

HOUSE BILL 314

E3

4lr1637

By: **Delegate Attar**

Introduced and read first time: January 15, 2024

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Juvenile Law – Probation – Technical Violations**

3 FOR the purpose of authorizing the juvenile court to take certain actions in response to a
4 technical violation of probation committed by a child; and generally relating to
5 juvenile probation.

6 BY repealing and reenacting, with amendments,
7 Article – Courts and Judicial Proceedings
8 Section 3–8A–19.6
9 Annotated Code of Maryland
10 (2020 Replacement Volume and 2023 Supplement)

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

13 **Article – Courts and Judicial Proceedings**

14 3–8A–19.6.

15 (a) In this section, “technical violation” means a violation of probation that does
16 not involve:

17 (1) An arrest or a summons issued by a commissioner on a statement of
18 charges filed by a law enforcement officer;

19 (2) A violation of a criminal prohibition, or an act that would be a violation
20 of a criminal prohibition if committed by an adult, other than a minor traffic offense;

21 (3) A violation of a no-contact or stay-away order; or

22 (4) Absconding.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



(b) This section does not apply to an offense committed by a child that, if committed by an adult, would be a felony and a crime of violence under § 14–101 of the Criminal Law Article.

(c) The court may not place a child on probation for a term exceeding that provided in this section.

(d) (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.

(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.

(e) (1) Except as provided in paragraph (2) of this subsection, 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.

1 (ii) If the probation is extended under this paragraph, the total
2 period of probation, including extensions under paragraph (2) of this subsection, may not
3 exceed 3 years.

4 (f) Notwithstanding any other provision of this section, if a child is found to have
5 committed a violation of probation, except for a technical violation, a court may, after a
6 hearing, place the child on a new term of probation for a period that is consistent with the
7 period of probation that may be imposed under this section for the delinquent act for which
8 the child was originally placed on probation.

9 **(G) (1) IF A CHILD IS FOUND TO HAVE COMMITTED A TECHNICAL**
10 **VIOLATION, THE COURT MAY:**

11 **(I) FOR A FIRST TECHNICAL VIOLATION, ORDER COMMUNITY**
12 **DETENTION; AND**

13 **(II) FOR A SECOND OR SUBSEQUENT TECHNICAL VIOLATION,**
14 **DETAIN OR COMMIT THE CHILD AS AUTHORIZED UNDER THIS SUBTITLE OR MAKE**
15 **ANY OTHER APPROPRIATE DISPOSITION AUTHORIZED UNDER THIS SUBTITLE.**

16 **(2) COMMUNITY DETENTION ORDERED UNDER PARAGRAPH (1)(I) OF**
17 **THIS SUBSECTION MAY BE EXTENDED BY THE COURT AS APPROPRIATE.**

18 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
19 October 1, 2024.