

HOUSE BILL 68

E3

(PRE-FILED)

1lr1186
CF SB 115

By: **Delegate T. Branch**

Requested: October 27, 2020

Introduced and read first time: January 13, 2021

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Baltimore City and Prince George's County – Diversionary and Reentry**
3 **Program**

4 FOR the purpose of requiring the Office of the State's Attorney for Baltimore City to
5 establish a certain Diversionary and Reentry Program in Baltimore City; requiring
6 the Office of the State's Attorney for Prince George's County to establish a certain
7 Diversionary and Reentry Program in Prince George's County; establishing the
8 purposes of the programs; requiring the Office of the State's Attorney for Baltimore
9 City to establish the Judicial Research and Youth Development Center to operate a
10 certain program; requiring the Office of the State's Attorney for Prince George's
11 County to establish the Judicial Research and Youth Development Center to operate
12 a certain program; requiring certain centers to employ or engage certain individuals
13 for the provision of program services; requiring certain centers to take certain actions
14 under certain circumstances; specifying the circumstances under which a youth
15 offender participant in a program may be eligible for release into the community;
16 specifying that participation by certain youth in a program continues until the later
17 of certain events; authorizing voluntary participation by a certain youth in a
18 program under certain circumstances; authorizing a certain center to release a
19 participant from a certain program under certain circumstances; authorizing the
20 State's Attorney for Baltimore City and the State's Attorney for Prince George's
21 County to adopt certain rules, regulations, policies, or procedures; defining certain
22 terms; and generally relating to a Diversionary and Reentry Program in Baltimore
23 City and Prince George's County.

24 BY adding to
25 Article – Human Services
26 Section 9–247
27 Annotated Code of Maryland
28 (2019 Replacement Volume and 2020 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

Article – Human Services

9–247.

(A) (1) THE OFFICE OF THE STATE’S ATTORNEY FOR BALTIMORE CITY SHALL ESTABLISH A DIVERSIONARY AND REENTRY PROGRAM FOR AT-RISK YOUTH AND YOUTH OFFENDERS IN BALTIMORE CITY.

(2) THE OFFICE OF THE STATE’S ATTORNEY FOR PRINCE GEORGE’S COUNTY SHALL ESTABLISH A DIVERSIONARY AND REENTRY PROGRAM FOR AT-RISK YOUTH AND YOUTH OFFENDERS IN PRINCE GEORGE’S COUNTY.

(3) THE PURPOSES OF THE PROGRAMS DESCRIBED IN PARAGRAPHS (1) AND (2) OF THIS SUBSECTION ARE TO:

(I) IMPROVE PUBLIC SAFETY;

(II) DEVELOP SKILLS FOR AT-RISK YOUTH; AND

(III) REDUCE RECIDIVISM BY YOUTH OFFENDERS.

(B) (1) THE OFFICE OF THE STATE’S ATTORNEY FOR BALTIMORE CITY SHALL ESTABLISH THE JUDICIAL RESEARCH AND YOUTH DEVELOPMENT CENTER TO OPERATE THE PROGRAM DESCRIBED IN SUBSECTION (A)(1) OF THIS SECTION.

(2) THE OFFICE OF THE STATE’S ATTORNEY FOR PRINCE GEORGE’S COUNTY SHALL ESTABLISH THE JUDICIAL RESEARCH AND YOUTH DEVELOPMENT CENTER TO OPERATE THE PROGRAM DESCRIBED IN SUBSECTION (A)(2) OF THIS SECTION.

(3) THE CENTERS DESCRIBED IN PARAGRAPHS (1) AND (2) OF THIS SUBSECTION SHALL EMPLOY OR ENGAGE THE FOLLOWING INDIVIDUALS FOR THE PROVISION OF PROGRAM SERVICES:

(I) MENTAL AND BEHAVIORAL HEALTH PROFESSIONALS;

(II) EDUCATORS AND OTHER EDUCATION PROFESSIONALS;

(III) JOB COACHES;

(IV) MEDICAL PROFESSIONALS;

(V) TRANSITIONAL HOUSING SPECIALISTS;

(VI) INDIVIDUALS WITH EXPERTISE IN YOUTH OFFENDER
POLICY;

(VII) CAREER DEVELOPMENT SPECIALISTS; AND

(VIII) ANY OTHER INDIVIDUAL NECESSARY TO ACHIEVE THE
PURPOSE OF THE PROGRAM.

(C) THE CENTERS DESCRIBED IN SUBSECTION (B) OF THIS SECTION SHALL:

(1) SELECT AND SUPERVISE 150 INDIVIDUALS WHO ARE AT LEAST 16
YEARS OLD AND UNDER THE AGE OF 25 YEARS, INCLUDING:

(I) STUDENTS SUSPENDED OR EXPELLED FROM SCHOOLS;

(II) INDIVIDUALS REFERRED TO A PROGRAM DESCRIBED IN
SUBSECTION (A) OF THIS SECTION BY THE COURT; AND

(III) INDIVIDUALS COMMITTED TO THE DEPARTMENT OF
JUVENILE SERVICES OR SENTENCED TO SHORT-TERM DETENTION OR
INCARCERATION IN A CORRECTIONAL FACILITY;

(2) CONDUCT ASSESSMENTS OF PROGRAM PARTICIPANTS:

(I) INITIALLY;

(II) DURING PROGRAM PARTICIPATION AT 30-DAY
INCREMENTS;

(III) ON GRADUATION FROM THE PROGRAM; AND

(IV) AS REQUIRED, FOLLOWING GRADUATION FROM THE
PROGRAM;

(3) DELIVER TO AT-RISK YOUTH AND YOUTH OFFENDERS
COMPREHENSIVE COUNSELING AND SERVICES THROUGH A CONTINUITY OF CARE
APPROACH USING A SELF-ACTUALIZATION PROGRAM MODEL;

(4) ENCOURAGE THE PARTICIPATION OF THE FAMILY OR THE
GUARDIAN OF A PROGRAM PARTICIPANT IN THE PROGRAM; AND

(5) DEVELOP A YOUTH DIVERSION AND REENTRY ROADMAP MANUAL FOR USE BY PROGRAM PARTICIPANTS AND FOR DISTRIBUTION BY THE STATE'S ATTORNEY TO AT-RISK YOUTH.

(D) BEFORE THE GRADUATION OF A PARTICIPANT FROM A PROGRAM DESCRIBED IN SUBSECTION (A) OF THIS SECTION, A CENTER DESCRIBED IN SUBSECTION (B) OF THIS SECTION SHALL MEET WITH THE PARTICIPANT AND WITH INTERESTED FAMILY MEMBERS OR THE PARTICIPANT'S GUARDIAN TO:

(1) REVIEW CONTINUING PROGRAM REQUIREMENTS DESCRIBED IN SUBSECTION (E) OF THIS SECTION, AS APPROPRIATE FOR THE PARTICIPANT; AND

(2) DISCUSS FAMILIAL RELATIONSHIPS AND OTHER NETWORKS OF SUPPORT ESSENTIAL FOR SUCCESS.

(E) (1) ON COMPLETION OF AND GRADUATION FROM A PROGRAM DESCRIBED IN SUBSECTION (A) OF THIS SECTION, A YOUTH OFFENDER PARTICIPANT MAY BE ELIGIBLE FOR RELEASE INTO THE COMMUNITY CONTINGENT ON THE YOUTH OFFENDER'S ONGOING CONTACT WITH A CENTER DESCRIBED IN SUBSECTION (B) OF THIS SECTION AND COOPERATION WITH ONGOING ASSESSMENTS AND PROGRAM REQUIREMENTS.

(2) AFTER GRADUATION FROM THE PROGRAM BY A YOUTH OFFENDER, THE CENTER SHALL CONDUCT AN EVALUATION OF THE YOUTH OFFENDER EVERY 30 DAYS TO ENSURE THAT THE YOUTH OFFENDER:

(I) HAS ACCESS TO ALL NEEDED SERVICES;

(II) IS SUCCESSFULLY ENROLLED IN SCHOOL, IF APPLICABLE;

AND

(III) HAS SECURED AND REMAINED IN SUITABLE, STABLE HOUSING, IF APPLICABLE.

(3) (I) PARTICIPATION BY A YOUTH OFFENDER IN THE PROGRAM SHALL CONTINUE UNTIL THE LATER OF THE FOLLOWING:

1. THE YOUTH OFFENDER REACHES THE AGE OF 18 YEARS; OR

2. THE YOUTH OFFENDER IS NO LONGER SUBJECT TO JUDICIAL OVERSIGHT.

1 (II) ONGOING VOLUNTARY PARTICIPATION BY A YOUTH
2 OFFENDER MAY CONTINUE BEYOND THE REQUIREMENTS OF SUBPARAGRAPH (I) OF
3 THIS PARAGRAPH IF BOTH THE YOUTH OFFENDER AND THE CENTER AGREE.

4 (F) (1) AFTER GRADUATION FROM A PROGRAM DESCRIBED IN
5 SUBSECTION (A) OF THIS SECTION BY AN AT-RISK YOUTH, A CENTER DESCRIBED IN
6 SUBSECTION (B) OF THIS SECTION SHALL CONDUCT AN EVALUATION OF THE
7 AT-RISK YOUTH EVERY 30 DAYS TO ENSURE THAT THE AT-RISK YOUTH:

8 (I) HAS ACCESS TO ALL NEEDED SERVICES;

9 (II) IS SUCCESSFULLY ENROLLED IN SCHOOL, IF APPLICABLE;

10 AND

11 (III) HAS SECURED AND REMAINED IN SUITABLE, STABLE
12 HOUSING, IF APPLICABLE.

13 (2) (I) PARTICIPATION BY AN AT-RISK YOUTH IN THE PROGRAM
14 SHALL CONTINUE UNTIL THE AT-RISK YOUTH REACHES THE AGE OF 18 YEARS.

15 (II) ONGOING VOLUNTARY PARTICIPATION BY AN AT-RISK
16 YOUTH MAY CONTINUE BEYOND THE REQUIREMENTS OF SUBPARAGRAPH (I) OF THIS
17 PARAGRAPH IF BOTH THE AT-RISK YOUTH AND THE CENTER AGREE.

18 (G) NOTWITHSTANDING THE REQUIREMENTS OF THIS SECTION, A CENTER
19 DESCRIBED IN SUBSECTION (B) OF THIS SECTION MAY RELEASE A YOUTH OFFENDER
20 OR AT-RISK YOUTH FROM PARTICIPATION IN A PROGRAM DESCRIBED IN
21 SUBSECTION (A) OF THIS SECTION IF THE CENTER DETERMINES PARTICIPATION IN
22 THE PROGRAM IS NO LONGER BENEFICIAL TO THE YOUTH.

23 (H) EACH CENTER DESCRIBED IN SUBSECTION (B) OF THIS SECTION SHALL
24 PROVIDE A QUARTERLY REPORT TO THE APPROPRIATE STATE'S ATTORNEY
25 REGARDING THE STATUS AND PROGRESS OF EACH PROGRAM PARTICIPANT.

26 (I) THE OFFICE OF THE STATE'S ATTORNEY FOR BALTIMORE CITY AND
27 THE OFFICE OF THE STATE'S ATTORNEY FOR PRINCE GEORGE'S COUNTY MAY
28 ADOPT RULES, REGULATIONS, POLICIES, OR PROCEDURES NECESSARY TO CARRY
29 OUT THE REQUIREMENTS OF THIS SECTION.

30 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
31 October 1, 2021.