

---

By: **Chairman, Judiciary Committee (Departmental - Juvenile Justice)**

Introduced and read first time: February 8, 2002

Assigned to: Judiciary

---

Committee Report: Favorable

House action: Adopted

Read second time: March 12, 2002

---

CHAPTER 406

1 AN ACT concerning

2 **Juvenile Justice - Community Detention**

3 FOR the purpose of requiring the Department of Juvenile Justice to establish a  
4 community detention program for juveniles under certain conditions; requiring  
5 the Department of Juvenile Justice to adopt regulations to implement the  
6 program; specifying that electronic monitoring is a form of community  
7 detention; altering the conditions under which a child may be detained or placed  
8 in emergency shelter care; specifying conditions under which a child may be  
9 placed in community detention; requiring a certain court order to contain  
10 certain information; authorizing the Department to release a child from  
11 detention into community detention under certain circumstances; making it a  
12 misdemeanor to escape from a certain place of confinement; defining certain  
13 terms; and generally relating to the disposition of a child in the juvenile justice  
14 system.

15 BY repealing and reenacting, with amendments,  
16 Article 83C - Juvenile Justice  
17 Section 2-111, 2-118, and 2-127  
18 Annotated Code of Maryland  
19 (1998 Replacement Volume and 2001 Supplement)

20 BY repealing and reenacting, with amendments,  
21 Article - Courts and Judicial Proceedings  
22 Section 3-807(d), 3-8A-08(d), 3-8A-09(a), 3-8A-15, and 3-8A-19(a) through  
23 (g)  
24 Annotated Code of Maryland  
25 (1998 Replacement Volume and 2001 Supplement)

1 BY repealing and reenacting, with amendments,  
2 Article - Courts and Judicial Proceedings  
3 Section 3-8A-01  
4 Annotated Code of Maryland  
5 (1998 Replacement Volume and 2001 Supplement)  
6 (As enacted by Chapter 414 of the Acts of the General Assembly of 2001)

7 BY repealing and reenacting, with amendments,  
8 Article - Criminal Law  
9 Section 9-401 and 9-405  
10 Annotated Code of Maryland  
11 (As enacted by Chapter \_\_\_\_\_ (H.B. 11) of the Acts of the General Assembly of  
12 2002)

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

15 **Article 83C - Juvenile Justice**

16 2-111.

17 (a) The Department is the central administrative Department for:

18 (1) Juvenile intake, detention authorization, COMMUNITY DETENTION,  
19 investigation, probation, protective supervision, and aftercare services; and

20 (2) The State juvenile, diagnostic, training, detention, and rehabilitation  
21 institutions.

22 (b) The Department shall:

23 (1) Develop programs for the predelinquent child whose behavior tends  
24 to lead to contact with law enforcement agencies; and

25 (2) Administer the Summer Opportunity Pilot Program under § 2-134 of  
26 this title.

27 (c) The Department may not administer any child welfare program of the  
28 State Social Services Administration, including the Aid to Families with Dependent  
29 Children Program and the Foster Care Program.

30 2-118.

31 (a) Each facility provided for in § 2-117 of this article shall operate under the  
32 control and general management of the Department.

33 (b) Subject to the provisions of Title 3, Subtitles 8 and 8A of the Courts Article,  
34 the Department shall:

- 1           (1)     Adopt regulations that set:
- 2                   (i)     Policies for DETENTION AUTHORIZATION, COMMUNITY  
3 DETENTION, admission, transfer, discharge, and aftercare supervision; and
- 4                   (ii)    Standards of care, including provisions to administer any early,  
5 periodic screening diagnosis and treatment program that the Department approves  
6 for establishment under Title 42, § 1396d(a)(4)(B) of the United States Code and to  
7 treat appropriately any condition that the screening reveals; and
- 8           (2)     Order any needed changes in the policy, conduct, or management of a  
9 facility to provide adequate care for the children and adequate services to the courts.
- 10       (c)     The Department shall adopt regulations applicable to residential facilities  
11 it operates that:
- 12           (1)     Prohibit the use of locked door seclusion and restraints as  
13 punishment, and describe the circumstances under which locked door seclusion and  
14 restraints may be used; and
- 15           (2)     Prohibit abuse of a child.
- 16       (d)     The Department shall develop within each facility special programs that  
17 are designed to meet the particular needs of its population.
- 18       (e)     The Department shall develop and provide within each facility:
- 19           (1)     Educational programs that are designed to meet the particular needs  
20 of its population;
- 21           (2)     Alcohol abuse and drug abuse assessment services; and
- 22           (3)     Either alcohol abuse and drug abuse referral services or an alcohol  
23 abuse and drug abuse treatment program that has been certified in accordance with  
24 the requirements of Title 8 of the Health - General Article.
- 25 2-127.
- 26       (a)     The Secretary shall establish programs for juvenile intake, COMMUNITY  
27 DETENTION, investigation, probation, and aftercare services.
- 28       (b)     (1)     The Secretary shall provide sufficient staff to operate the programs  
29 under subsection (a) of this section.
- 30           (2)     The staff of the Department are under the immediate direction and  
31 control of the Secretary.

1 **Article - Courts and Judicial Proceedings**

2 3-807.

3 (d) (1) The proposals and recommendations of a master for juvenile causes  
4 do not constitute orders or final action of the court.

5 (2) The proposals and recommendations shall be promptly reviewed by  
6 the court, and, in the absence of timely and proper exceptions, they may be adopted by  
7 the court and appropriate orders entered based on them.

8 (3) Detention, COMMUNITY DETENTION, or shelter care may be ordered  
9 by a master pending court review of the master's findings, conclusions, and  
10 recommendations.

11 3-8A-01.

12 (a) In this subtitle the following words have the meanings indicated, unless  
13 the context of their use indicates otherwise.

14 (b) "Adjudicatory hearing" means a hearing under this subtitle to determine  
15 whether the allegations in the petition, other than allegations that the child requires  
16 treatment, guidance or rehabilitation, are true.

17 (c) "Adult" means an individual who is at least 18 years old.

18 (d) "Child" means an individual under the age of 18 years.

19 (e) "Child in need of supervision" is a child who requires guidance, treatment,  
20 or rehabilitation and:

21 (1) Is required by law to attend school and is habitually truant;

22 (2) Is habitually disobedient, ungovernable, and beyond the control of  
23 the person having custody of him;

24 (3) Deports himself so as to injure or endanger himself or others; or

25 (4) Has committed an offense applicable only to children.

26 (f) "Citation" means the written form issued by a police officer which serves  
27 as the initial pleading against a child for a violation and which is adequate process to  
28 give the court jurisdiction over the person cited.

29 (g) "Commit" means to transfer legal custody.

30 (h) (1) "COMMUNITY DETENTION" MEANS A PROGRAM MONITORED BY THE  
31 DEPARTMENT OF JUVENILE JUSTICE IN WHICH A DELINQUENT CHILD OR A CHILD  
32 ALLEGED TO BE DELINQUENT IS PLACED IN THE HOME OF A PARENT, GUARDIAN,  
33 CUSTODIAN, OR OTHER FIT PERSON, OR IN SHELTER CARE, AS A CONDITION OF  
34 PROBATION OR AS AN ALTERNATIVE TO DETENTION.

1 (2) "COMMUNITY DETENTION" INCLUDES ELECTRONIC MONITORING.

2 (I) "Court" means the circuit court for a county sitting as the juvenile court.

3 [(i)] (J) "Custodian" means a person or agency to whom legal custody of a  
4 child has been given by order of the court, other than the child's parent or legal  
5 guardian.

6 [(j)] (K) "Delinquent act" means an act which would be a crime if committed  
7 by an adult.

8 [(k)] (L) "Delinquent child" is a child who has committed a delinquent act and  
9 requires guidance, treatment, or rehabilitation.

10 [(l)] (M) "Detention" means the temporary care of children who, pending court  
11 disposition, require secure custody for the protection of themselves or the community,  
12 in physically restricting facilities.

13 [(m)] (N) "Disposition hearing" means a hearing under this subtitle to  
14 determine:

15 (1) Whether a child needs or requires guidance, treatment, or  
16 rehabilitation; and if so

17 (2) The nature of the guidance, treatment, or rehabilitation.

18 [(n)] (O) "Intake officer" means the person assigned to the court by the  
19 Department of Juvenile Justice to provide the intake services set forth in this  
20 subtitle.

21 [(o)] (P) "Mentally handicapped child" means a child who is or may be  
22 mentally retarded or mentally ill.

23 [(p)] (Q) "Party" includes a child who is the subject of a petition or a peace  
24 order request, the child's parent, guardian, or custodian, the petitioner and an adult  
25 who is charged under § 3-8A-30 of this subtitle.

26 [(q)] (R) "Peace order proceeding" means a proceeding under § 3-8A-19.2 or  
27 § 3-8A-19.4 of this subtitle.

28 [(r)] (S) "Peace order request" means the initial pleading filed with the court  
29 under § 3-8A-19.1 of this subtitle.

30 [(s)] (T) "Petition" means the pleading filed with the court under § 3-8A-13  
31 of this subtitle alleging that a child is a delinquent child or a child in need of  
32 supervision or that an adult violated § 3-8A-30 of this subtitle.

33 [(t)] (U) "Respondent" means the individual against whom a petition or a  
34 peace order request is filed.

1 [(u)] (V) (1) "Shelter care" means the temporary care of children in  
2 physically unrestricting facilities.

3 (2) "Shelter care" does not mean care in a State mental health facility.

4 [(v)] (W) (1) "Victim" means:

5 (i) A person who suffers direct or threatened physical, emotional,  
6 or financial harm as a result of a delinquent act; or

7 (ii) An individual against whom an act specified in § 3-8A-19.1(b)  
8 of this subtitle is committed or alleged to have been committed.

9 (2) "Victim" includes a family member of a minor, disabled, or a deceased  
10 victim.

11 (3) "Victim" includes, if the victim is not an individual, the victim's agent  
12 or designee.

13 [(w)] (X) "Violation" means a violation of Article 27, § 400, § 400A, § 400B, §  
14 401, or § 406 of the Code or § 26-103 of the Education Article for which a citation is  
15 issued.

16 [(x)] (Y) "Witness" means any person who is or expects to be a State's  
17 witness.

18 3-8A-08.

19 (d) If the alleged delinquent act is escape or attempted escape [from a  
20 training school or similar facility operated by the Department of Juvenile Justice]  
21 UNDER § 9-404 OF THE CRIMINAL LAW ARTICLE, the petition, if any, shall be filed and  
22 the adjudicatory hearing held in the county where the alleged escape or attempted  
23 escape occurred unless the court in the county of the child's domicile requests a  
24 transfer. For purposes of the disposition hearing, proceedings may be transferred as  
25 provided in § 3-8A-09 of this subtitle to the court exercising jurisdiction over the  
26 child at the time of the alleged act.

27 3-8A-09.

28 (a) (1) If a petition, peace order request, or citation is filed under this  
29 subtitle in a county other than the county where the child is living or domiciled, the  
30 court on its own motion or on motion of a party, may transfer the proceedings to the  
31 county of residence or domicile at any time prior to final termination of jurisdiction,  
32 except that the proceedings may not be transferred until after an adjudicatory  
33 hearing if the allegation is escape or attempted escape [from a training school or  
34 similar facility operated by the Department of Juvenile Justice] UNDER § 9-404 OF  
35 THE CRIMINAL LAW ARTICLE.

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

1 3-8A-15.

2 (a) Only the court or an intake officer may authorize detention, COMMUNITY  
3 DETENTION, or shelter care for a child who may be in need of supervision or  
4 delinquent.

5 (b) If a child is taken into custody under this subtitle, the child may be placed  
6 in detention OR COMMUNITY DETENTION prior to a hearing if:

7 (1) Such action is required to protect the child or [person and property  
8 of] others; OR

9 (2) The child is likely to leave the jurisdiction of the court[; or

10 (3) There are no parents, guardian, or custodian or other person able to  
11 provide supervision and care for the child and return the child to the court when  
12 required].

13 (c) A child taken into custody under this subtitle may be placed in emergency  
14 shelter care OR COMMUNITY DETENTION prior to a hearing if:

15 (1) [One or more of the circumstances stated in subsection (b) of this  
16 section exist;]

17 (I) SUCH ACTION IS REQUIRED TO PROTECT THE CHILD OR  
18 PERSON AND PROPERTY OF OTHERS;

19 (II) THE CHILD IS LIKELY TO LEAVE THE JURISDICTION OF THE  
20 COURT; OR

21 (III) THERE IS NO PARENT, GUARDIAN, OR CUSTODIAN OR OTHER  
22 PERSON ABLE TO PROVIDE SUPERVISION AND CARE FOR THE CHILD AND RETURN  
23 THE CHILD TO THE COURT WHEN REQUIRED; and

24 (2) (i) 1. Continuation of the child in the child's home is contrary to  
25 the welfare of the child; and

26 2. Removal of the child from the child's home is reasonable  
27 under the circumstances due to an alleged emergency situation and in order to  
28 provide for the safety of the child; or

29 (ii) 1. Reasonable but unsuccessful efforts have been made to  
30 prevent or eliminate the need for removal from the child's home; and

31 2. As appropriate, reasonable efforts are being made to  
32 return the child to the child's home.

33 (d) (1) If the child is not released, the intake officer or the official who  
34 authorized detention, COMMUNITY DETENTION, or shelter care under this section  
35 shall immediately file a petition to authorize continued detention, COMMUNITY  
36 DETENTION, or shelter care.

1           (2)     A hearing on the petition shall be held not later than the next court  
2 day, unless extended by the court upon good cause shown.

3           (3)     Reasonable notice, oral or written, stating the time, place, and  
4 purpose of the hearing, shall be given to the child and, if they can be found, the child's  
5 parents, guardian, or custodian.

6           (4)     Except as provided in paragraph (5) of this subsection, shelter care  
7 may not be ordered for a period of more than 30 days unless an adjudicatory or waiver  
8 hearing is held.

9           (5)     For a child in need of supervision or a delinquent child, shelter care  
10 may be extended for an additional period of not more than 30 days if the court finds  
11 after a hearing held as part of the adjudication that continued shelter care is  
12 consistent with the circumstances stated in subsections (b) and (c) of this section.

13          (6)     (i)     An adjudicatory or waiver hearing shall be held no later than 30  
14 days after the date a petition for detention OR COMMUNITY DETENTION is granted.

15                   (ii)     If a child is detained OR PLACED IN COMMUNITY DETENTION  
16 after an adjudicatory hearing, a disposition hearing shall be held no later than 14  
17 days after the adjudicatory hearing.

18                   (iii)    Detention OR COMMUNITY DETENTION time may be extended  
19 in increments of not more than 14 days where the petition charges the child with a  
20 delinquent act and where the court finds, after a subsequent hearing, that extended  
21 detention OR COMMUNITY DETENTION is necessary either:

22                               1.     For the protection of the child; or

23                               2.     For the protection of the community.

24     (e)     (1)     Detention OR COMMUNITY DETENTION may not be continued beyond  
25 emergency detention OR COMMUNITY DETENTION unless, upon an order of court  
26 after a hearing, the court has found that one or more of the circumstances stated in  
27 subsection (b) of this section exist.

28          (2)     A court order under this paragraph shall:

29                   (I)     [contain] CONTAIN a written determination of whether or not  
30 the criteria contained in subsection (c)(1) and (2) of this section have been met; AND

31                   (II)    SPECIFY WHICH OF THE CIRCUMSTANCES STATED IN  
32 SUBSECTION (B) OF THIS SECTION EXIST.

33          (3)     (I)     IF THE COURT HAS NOT SPECIFICALLY PROHIBITED  
34 COMMUNITY DETENTION, THE DEPARTMENT OF JUVENILE JUSTICE MAY RELEASE  
35 THE CHILD FROM DETENTION INTO COMMUNITY DETENTION AND PLACED THE  
36 CHILD IN:

- 1                                   1.       SHELTER CARE; OR
- 2                                   2.       THE CUSTODY OF THE CHILD'S PARENT, GUARDIAN,
- 3 CUSTODIAN, OR OTHER PERSON ABLE TO PROVIDE SUPERVISION AND CARE FOR THE
- 4 CHILD AND TO RETURN THE CHILD TO COURT WHEN REQUIRED.

5                                   (II)     IF A CHILD WHO HAS BEEN RELEASED BY THE DEPARTMENT OF

6 JUVENILE JUSTICE OR THE COURT INTO COMMUNITY DETENTION VIOLATES THE

7 CONDITIONS OF COMMUNITY DETENTION, AND IT IS NECESSARY TO PROTECT THE

8 CHILD OR OTHERS, AN INTAKE OFFICER MAY AUTHORIZE THE DETENTION OF THE

9 CHILD.

10                                  (III)    THE DEPARTMENT OF JUVENILE JUSTICE SHALL PROMPTLY

11 NOTIFY THE COURT OF:

12                                  1.       THE RELEASE OF A CHILD FROM DETENTION UNDER

13 SUBPARAGRAPH (I) OF THIS PARAGRAPH; OR

14                                  2.       THE RETURN TO DETENTION OF A CHILD UNDER

15 SUBPARAGRAPH (II) OF THIS PARAGRAPH.

16       (f)     Shelter care may only be continued beyond emergency shelter care if the

17 court has found that:

18                                  (1)     Continuation of the child in the child's home is contrary to the

19 welfare of the child; and

20                                  (2)     (i)     Removal of the child from the child's home is necessary due to

21 an alleged emergency situation and in order to provide for the safety of the child; or

22   (ii)    Reasonable but unsuccessful efforts were made to prevent or

23 eliminate the need for removal of the child from the home.

24                                  (3)     (i)     If the court continues shelter care on the basis of an alleged

25 emergency, the court shall assess whether the absence of efforts to prevent removal

26 was reasonable.

27   (ii)    If the court finds that the absence of efforts to prevent removal

28 was not reasonable, the court shall make a written determination so stating.

29                                  (4)     The court shall make a determination as to whether reasonable

30 efforts are being made to make it possible to return the child to the child's home or

31 whether the absence of such efforts is reasonable.

32       (g)     A child alleged to be delinquent may not be detained in a jail or other

33 facility for the detention of adults.

34       (h)     (1)     A child alleged to be in need of supervision may not be placed in:

35   (i)     Detention OR COMMUNITY DETENTION;

1 (ii) A State mental health facility; or

2 (iii) A shelter care facility that is not operating in compliance with  
3 applicable State licensing laws.

4 (2) Subject to paragraph (1)(iii) of this subsection, a child alleged to be in  
5 need of supervision may be placed in shelter care facilities maintained or approved by  
6 the Social Services Administration or the Department of Juvenile Justice or in a  
7 private home or shelter care facility approved by the court.

8 (3) The Secretary of Human Resources and the Secretary of Juvenile  
9 Justice together, when appropriate, with the Secretary of Health and Mental Hygiene  
10 shall jointly adopt regulations to ensure that any child placed in shelter care  
11 pursuant to a petition filed under subsection (d) of this section be provided  
12 appropriate services, including:

13 (i) Health care services;

14 (ii) Counseling services;

15 (iii) Education services;

16 (iv) Social work services; and

17 (v) Drug and alcohol abuse assessment or treatment services.

18 (4) In addition to any other provision, the regulations shall require:

19 (i) The Department of Juvenile Justice to develop a plan within 45  
20 days of placement of a child in a shelter care facility to assess the child's treatment  
21 needs; and

22 (ii) The plan to be submitted to all parties to the petition and their  
23 counsel.

24 (i) The intake officer or the official who authorized detention, COMMUNITY  
25 DETENTION, or shelter care under this subtitle shall immediately give written notice  
26 of the authorization for detention, COMMUNITY DETENTION, or shelter care to the  
27 child's parent, guardian, or custodian and to the court. The notice shall be  
28 accompanied by a statement of the reasons for taking the child into custody and  
29 placing him in detention, COMMUNITY DETENTION, or shelter care. This notice may  
30 be combined with the notice required under subsection (d) of this section.

31 (j) (1) If a child is alleged to have committed a delinquent act, the court or a  
32 juvenile intake officer shall consider including, as a condition of releasing the child  
33 pending an adjudicatory or disposition hearing, reasonable protections for the safety  
34 of the alleged victim.

35 (2) If a victim has requested reasonable protections for safety, the court  
36 or juvenile intake officer shall consider including, as a condition of releasing the child

1 pending an adjudicatory or disposition hearing, provisions regarding no contact with  
2 the alleged victim or the alleged victim's premises or place of employment.

3 3-8A-19.

4 (a) The provisions of this section do not apply to a peace order request or a  
5 peace order proceeding.

6 (b) (1) After an adjudicatory hearing the court shall hold a separate  
7 disposition hearing, unless the petition or citation is dismissed or unless such hearing  
8 is waived in writing by all of the parties.

9 (2) A disposition hearing may be held on the same day as the  
10 adjudicatory hearing if notice of the disposition hearing, as prescribed by the  
11 Maryland Rules, is waived on the record by all of the parties.

12 (c) The priorities in making a disposition are consistent with the purposes  
13 specified in § 3-8A-02 of this subtitle.

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

16 (i) Place the child on probation or under supervision in his own  
17 home or in the custody or under the guardianship of a relative or other fit person,  
18 upon terms the court deems appropriate, INCLUDING COMMUNITY DETENTION;

19 (ii) Subject to the provisions of paragraph (2) of this subsection,  
20 commit the child to the custody or under the guardianship of the Department of  
21 Juvenile Justice, the Department of Health and Mental Hygiene, or a public or  
22 licensed private agency on terms that the court considers appropriate to meet the  
23 priorities set forth in § 3-8A-02 of this subtitle, including designation of the type of  
24 facility where the child is to be accommodated, until custody or guardianship is  
25 terminated with approval of the court or as required under § 3-8A-24 of this subtitle;  
26 or

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

30 (2) A child committed under paragraph (1)(ii) of this subsection may not  
31 be accommodated in a facility that has reached budgeted capacity if a bed is available  
32 in another comparable facility in the State, unless the placement to the facility that  
33 has reached budgeted capacity has been recommended by the Department of Juvenile  
34 Justice.

35 (3) The court shall consider any oral address made in accordance with §  
36 11-403 of the Criminal Procedure Article or any victim impact statement, as  
37 described in § 11-402 of the Criminal Procedure Article, in determining an  
38 appropriate disposition on a petition.

1 (e) (1) (i) Subject to the provisions of subparagraphs (iii) and (iv) of this  
2 paragraph, in making a disposition on a finding that the child has committed the  
3 violation specified in a citation, the court may order the Motor Vehicle Administration  
4 to initiate an action, under the motor vehicle laws, to suspend the driving privilege of  
5 a child licensed to operate a motor vehicle by the Motor Vehicle Administration for a  
6 specified period of not less than 30 days nor more than 90 days.

7 (ii) In this paragraph "driver's license" means a license or permit to  
8 drive a motor vehicle that is issued under the laws of this State or any other  
9 jurisdiction.

10 (iii) In making a disposition on a finding that the child has  
11 committed a violation under Article 27, § 400 of the Code specified in a citation that  
12 involved the use of a driver's license or a document purporting to be a driver's license,  
13 the court may order the Motor Vehicle Administration to initiate an action under the  
14 Maryland Vehicle Law to suspend the driving privilege of a child licensed to operate a  
15 motor vehicle by the Motor Vehicle Administration:

- 16 1. For a first offense, for 6 months; and  
17 2. For a second or subsequent offense, until the child is 21  
18 years old.

19 (iv) In making a disposition on a finding that the child has  
20 committed a violation under § 26-103 of the Education Article, the court shall order  
21 the Motor Vehicle Administration to initiate an action, under the motor vehicle laws,  
22 to suspend the driving privilege of a child licensed to operate a motor vehicle by the  
23 Motor Vehicle Administration for a specified period of not less than 30 days nor more  
24 than 90 days.

25 (v) If a child subject to a suspension under this subsection does not  
26 hold a license to operate a motor vehicle on the date of the disposition, the suspension  
27 shall commence:

- 28 1. If the child is at least 16 years of age on the date of the  
29 disposition, on the date of the disposition; or  
30 2. If the child is younger than 16 years of age on the date of  
31 the disposition, on the date the child reaches the child's 16th birthday.

32 (2) In addition to the dispositions under paragraph (1) of this subsection,  
33 the court also may:

34 (i) Counsel the child or the parent or both, or order the child to  
35 participate in an alcohol education or rehabilitation program that is in the best  
36 interest of the child;

37 (ii) Impose a civil fine of not more than \$25 for the first violation  
38 and a civil fine of not more than \$100 for the second and subsequent violations; or

1 (iii) Order the child to participate in a supervised work program for  
2 not more than 20 hours for the first violation and not more than 40 hours for the  
3 second and subsequent violations.

4 (3) (i) The provisions of paragraphs (1) and (2) of this subsection do  
5 not apply to a child found to have committed a violation under Article 27, § 406 of the  
6 Code.

7 (ii) In making a disposition on a finding that the child has  
8 committed a violation under Article 27, § 406 of the Code, the court may:

9 1. Counsel the child or the parent or both, or order the child  
10 to participate in a smoking cessation clinic, or other suitable presentation of the  
11 hazards associated with tobacco use that is in the best interest of the child;

12 2. Impose a civil fine of not more than \$25 for the first  
13 violation and a civil fine of not more than \$100 for a second or subsequent violation;  
14 or

15 3. Order the child to participate in a supervised work  
16 program for not more than 20 hours for the first violation and not more than 40 hours  
17 for a second or subsequent violation.

18 (4) (i) In making a disposition on a finding that the child has  
19 committed a violation under Article 27, § 139C, § 151A, or § 151C of the Code, the  
20 court may order the Motor Vehicle Administration to initiate an action, under the  
21 Maryland Vehicle Law, to suspend the driving privilege of a child for a specified  
22 period not to exceed:

23 1. For a first offense, 6 months; and

24 2. For a second or subsequent offense, 1 year or until the  
25 person is 21 years old, whichever is longer.

26 (ii) If a child subject to a suspension under this paragraph does not  
27 possess the privilege to drive on the date of the disposition, the suspension shall  
28 commence:

29 1. If the child is at an age that is eligible to obtain the  
30 privilege to drive on the date of the disposition, on the date of the disposition; or

31 2. If the child is younger than an age that is eligible to obtain  
32 the privilege to drive on the date of the disposition, on the date the child is eligible to  
33 obtain driving privileges.

34 (f) A guardian appointed under this section has no control over the property of  
35 the child unless he receives that express authority from the court.

1 (g) The court may impose reasonable court costs against a respondent, or the  
2 respondent's parent, guardian, or custodian, against whom a finding of delinquency  
3 has been entered under the provisions of this section.

4

**Article - Criminal Law**

5 9-401.

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

7 (b) "Concealment" means hiding, secreting, or keeping out of sight.

8 (c) "Escape" retains its judicially determined meaning.

9 (d) "Fugitive" means an individual for whom a felony arrest warrant has been  
10 issued and is outstanding.

11 (e) (1) "Harbor" includes offering a fugitive or escaped inmate:

12 (i) concealment;

13 (ii) lodging;

14 (iii) care after concealment; or

15 (iv) obstruction of an effort of an authority to arrest the fugitive or  
16 escaped inmate.

17 (2) "Harbor" does not include failing to reveal the whereabouts of a  
18 fugitive or an escaped inmate by a person who did not participate in the effort of the  
19 fugitive or escaped inmate to elude arrest.

20 (f) "Place of confinement" means:

21 (1) a correctional facility;

22 (2) a place identified in a home detention order or agreement;

23 (3) a facility of the Department of Health and Mental Hygiene;

24 (4) a detention center for juveniles or a facility for juveniles listed in  
25 Article 83C, § 2-117(a)(2) of the Code; [or]

26 (5) A PLACE IDENTIFIED IN A JUVENILE COMMUNITY DETENTION  
27 ORDER; OR

28 [(5)] (6) any other facility in which a person is confined under color of  
29 law.

1 9-405.

2 (a) (1) A person who has been lawfully arrested may not knowingly depart  
3 from custody without the authorization of a law enforcement or judicial officer.

4 (2) A person may not knowingly fail to obey a court order to report to a  
5 place of confinement.

6 (3) A person who is serving a sentence in a home detention program  
7 other than the Division of Correction home detention program under Title 3, Subtitle  
8 4 of the Correctional Services Article may not knowingly:

9 (i) violate any restriction on movement imposed under the terms of  
10 the home detention order or agreement; or

11 (ii) fail to return to a place of confinement under the terms of the  
12 home detention order or agreement.

13 (4) Except as otherwise punishable under § 9-404(b) of this subtitle, a  
14 person may not escape from:

15 (I) a detention center for juveniles or a facility for juveniles listed  
16 in Article 83C, § 2-117(a)(2) of the Code; OR

17 (II) A PLACE OF CONFINEMENT.

18 (b) A person who violates this section is guilty of the misdemeanor of escape in  
19 the second degree and on conviction is subject to imprisonment not exceeding 3 years  
20 or a fine not exceeding \$5,000 or both.

21 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take  
22 effect October 1, 2002.