

HOUSE BILL 362

E3
HB 581/19 – JUD

(PRE-FILED)

11r0961
CF 11r2070

By: **Delegate Valentino-Smith**

Requested: October 13, 2020

Introduced and read first time: January 13, 2021

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Juvenile Law – Probation**

3 FOR the purpose of requiring the duration of a term of probation for a certain child to be
4 consistent with certain treatment and rehabilitation needs of the child; specifying
5 that the duration of a term of probation may not exceed a certain period of time,
6 except under certain circumstances; authorizing the juvenile court to require an
7 additional term of probation, not to exceed a certain period of time, under certain
8 circumstances; and generally relating to juvenile probation.

9 BY repealing and reenacting, with amendments,
10 Article – Courts and Judicial Proceedings
11 Section 3–8A–19(d)(1)
12 Annotated Code of Maryland
13 (2020 Replacement Volume)

14 BY adding to
15 Article – Courts and Judicial Proceedings
16 Section 3–8A–19(d)(7)
17 Annotated Code of Maryland
18 (2020 Replacement Volume)

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

21 **Article – Courts and Judicial Proceedings**

22 3–8A–19.

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



(i) [Place] **SUBJECT TO THE PROVISIONS OF PARAGRAPH (7) OF THIS SUBSECTION, 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;

(ii) Subject to the provisions of paragraphs (2) and (3) of this subsection, commit the child to the custody or under the guardianship of the Department of Juvenile Services, the Maryland Department of Health, or a public or licensed private agency on terms that the court considers appropriate to meet the priorities set forth in § 3–8A–02 of this subtitle, including designation of the type of facility where the child is to be accommodated, until custody or guardianship is terminated with approval of the court or as required under § 3–8A–24 of this subtitle; or

(iii) Order the child, parents, guardian, or custodian of the child to participate in rehabilitative services that are in the best interest of the child and the family.

(7) (I) THE DURATION OF A TERM OF PROBATION:

1. SHALL BE CONSISTENT WITH ANY TREATMENT AND REHABILITATION NEEDS IDENTIFIED FOR THE CHILD; AND

2. EXCEPT AS OTHERWISE PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH, MAY NOT EXCEED:

A. 1 YEAR, IF THE MOST SERIOUS OFFENSE FOR WHICH THE CHILD HAS BEEN ADJUDICATED DELINQUENT WOULD BE A MISDEMEANOR IF COMMITTED BY AN ADULT; OR

B. 2 YEARS, IF THE MOST SERIOUS OFFENSE FOR WHICH THE CHILD HAS BEEN ADJUDICATED DELINQUENT WOULD BE A FELONY IF COMMITTED BY AN ADULT.

(II) AT THE END OF A TERM OF PROBATION UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH, THE COURT MAY REQUIRE AN ADDITIONAL TERM OF PROBATION, NOT TO EXCEED 1 YEAR, IF THE COURT DETERMINES AFTER A HEARING THAT AN ADDITIONAL TERM OF PROBATION IS REQUIRED TO MEET THE CHILD’S TREATMENT AND REHABILITATION NEEDS.

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