

HOUSE BILL 1187

E3

11r2312
CF SB 853

By: **Delegate Clippinger**

Introduced and read first time: February 8, 2021

Assigned to: Judiciary

Committee Report: Favorable with amendments

House action: Adopted with floor amendments

Read second time: March 6, 2021

CHAPTER _____

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; repealing a provision of law prohibiting the continuation of detention
21 beyond emergency detention for a certain child except under certain circumstances;
22 altering a requirement that the Department of Juvenile Services appear at a certain
23 hearing before the juvenile court with a certain child to explain the reasons for the
24 child's continued detention under certain circumstances; requiring the Department
25 of Juvenile Services to submit a certain plan to the juvenile court within a certain

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



number of days after a decision to detain a certain child; altering a provision of law prohibiting a certain child from being committed to the Department of Juvenile Services for out-of-home placement under certain circumstances; repealing provisions of law authorizing a certain child to be committed to the Department of Juvenile Services for out-of-home placement under certain circumstances; providing for certain maximum periods of time that the juvenile court is authorized to place a child on probation; authorizing the court to extend a certain period of probation by certain periods of time under certain circumstances; prohibiting a certain child from being placed in a facility used for detention for a certain technical violation of probation; ~~authorizing a certain law enforcement officer 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; requiring the Governor to include in the annual budget bill an appropriation for a certain grant; 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; prohibiting the chair of the Council from being employed by or under contract with the Department of Juvenile Services; 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(d) and (dd), 3-8A-03, 3-8A-10(c)(4) and (e), 3-8A-15(b), (f) through (k), and (l), 3-8A-19(d)(1)(i) and (3)(i), and 3-8A-33(a) (3)~~

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–15(l), 3–8A–19.6, and 3–8A–19.7

Annotated Code of Maryland

(2020 Replacement Volume)

BY repealing

Article – Courts and Judicial Proceedings

Section 3–8A–15(e)

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)

BY adding to

Article – Public Safety

Section 3–523 and 4–1010

Annotated Code of Maryland

(2018 Replacement Volume and 2020 Supplement)

BY adding to

Article – State Government

Section 9–3301 and 9–3302 to be under the new subtitle “Subtitle 33. Commission
on Juvenile Justice Reform and Emerging and Best Practices”

Annotated Code of Maryland

(2014 Replacement Volume and 2020 Supplement)

BY repealing and reenacting, with amendments,

Chapter 253 of the Acts of the General Assembly of 2019

Section ~~1(g)(2)~~ 1(c) and (g)(2) and 2

BY adding to

Chapter 253 of the Acts of the General Assembly of 2019

Section 1(g)(3)

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

Article – Courts and Judicial Proceedings

~~3–8A–01.~~

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

~~(1) "Delinquent act" means an act which would be a crime if committed by an adult.~~

~~(2) "DELINQUENT ACT" DOES NOT INCLUDE AN ACT THAT IS:~~

~~(i) COMMITTED IN A SCHOOL; AND~~

~~(ii) TRADITIONALLY SUBJECT ONLY TO ADMINISTRATIVE DISCIPLINE BY THE SCHOOL.~~

~~(dd) "Violation" means a violation for which a citation is issued under:~~

~~(1) § 5-601 of the Criminal Law Article involving the use or possession of 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;

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

5. ARMED CARJACKING UNDER ~~§ 3-705~~ § 3-405 OF THE CRIMINAL LAW ARTICLE;

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

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

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

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

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

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

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

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

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

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

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

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

15 (4) A child at least 16 years old alleged to have committed any of the
16 following crimes, as well as all other charges against the child arising out of the same
17 incident, unless an order removing the proceeding to the court has been filed under §
18 4–202 of the Criminal Procedure Article:

19 (i) Abduction;

20 (ii) Kidnapping;

21 (iii) Second degree murder;

22 (iv) Manslaughter, except involuntary manslaughter;

23 (v) Second degree rape;

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

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

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

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

31 (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;

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

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

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

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

17 (II) **EXCEPT AS OTHERWISE PROVIDED IN THIS SUBSECTION,**
18 **THE INTAKE OFFICER MAY PROCEED WITH AN INFORMAL ADJUSTMENT WITHOUT**
19 **INFORMING THE VICTIM AS REQUIRED BY SUBPARAGRAPH (I) OF THIS PARAGRAPH**
20 **IF THE INTAKE OFFICER HAS MADE REASONABLE EFFORTS TO CONTACT THE VICTIM**
21 **FOR THE PURPOSE OF INFORMING THE VICTIM UNDER SUBPARAGRAPH (I) OF THIS**
22 **PARAGRAPH.**

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

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

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

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

32 (III) **THE COURT.**

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

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

3-8A-15.

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

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

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

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

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

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

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

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

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

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

[(e) Notwithstanding any other provision of this section, detention may not be continued beyond emergency detention for a child under the age of 12 years unless:

(1) The child is alleged to have committed an act that, if committed by an adult, would be a crime of violence as defined under § 14-101 of the Criminal Law Article; or

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

~~[(f)]~~ (E) (1) Detention or community detention may not be continued beyond emergency detention or community detention unless, upon an order of court after a hearing, the court has found that one or more of the circumstances stated in subsection (b) of this section exist.

(2) A court order under this paragraph shall:

(i) Contain a written determination of whether or not the criteria contained in subsection (c)(1) and (2) of this section have been met; and

(ii) Specify which of the circumstances stated in subsection (b) of this section exist.

(3) (i) If the court has not specifically prohibited community detention, the Department of Juvenile Services may release the child from detention into community detention and place the child in:

1. Shelter care; or

2. The custody of the child's parent, guardian, custodian, or other person able to provide supervision and care for the child and to return the child to court when required.

(ii) If a child who has been released by the Department of Juvenile Services or the court into community detention violates the conditions of community detention, and it is necessary to protect the child or others, an intake officer may authorize the detention of the child.

(iii) The Department of Juvenile Services shall promptly notify the court of:

1. The release of a child from detention under subparagraph (i) of this paragraph; or

2. The return to detention of a child under subparagraph (ii) of this paragraph.

(iv) 1. If a child is returned to detention under subparagraph (ii) of this paragraph, the intake officer who authorized detention shall immediately file a petition to authorize continued detention.

2. A hearing on the petition to authorize continued detention shall be held no later than the next court day, unless extended for no more than 5 days by the court on good cause shown.

1 3. Reasonable notice, oral or written, stating the time, place,
2 and purpose of the hearing, shall be given to the child and, if they can be located, the child's
3 parents, guardian, or custodian.

4 ~~[(g)]~~ (F) (1) Shelter care may only be continued beyond emergency shelter
5 care if the court has found that:

6 (i) Continuation of the child in the child's home is contrary to the
7 welfare of the child; and

8 (ii) 1. Removal of the child from the child's home is necessary
9 due to an alleged emergency situation and in order to provide for the safety of the child; or

10 2. Reasonable but unsuccessful efforts were made to prevent
11 or eliminate the need for removal of the child from the home.

12 (2) (i) If the court continues shelter care on the basis of an alleged
13 emergency, the court shall assess whether the absence of efforts to prevent removal was
14 reasonable.

15 (ii) If the court finds that the absence of efforts to prevent removal
16 was not reasonable, the court shall make a written determination so stating.

17 (3) The court shall make a determination as to whether reasonable efforts
18 are being made to make it possible to return the child to the child's home or whether the
19 absence of such efforts is reasonable.

20 ~~[(h)]~~ (G) A child alleged to be delinquent may not be detained in a jail or other
21 facility for the detention of adults.

22 ~~[(i)]~~ (H) (1) A child alleged to be in need of supervision may not be placed in:

23 (i) Detention or community detention;

24 (ii) A State mental health facility; or

25 (iii) A shelter care facility that is not operating in compliance with
26 applicable State licensing laws.

27 (2) Subject to paragraph (1)(iii) of this subsection, a child alleged to be in
28 need of supervision may be placed in shelter care facilities maintained or approved by the
29 Social Services Administration or the Department of Juvenile Services or in a private home
30 or shelter care facility approved by the court.

31 (3) The Secretary of Human Services and the Secretary of Juvenile
32 Services together, when appropriate, with the Secretary of Health shall jointly adopt

regulations to ensure that any child placed in shelter care pursuant to a petition filed under subsection (d) of this section be provided appropriate services, including:

(i) Health care services;

(ii) Counseling services;

(iii) Education services;

(iv) Social work services; and

(v) Drug and alcohol abuse assessment or treatment services.

(4) In addition to any other provision, the regulations shall require:

(i) The Department of Juvenile Services to develop a plan within 45 days of placement of a child in a shelter care facility to assess the child's treatment needs; and

(ii) The plan to be submitted to all parties to the petition and their counsel.

~~[(j)]~~ **(I)** The intake officer or the official who authorized detention, community detention, or shelter care under this subtitle shall immediately give written notice of the authorization for detention, community detention, or shelter care to the child's parent, guardian, or custodian and to the court. The notice shall be accompanied by a statement of the reasons for taking the child into custody and placing him in detention, community detention, or shelter care. This notice may be combined with the notice required under subsection (d) of this section.

~~[(k)]~~ **(J)** (1) If a child is alleged to have committed a delinquent act, the court or a juvenile intake officer shall consider including, as a condition of releasing the child pending an adjudicatory or disposition hearing, reasonable protections for the safety of the alleged victim.

(2) If a victim has requested reasonable protections for safety, the court or juvenile intake officer shall consider including, as a condition of releasing the child pending an adjudicatory or disposition hearing, provisions regarding no contact with the alleged victim or the alleged victim's premises or place of employment.

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

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

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

~~(M)~~ **(L) WITHIN 10 DAYS AFTER A DECISION TO DETAIN A CHILD UNDER THIS 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~~ **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

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

4 **A. THE OFFENSE INVOLVES A FIREARM; AND**

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

7 **3. A TECHNICAL VIOLATION, AS DEFINED IN § 3–8A–19.7**
8 **OF THIS SUBTITLE.**

9 [(ii) A child whose most serious offense is an offense listed in
10 subparagraph (i) of this paragraph may be committed to the Department of Juvenile
11 Services for out-of-home placement if:

12 1. The child previously has been adjudicated delinquent for
13 three or more offenses arising from separate and independent circumstances;

14 2. The child waives the prohibition described in
15 subparagraph (i) of this paragraph and the court accepts the waiver as knowing, intelligent,
16 and voluntary; or

17 3. The court makes a written finding in accordance with
18 subparagraph (iii) of this paragraph.

19 (iii) A child whose most serious offense is an offense listed in
20 subparagraph (i) of this paragraph may be committed to the Department of Juvenile
21 Services for out-of-home placement if the court makes a written finding, including the
22 specific facts supporting the finding, that an out-of-home placement is necessary for the
23 welfare of the child or in the interest of public safety.]

24 [(iv)] (II) This paragraph may not be construed to prohibit the court
25 from committing the child to another appropriate agency.

26 **3–8A–19.6.**

27 **(A) THE COURT MAY NOT PLACE A CHILD ON PROBATION FOR A TERM**
28 **EXCEEDING THAT PROVIDED IN THIS SECTION.**

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

(2) 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:

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

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

(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.

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

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

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

2. EXTENDING THE PROBATION IS IN THE BEST INTEREST OF THE CHILD.

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

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

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

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

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

3-8A-19.7.

(A) IN THIS SECTION, "TECHNICAL VIOLATION" MEANS A VIOLATION OF PROBATION THAT DOES NOT INVOLVE:

(1) AN ARREST OR A SUMMONS ISSUED BY A COMMISSIONER ON A 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:

(I) BE COMPREHENSIVE; AND

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

1. INSTRUCTION BY HIGHLY QUALIFIED TEACHERS; AND

2. ON-THE-JOB TRAINING.

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

Article – Public Safety

3–523.

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

(1) LAW ENFORCEMENT AGENCIES IN THE STATE;

(2) THE ADMINISTRATIVE OFFICE OF THE COURTS;

(3) LOCAL CORRECTIONAL FACILITIES IN THE STATE; AND

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

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

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

(2) THE OUTCOMES OF CASES INVOLVING JUVENILES CHARGED AS ADULTS, INCLUDING WHETHER THE CASE RESULTED IN CONVICTION, DISMISSAL, OR TRANSFER TO THE JUVENILE COURT UNDER § 4-202, § 4-202.1, OR § 4-202.2 OF THE 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.

4-1010.

BEGINNING IN FISCAL YEAR 2023, THE GOVERNOR SHALL APPROPRIATE AT LEAST \$2,000,000 IN THE ANNUAL BUDGET BILL FOR A GRANT TO ROCA BALTIMORE, LLC.

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) TWO MEMBERS OF THE SENATE OF MARYLAND, APPOINTED BY
THE PRESIDENT OF THE SENATE;

(2) TWO MEMBERS OF THE HOUSE OF DELEGATES, APPOINTED BY
THE SPEAKER OF THE HOUSE;

~~(1)~~ (3) THE SECRETARY OF JUVENILE SERVICES;

~~(2)~~ (4) THE SECRETARY OF HUMAN SERVICES; AND

~~(3)~~ (5) 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.

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

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

(E) A MEMBER OF THE COMMISSION:

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

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

(F) THE COMMISSION SHALL:

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

(I) CHILD WELFARE;

(II) JUVENILE REHABILITATION;

(III) MENTAL HEALTH SERVICES FOR CHILDREN; AND

(IV) PREVENTION AND INTERVENTION SERVICES FOR JUVENILES;

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

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

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

(G) ON OR BEFORE DECEMBER 31, 2022, AND ON OR BEFORE DECEMBER 31 EACH YEAR THEREAFTER, THE COMMISSION SHALL REPORT ITS FINDINGS TO THE GOVERNOR AND, IN ACCORDANCE WITH § 2-1257 OF THIS ARTICLE, THE GENERAL ASSEMBLY.

Chapter 253 of the Acts of 2019

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

(c) (1) The Governor shall appoint the chair of the Council.

(2) THE CHAIR OF THE COUNCIL MAY NOT BE EMPLOYED BY OR UNDER CONTRACT WITH THE DEPARTMENT OF JUVENILE SERVICES.

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

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

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

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

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

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

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

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

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

(6) access to mental health services for all juveniles served by the 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

1 programming, structured weekend activities, and activities involving family members of
2 detained juveniles;

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

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

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

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

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

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

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

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

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

23 SECTION 3. AND BE IT FURTHER ENACTED, That, on or before December 31,
24 2022, the Governor's Office of Crime Prevention, Youth, and Victim Services shall:

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

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

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

31 (2) report its findings to the General Assembly, in accordance with §
32 2-1257 of the State Government Article.

1 SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect June
2 1, 2021.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.