

SENATE BILL 400

01, 04

5lr2084
CF HB 497

By: **Senator Gile**

Introduced and read first time: January 20, 2025

Assigned to: Finance

A BILL ENTITLED

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)
15 Annotated Code of Maryland
16 (2019 Replacement Volume and 2024 Supplement)

17 BY adding to
18 Article – Human Services
19 Section 8–715 through 8–717 to be under the new part “Part III. Transportation
20 Companies”
21 Annotated Code of Maryland
22 (2019 Replacement Volume and 2024 Supplement)

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

25 **Article – Human Services**

26 8–101.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



(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) (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;

(VI) ANY OTHER SECURE FACILITY.

(C) "YOUTH TRANSPORTATION COMPANY" MEANS A BUSINESS THAT SPECIALIZES IN TRANSPORTING A PERSON 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, A YOUTH TRANSPORTATION COMPANY MAY NOT USE:

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

(2) PHYSICAL RESTRAINTS, SUCH AS HANDCUFFS, CHAINS, IRONS, STRAITJACKETS, CLOTH RESTRAINTS, LEATHER RESTRAINTS, PLASTIC RESTRAINTS, OR OTHER SIMILAR ITEMS, UNLESS:

(I) THE RESTRAINTS ARE NECESSARY DUE TO AN IMMEDIATE AND SERIOUS RISK OF DANGEROUS OR DISRUPTIVE BEHAVIOR; AND

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

(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.

(C) 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.

8-717.

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

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

6 (I) INJUNCTIVE RELIEF; AND

7 (II) STATUTORY DAMAGES UP TO:

8 1. \$1,000 FOR A FIRST OFFENSE; AND

9 2. \$3,000 FOR A SUBSEQUENT OFFENSE.

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

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

15 (I) RESTITUTION; AND

16 (II) IF AWARDED RESTITUTION, REASONABLE ATTORNEY'S
17 FEES.

18 (3) IF THE COURT DETERMINES THAT AN ACTION IS FRIVOLOUS OR
19 BROUGHT IN BAD FAITH UNDER THIS SUBSECTION, THE COURT MAY ORDER THE
20 OFFENDING PARTY TO PAY THE REASONABLE ATTORNEY'S FEES OF THE OTHER
21 PARTY.

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