

SENATE BILL 400

01, 04

(5lr2084)

ENROLLED BILL — Finance/Judiciary —

Introduced by **Senator Gile**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this

_____ day of _____ at _____ o'clock, _____ M.

President.

CHAPTER _____

1 AN ACT concerning

2 **Residential Child Care Programs – Transportation Companies – Regulation**
3 **(Preventing Abduction in Youth Transport Act of 2025)**

4 FOR the purpose of prohibiting certain transportation companies that transport children
5 to residential child care programs from using certain restraints except under certain
6 circumstances; prohibiting certain transportation companies that transport children
7 to residential child care programs from picking up children between certain hours;
8 authorizing an individual and the Attorney General to bring a civil action against
9 certain transportation companies that transport children to residential child care
10 programs under certain circumstances; and generally relating to transportation
11 companies that transport children to residential child care programs.

12 BY repealing and reenacting, without amendments,
13 Article – Human Services
14 Section 8–101(a) and (p)

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.

Italics indicate opposite chamber/conference committee amendments.



Annotated Code of Maryland
(2019 Replacement Volume and 2024 Supplement)

BY adding to

Article – Human Services

Section 8–715 through 8–717 to be under the new part “Part III. Transportation
Companies”

Annotated Code of Maryland
(2019 Replacement Volume and 2024 Supplement)

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

Article – Human Services

8–101.

(a) In this title the following words have the meanings indicated.

(p) (1) “Residential child care program” means an entity that provides 24–hour
per day care for children within a structured set of services and activities that are designed
to achieve specific objectives relative to the needs of the children served and that include
the provision of food, clothing, shelter, education, social services, health, mental health,
recreation, or any combination of these services and activities.

(2) “Residential child care program” includes a program:

(i) licensed by:

1. the Maryland Department of Health;
2. the Department of Human Services; or
3. the Department of Juvenile Services; and

(ii) that is subject to the licensing regulations of the members of the
Children’s Cabinet governing the operations of residential child care programs.

Subtitle 7. Residential Child Care Programs – General Provisions.

8–713. RESERVED.

8–714. RESERVED.

PART III. TRANSPORTATION COMPANIES.

8-715.

(A) IN THIS PART THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

~~(B) "CHILD" DOES NOT INCLUDE AN INDIVIDUAL IN THE CARE, CUSTODY, OR GUARDIANSHIP OF A LOCAL DEPARTMENT OF SOCIAL SERVICES.~~

~~(B)~~ ~~(C)~~ (B) (1) "RESIDENTIAL CHILD CARE PROGRAM" INCLUDES A FACILITY OR PROGRAM THAT:

(I) PROVIDES A RESIDENTIAL ENVIRONMENT SUCH AS:

1. A PROGRAM WITH A WILDERNESS OR OUTDOOR EXPERIENCE, EXPEDITION, OR INTERVENTION;

2. A BOOT CAMP EXPERIENCE OR OTHER EXPERIENCE DESIGNED TO SIMULATE CHARACTERISTICS OF BASIC MILITARY TRAINING FOR CORRECTIONAL REGIMES;

3. AN EDUCATIONAL OR THERAPEUTIC BOARDING SCHOOL; OR

4. A BEHAVIORAL MODIFICATION PROGRAM; AND

(II) SERVES ~~YOUTH~~ CHILDREN WHO HAVE A HISTORY OF DIAGNOSIS OF:

1. AN EMOTIONAL, BEHAVIORAL, OR MENTAL HEALTH DISORDER;

2. A SUBSTANCE MISUSE OR USE DISORDER, INCLUDING ALCOHOL MISUSE OR USE DISORDER; OR

3. AN INTELLECTUAL, DEVELOPMENTAL, PHYSICAL, OR SENSORY DISABILITY.

(2) "RESIDENTIAL CHILD CARE PROGRAM" DOES NOT INCLUDE:

(I) A HOSPITAL LICENSED BY THE STATE;

(II) A DETENTION FACILITY LICENSED BY THE STATE;

(III) A YOUTH CORRECTIONAL FACILITY;

(IV) A SUBSTANCE ABUSE TREATMENT FACILITY;

(V) A FOSTER FAMILY HOME:

1. THAT PROVIDES 24-HOUR SUBSTITUTE CARE FOR CHILDREN PLACED AWAY FROM THEIR PARENTS OR GUARDIANS;

2. FOR WHICH THE STATE CHILD WELFARE SERVICES AGENCY HAS PLACEMENT AND CARE RESPONSIBILITY; AND

3. THAT IS LICENSED AND REGULATED BY THE STATE AS A FOSTER FAMILY HOME; OR

(VI) ANY OTHER SECURE FACILITY.

~~(C) (D) (C)~~ "YOUTH TRANSPORTATION COMPANY" MEANS A BUSINESS THAT SPECIALIZES IN TRANSPORTING A ~~PERSON~~ CHILD TO A RESIDENTIAL CHILD CARE PROGRAM.

8-716.

(A) ~~SUBJECT TO SUBSECTION (B) OF THIS SECTION, WHILE TRANSPORTING CHILDREN TO A RESIDENTIAL CHILD CARE PROGRAM, WHEN THE FINAL INTENDED DESTINATION IS A RESIDENTIAL CHILD CARE PROGRAM AND SUBJECT TO SUBSECTION (B) OF THIS SECTION,~~ A YOUTH TRANSPORTATION COMPANY MAY NOT USE:

(1) VISUAL IMPAIRMENT, SUCH AS BLINDFOLDS AND HOODS; ~~OR~~

(2) ~~PHYSICAL OR MECHANICAL~~ RESTRAINTS, SUCH AS HANDCUFFS, CHAINS, IRONS, STRAITJACKETS, CLOTH RESTRAINTS, LEATHER RESTRAINTS, PLASTIC RESTRAINTS, OR OTHER SIMILAR ITEMS; OR

(3) PHYSICAL RESTRAINTS, INCLUDING HOLDS, OR OTHER USE OF PHYSICAL FORCE TO RESTRICT FREE MOVEMENT, UNLESS:

(I) THE RESTRAINTS ARE NECESSARY DUE TO ~~AN IMMEDIATE AND SERIOUS RISK OF DANGEROUS OR DISRUPTIVE BEHAVIOR~~ A SUBSTANTIAL LIKELIHOOD OF IMMINENT SERIOUS PHYSICAL HARM TO A CHILD OR OTHERS; AND

(II) THERE ARE NO LESS RESTRICTIVE ALTERNATIVES THAT WILL ALLEVIATE THE ~~IMMEDIATE AND SERIOUS RISK OF DANGEROUS OR~~

~~DISRUPTIVE BEHAVIOR~~ SUBSTANTIAL LIKELIHOOD OF IMMINENT SERIOUS
PHYSICAL HARM TO THE CHILD OR OTHERS.

(B) (1) PHYSICAL RESTRAINTS MAY NOT BE USED:

(I) AS PUNISHMENT;

(II) FOR CONVENIENCE; OR

(III) AS A SUBSTITUTE FOR STAFF SUPERVISION.

(2) ONLY YOUTH TRANSPORTATION COMPANY STAFF WHO HAVE BEEN ADEQUATELY TRAINED IN RESTRAINT DEVICE USAGE MAY USE AND APPLY RESTRAINTS DURING TRANSPORTATION.

(3) IF RESTRAINTS ARE NECESSARY DUE TO A SUBSTANTIAL LIKELIHOOD OF IMMINENT SERIOUS PHYSICAL HARM TO A CHILD OR OTHERS, THE RESTRAINTS MAY BE USED ONLY AS LONG AS THE IMMINENT RISK PERSISTS.

(C) (1) ~~A~~ EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, WHEN THE FINAL INTENDED DESTINATION IS A RESIDENTIAL CHILD CARE PROGRAM, A YOUTH TRANSPORTATION COMPANY MAY NOT PICK UP A CHILD FOR TRANSPORT TO A RESIDENTIAL CHILD CARE PROGRAM BETWEEN THE HOURS OF 9 P.M. AND 6 A.M.

(2) PARAGRAPH (1) OF THIS SUBSECTION DOES NOT APPLY TO A YOUTH TRANSPORTATION COMPANY UNDER CONTRACT WITH THE DEPARTMENT OF HUMAN SERVICES.

8-717.

(A) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE ATTORNEY GENERAL MAY BRING AN ACTION AGAINST A YOUTH TRANSPORTATION COMPANY FOR A VIOLATION OF § 8-716 OF THIS PART.

(2) IN AN ACTION BROUGHT UNDER THIS SUBSECTION, THE ATTORNEY GENERAL MAY SEEK:

(I) INJUNCTIVE RELIEF; AND

(II) STATUTORY DAMAGES UP TO:

1. \$1,000 FOR A FIRST OFFENSE; AND

2. \$3,000 FOR A SUBSEQUENT OFFENSE.

(B) (1) SUBJECT TO PARAGRAPHS (2) AND (3) OF THIS SUBSECTION, AN INDIVIDUAL MAY BRING AN ACTION AGAINST A YOUTH TRANSPORTATION COMPANY FOR A VIOLATION OF § 8-716 OF THIS PART.

(2) IN AN ACTION BROUGHT UNDER THIS SUBSECTION, THE INDIVIDUAL MAY SEEK:

(I) RESTITUTION; ~~AND~~

(II) COMPENSATORY DAMAGES;

(III) STATUTORY DAMAGES UP TO \$500 PER VIOLATION; AND

~~(H) (IV)~~ IF AWARDED RESTITUTION OR DAMAGES, REASONABLE ATTORNEY'S FEES.

~~(3) IF THE COURT DETERMINES THAT AN ACTION IS FRIVOLOUS OR BROUGHT IN BAD FAITH UNDER THIS SUBSECTION, THE COURT MAY ORDER THE OFFENDING PARTY TO PAY THE REASONABLE ATTORNEY'S FEES OF THE OTHER PARTY. AN ACTION BROUGHT UNDER THIS SECTION SHALL BE FILED WITHIN 10 YEARS AFTER THE DATE THAT THE VICTIM REACHES THE AGE OF MAJORITY.~~

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed to apply only prospectively and may not be applied or interpreted to have any effect on or application to any cause of action arising before the effective date of this Act.

SECTION ~~2.~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2025.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.