governor and, in accordance with [§ 2-1246] §
8 2-1257 of the State Government Article, the General Assembly.

9 (3) ON OR BEFORE OCTOBER 1, 2021, THE COUNCIL SHALL SUBMIT A
10 SUPPLEMENTAL REPORT ON ITS FINDINGS AND RECOMMENDATIONS TO THE
11 GOVERNOR AND, IN ACCORDANCE WITH § 2-1257 OF THE STATE GOVERNMENT
12 ARTICLE, THE GENERAL ASSEMBLY.

13 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June
14 1, 2019. It shall remain effective for a period of [2 years] 3 YEARS and 1 month and, at the
15 end of [June 30, 2021,] JUNE 30, 2022, this Act, with no further action required by the
16 General Assembly, shall be abrogated and of no further force and effect.

17 SECTION 2. AND BE IT FURTHER ENACTED, That, on or before April 15, 2022,
18 the Department of Juvenile Services shall report to the General Assembly, in accordance
19 with § 2-1257 of the State Government Article, on:

20 (1) plans to publish an annual report by the Department of Juvenile
21 Services, in consultation with the Maryland Department of Health, on the length of stay
22 for juveniles in secure facilities while undergoing competency evaluations and receiving
23 services;

24 (2) plans for the inclusion of information and data relating to use of a risk
25 assessment tool in the Department of Juvenile Services' Data Resource Guide;

26 (3) the use of community detention for juveniles in the care and custody of
27 the Department of Juvenile Services;

28 (4) the Department of Juvenile Services' development of forms for
29 community detention that do not include information relating to house arrests;

30 (5) the effect of a requirement that the Department of Juvenile Services
31 provide a robust continuum of community-based alternatives to detention in all
32 jurisdictions of the State and recommendations for establishing the requirement;

33 (6) access to mental health services for all juveniles served by the
34 Department of Juvenile Services;

(7) the feasibility of and any plans for providing quality, evidence-based programming for juveniles detained in secure juvenile facilities, including educational programming, structured weekend activities, and activities involving family members of detained juveniles;

(8) the use of community detention, including electronic monitoring, for juveniles placed on probation;

(9) plans to increase the number of shelter beds available in juvenile facilities, particularly beds for girls;

(10) plans to track and report data on the number of days juveniles ordered to shelter care placements remain in secure juvenile facilities;

(11) minimum training standards for staff at juvenile facilities;

(12) surveillance systems at juvenile facilities, including whether all juvenile facilities are equipped with functioning surveillance cameras capable of monitoring all areas of juvenile facilities;

(13) minimum standards for facilitating family engagement for juveniles at juvenile facilities, including standards for facilitating daily contact between juveniles and their family members;

(14) standards for attorneys to access their clients within all juvenile facilities in the State;

(15) plans to adopt cognitive behavioral therapy training and restorative justice training for staff at all juvenile facilities in the State; and

(16) plans to transition from the current slate of secure juvenile facilities to ensure access to both nonresidential and residential facilities that use culturally competent, evidence-based programming in all jurisdictions of the State.

SECTION 3. AND BE IT FURTHER ENACTED, That, on or before December 31, 2022, the Governor's Office of Crime Prevention, Youth, and Victim Services shall:

(1) (i) develop a model policy for diversion of juveniles from the juvenile justice system and criminal justice system;

(ii) identify funding opportunities to support diversion programs for juveniles in the State, including local programs; and

(iii) collect and evaluate data related to the implementation and effectiveness of diversion programs for juveniles in the State; and

1 (2) report its findings to the General Assembly, in accordance with §
2 2–1257 of the State Government Article.

3 SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect June
4 1, 2021.