

HOUSE BILL 823

E3

2lr2359
CF 2lr2356

By: **Delegate Clippinger (By Request – Maryland Judicial Conference)**

Introduced and read first time: February 3, 2022

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Juveniles – Truancy Reduction Pilot Program – Expansion**

3 FOR the purpose of expanding, renaming, and altering certain provisions relating to a
4 certain truancy reduction program in certain juvenile courts; authorizing a county
5 or circuit administrative judge to establish a certain Truancy Reduction and School
6 Engagement Program in certain juvenile courts in accordance with rules adopted by
7 the Court of Appeals; and generally relating to truancy reduction programs in the
8 juvenile courts.

9 BY repealing and reenacting, with amendments,
10 Article – Courts and Judicial Proceedings
11 Section 3–8C–01, 3–8C–02, 3–8C–06, 3–8C–07, 3–8C–10, and 3–8C–12
12 Annotated Code of Maryland
13 (2020 Replacement Volume and 2021 Supplement)

14 BY repealing and reenacting, without amendments,
15 Article – Courts and Judicial Proceedings
16 Section 3–8C–03, 3–8C–04, 3–8C–05, 3–8C–08, 3–8C–09, and 3–8C–11
17 Annotated Code of Maryland
18 (2020 Replacement Volume and 2021 Supplement)

19 BY repealing and reenacting, without amendments,
20 Article – Education
21 Section 7–301(a–1)(1), (c), and (e)(1) and (2)
22 Annotated Code of Maryland
23 (2018 Replacement Volume and 2021 Supplement)

24 BY repealing and reenacting, with amendments,
25 Article – Education
26 Section 7–301(e–1)
27 Annotated Code of Maryland

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



(2018 Replacement Volume and 2021 Supplement)

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

Article – Courts and Judicial Proceedings

3–8C–01.

**(A) (1) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
INDICATED.**

**(2) “COURT” MEANS THE CIRCUIT COURT FOR A COUNTY SITTING AS
THE JUVENILE COURT.**

**(3) “PROGRAM” MEANS A TRUANCY REDUCTION AND SCHOOL
REENGAGEMENT PROGRAM ESTABLISHED UNDER THIS SUBTITLE.**

(B) This subtitle applies only:

(1) In a county in which the circuit **OR COUNTY** administrative judge has
established a [Truancy Reduction Pilot Program] **PROGRAM** under § 3–8C–02 of this
subtitle; and

(2) To the extent that funds are provided in an annual State budget for a
[Truancy Reduction Pilot Program] **PROGRAM**.

3–8C–02.

(a) [(1) The Circuit Administrative Judge of the First Circuit may establish a
Truancy Reduction Pilot Program in one or more of the juvenile courts in Dorchester
County, Somerset County, Wicomico County, and Worcester County.

(2) The Circuit Administrative Judge of the Second Circuit may establish
a Truancy Reduction Pilot Program in the juvenile courts in Kent County and Talbot
County.

(3) The Circuit Administrative Judge of the Third Circuit may establish a
Truancy Reduction Pilot Program in the juvenile court in Harford County.

(4) The Circuit Administrative Judge of the Seventh Circuit may establish
a Truancy Reduction Pilot Program in the juvenile court in Prince George’s County.]

(1) A COUNTY ADMINISTRATIVE JUDGE MAY ESTABLISH A TRUANCY REDUCTION AND SCHOOL REENGAGEMENT PROGRAM IN THE JUVENILE COURT IN THE COUNTY IN ACCORDANCE WITH RULES ADOPTED BY THE COURT OF APPEALS.

(2) A CIRCUIT ADMINISTRATIVE JUDGE MAY ESTABLISH A TRUANCY REDUCTION AND SCHOOL REENGAGEMENT PROGRAM IN ONE OR MORE OF THE JUVENILE COURTS IN THE CIRCUIT IN ACCORDANCE WITH RULES ADOPTED BY THE COURT OF APPEALS.

(B) THE PURPOSE OF A PROGRAM ESTABLISHED UNDER THIS SUBTITLE IS TO:

(1) ADJUDICATE CASES FILED WITH THE COURT UNDER § 7-301 OF THE EDUCATION ARTICLE;

(2) IDENTIFY THE CAUSES OF TRUANCY AND SCHOOL DISENGAGEMENT FOR A CHILD PARTICIPATING IN THE PROGRAM;

(3) ASSIST THE CHILD, THE CHILD'S PARENTS OR GUARDIANS, AND THE SCHOOLS IN AMELIORATING THE CAUSES; AND

(4) REENGAGE THE CHILD IN FURTHERING THE CHILD'S EDUCATION.

~~[(b)]~~ (C) After consultation with ~~[the]~~ A CIRCUIT administrative ~~[judges of the first, second, third, and seventh circuits]~~ JUDGE, the Chief Judge of the Court of Appeals may accept a gift or grant ~~[to implement the pilot programs]~~ FOR THE PROGRAM in ~~[each respective]~~ THE circuit.

3-8C-03.

(a) A child who is required under § 7-301 of the Education Article to attend school may not fail to do so without lawful excuse.

(b) A violation of this section is a Code violation and is a civil offense.

(c) Adjudication of a Code violation under this section is not a criminal conviction for any purpose and does not impose any of the civil disabilities ordinarily imposed by a criminal conviction.

3-8C-04.

An authorized school official may file with the juvenile court a petition alleging a violation of this subtitle.

3-8C-05.

(a) A petition under this subtitle shall allege that a child who is required to attend school failed to attend school without lawful excuse and shall set forth in clear and simple language the facts supporting the allegation.

(b) (1) Whenever a petition is filed under this subtitle the court shall hold an adjudicatory hearing.

(2) The rules of evidence under Title 5 of the Maryland Rules shall apply at an adjudicatory hearing under this section.

(3) The allegations in a petition under this subtitle shall be proved by a preponderance of the evidence.

3–8C–06.

(a) Unless a petition filed under this subtitle is dismissed, the court shall hold a separate disposition hearing after the adjudicatory hearing.

(b) The court shall hold a disposition hearing on the same day as the adjudicatory hearing unless, on its own motion or motion of a party, the court finds good cause to delay the disposition hearing to a later day.

(c) If the court delays a disposition hearing, it shall be held no later than 15 days after the conclusion of the adjudicatory hearing unless good cause is shown.

(d) In making a disposition on a petition filed under this subtitle, the court may [order the child to]:

(1) ORDER THE CHILD TO:

[(1)] (I) Attend school, INCLUDING SUMMER SCHOOL, A CREDIT RECOVERY PROGRAM, OR A VIRTUAL LEARNING PLATFORM;

[(2)] (II) [Perform community service] WITH THE CONSENT OF THE COUNTY BOARD OF EDUCATION, ATTEND A GED PROGRAM;

[(3)] (III) Attend counseling, including family counseling;

[(4)] (IV) Attend substance abuse evaluation and treatment;

[(5)] (V) Attend mental health evaluation and treatment SERVICES; [or]

(VI) PERFORM COMMUNITY SERVICE; OR

[(6)] (VII) Keep a curfew with the hours set by the court;

(2) REFER THE CHILD OR THE CHILD'S PARENT OR GUARDIAN TO ANY APPROPRIATE AGENCY TO ADDRESS BEHAVIORS OR ISSUES THAT IMPACT THE CHILD'S ENGAGEMENT WITH SCHOOL OR OTHER ISSUES RELEVANT TO SCHOOL ATTENDANCE;

(3) REQUEST THAT THE COUNTY BOARD OF EDUCATION MAKE A CHILD IN NEED OF SUPERVISION REFERRAL TO THE DEPARTMENT OF JUVENILE SERVICES; OR

(4) ISSUE ANY OTHER ORDER THAT THE COURT DETERMINES IS APPROPRIATE TO ACHIEVE THE PURPOSES SPECIFIED IN § 3-8C-02(B) OF THIS SUBTITLE.

(e) Cases under this subtitle are eligible for family support services as provided in the Maryland Rules.

3-8C-07.

A criminal defendant under this subtitle **CHARGED WITH A VIOLATION OF § 7-301 OF THE EDUCATION ARTICLE** is subject to:

(1) Any conditions of probation authorized under § 6-220 of the Criminal Procedure Article; and

(2) Any additional condition of probation that would promote the child's attendance in school.

3-8C-08.

(a) (1) If a petition is filed under this subtitle in a county other than the county where the child is living or domiciled, the court on its own motion, or on motion of a party, may transfer the proceedings to the county of residence or domicile at any time prior to final termination of jurisdiction.

(2) In its discretion, the court to which the case is transferred may take further action.

(b) Every document, social history, and record on file with the clerk of the court pertaining to the case shall accompany the transfer.

3-8C-09.

Except as otherwise provided in this subtitle, the Maryland Rules govern the format of the petition and the procedures to be followed by the court and the parties under this subtitle.

1 3-8C-10.

2 The court [shall] **MAY** retain jurisdiction under this subtitle until every condition of
3 the court's order is satisfied.

4 3-8C-11.

5 A party may appeal a final judgment entered under this subtitle as provided in Title
6 12 of this article and in the Maryland Rules.

7 3-8C-12.

8 On or before November 1 of each year, the Chief Judge of the Court of Appeals shall
9 report to the General Assembly, in accordance with § 2-1257 of the State Government
10 Article, on each [Truancy Reduction Pilot Program] **PROGRAM** established under this
11 subtitle.

12 **Article – Education**

13 7-301.

14 (a-1) (1) Except as otherwise provided in this section, each child who resides in
15 this State and is 5 years old or older and under 18 shall attend a public school regularly
16 during the entire school year.

17 (c) Each person who has legal custody or care and control of a child who is 5 years
18 old or older and under 16 shall see that the child attends school or receives instruction as
19 required by this section.

20 (e) (1) Any person who induces or attempts to induce a child to be absent
21 unlawfully from school or employs or harbors any child who is absent unlawfully from
22 school while school is in session is guilty of a misdemeanor and on conviction is subject to
23 a fine not to exceed \$500 or imprisonment not to exceed 30 days, or both.

24 (2) Any person who has legal custody or care and control of a child who is
25 5 years old or older and under 16 who fails to see that the child attends school or receives
26 instruction under this section is guilty of a misdemeanor and:

27 (i) For a first conviction is subject to a fine not to exceed \$50 per day
28 of unlawful absence or imprisonment not to exceed 3 days, or both; and

29 (ii) For a second or subsequent conviction is subject to a fine not to
30 exceed \$100 per day of unlawful absence or imprisonment not to exceed 5 days, or both.

(e-1) (1) IN THIS SUBSECTION, “PROGRAM” MEANS A TRUANCY
REDUCTION AND SCHOOL REENGAGEMENT PROGRAM ESTABLISHED UNDER §
3-8C-02 OF THE COURTS ARTICLE.

(2) This subsection applies only:

(i) In a county in which the circuit OR COUNTY administrative
judge has established a [Truancy Reduction Pilot Program under § 3-8C-02 of the Courts
Article] PROGRAM; and

(ii) To the extent that funds are provided in an annual State budget
for a [Truancy Reduction Pilot Program] PROGRAM.

[(2)] (3) A charge under this section may be filed in the juvenile court and
assigned to a truancy docket for disposition under Title 3, Subtitle 8C of the Courts Article.

[(3)] (4) The court may condition marking a charge under this section set
on participation of the defendant in the appropriate [Truancy Reduction Pilot Program
under Title 3, Subtitle 8C of the Courts Article] PROGRAM.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
October 1, 2022.