

SENATE BILL 722

Unofficial Copy  
E3

2003 Regular Session  
(31r2608)

**ENROLLED BILL**  
-- Judicial Proceedings/Judiciary --

Introduced by **Senator Klausmeier**

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 265

1 AN ACT concerning

2 **Juvenile Causes - Facilities Used for Detention - ~~Accommodation of~~**  
3 **Children Awaiting Placement After Disposition**

4 FOR the purpose of ~~prohibiting a child from being accommodated in a facility used for~~  
5 ~~detention for more than a certain period of time after the court has made a~~  
6 ~~disposition on a certain petition except under certain circumstances; authorizing~~  
7 ~~the court to order that a child be accommodated in a facility used for detention~~  
8 ~~for a specified period of time under certain circumstances; authorizing the court~~  
9 ~~to extend the period of time for which a certain child may be accommodated in a~~  
10 ~~facility used for detention; requiring the Department of Juvenile Justice to make~~  
11 submit a certain report reports under certain circumstances if a child remains in  
12 a facility used for detention for the specific act for which the child has been  
13 adjudicated delinquent for more than a certain period of time after the court has  
14 made a disposition on a certain petition; and generally relating to the  
15 accommodation of a child in a facility used for detention after disposition.

16 BY repealing and reenacting, without amendments,

1 Article - Courts and Judicial Proceedings  
 2 Section 3-8A-01(m)  
 3 Annotated Code of Maryland  
 4 (2002 Replacement Volume)

5 BY adding to  
 6 Article - Courts and Judicial Proceedings  
 7 Section 3-8A-15(k)  
 8 Annotated Code of Maryland  
 9 (2002 Replacement Volume)

10 ~~BY repealing and reenacting, with amendments,~~  
 11 ~~Article - Courts and Judicial Proceedings~~  
 12 ~~Section 3-8A-19(d)~~  
 13 ~~Annotated Code of Maryland~~  
 14 ~~(2002 Replacement Volume)~~

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

17 **Article - Courts and Judicial Proceedings**

18 3-8A-01.

19 (m) "Detention" means the temporary care of children who, pending court  
 20 disposition, require secure custody for the protection of themselves or the community,  
 21 in physically restricting facilities.

22 3-8A-15.

23 (K) ~~(1) EXCEPT AS PROVIDED IN PARAGRAPHS (2) AND (3) OF THIS~~  
 24 ~~SUBSECTION, A CHILD MAY NOT BE ACCOMMODATED IN A FACILITY USED FOR~~  
 25 ~~DETENTION FOR THE SPECIFIC ACT FOR WHICH THE CHILD HAS BEEN ADJUDICATED~~  
 26 ~~DELINQUENT FOR MORE THAN 15 25 DAYS AFTER THE COURT MAKES HAS MADE A~~  
 27 ~~DISPOSITION ON A PETITION UNDER § 3-8A-19 OF THIS SUBTITLE.~~

28 ~~(2) THE COURT MAY ORDER THAT A CHILD BE ACCOMMODATED IN A~~  
 29 ~~FACILITY USED FOR DETENTION FOR THE SPECIFIC ACT FOR WHICH THE CHILD HAS~~  
 30 ~~BEEN ADJUDICATED DELINQUENT FOR A SPECIFIED PERIOD OF TIME NOT TO~~  
 31 ~~EXCEED 45 DAYS FROM THE DATE OF DISPOSITION UPON A FINDING THAT~~  
 32 ~~ACCOMMODATION IN THE FACILITY IS NECESSARY FOR THE APPROPRIATE~~  
 33 ~~PLACEMENT OF THE CHILD.~~

34 ~~(3) THE COURT MAY EXTEND THE PERIOD OF TIME SPECIFIED IN~~  
 35 ~~PARAGRAPH (2) OF THIS SUBSECTION IN INCREMENTS OF NOT MORE THAN 30 DAYS~~  
 36 ~~FOR A CHILD FOR WHOM THE DISPOSITION IS PLACEMENT IN A SECURE FACILITY.~~

1 ~~(4)~~ IF A CHILD REMAINS IN A FACILITY USED FOR DETENTION BEYOND  
 2 ANY PERIOD OF TIME AUTHORIZED UNDER PARAGRAPH (1), (2), OR (3) OF THIS  
 3 SUBSECTION FOR THE SPECIFIC ACT FOR WHICH THE CHILD HAS BEEN  
 4 ADJUDICATED DELINQUENT FOR MORE THAN 25 DAYS AFTER THE COURT HAS MADE  
 5 A DISPOSITION ON A PETITION UNDER § 3-8A-19 OF THIS SUBTITLE, THE  
 6 DEPARTMENT OF JUVENILE JUSTICE SHALL:

7 ~~(1)~~ (1) SUBMIT A REPORT TO THE COURT ON THE RECORD  
 8 EXPLAINING THE REASONS FOR CONTINUED DETENTION; AND

9 ~~(2)~~ (2) EVERY 30 25 DAYS THEREAFTER, SUBMIT ANOTHER  
 10 REPORT TO THE COURT ON THE RECORD EXPLAINING THE REASONS FOR  
 11 CONTINUED DETENTION.

12 ~~3-8A-19.~~

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

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

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

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

29 (2) In addition to the provisions of paragraph (1) of this subsection, in  
 30 making a disposition on a petition, the court may adopt a treatment service plan, as  
 31 defined in § 3-8A-20.1 of this subtitle.

32 (3) A child committed under paragraph (1)(i) of this subsection may not:

33 (I) [be] BE accommodated in a facility that has reached budgeted  
 34 capacity if a bed is available in another comparable facility in the State, unless the  
 35 placement to the facility that has reached budgeted capacity has been recommended  
 36 by the Department of Juvenile Justice; OR

37 (II) EXCEPT AS PROVIDED IN § 3-8A-15(K) OF THIS SUBTITLE, BE  
 38 ACCOMMODATED IN A FACILITY USED FOR DETENTION.

1           (4)     ~~The court shall consider any oral address made in accordance with §~~  
2 ~~11-403 of the Criminal Procedure Article or any victim impact statement, as~~  
3 ~~described in § 11-402 of the Criminal Procedure Article, in determining an~~  
4 ~~appropriate disposition on a petition.~~

5     ~~SECTION 2. AND BE IT FURTHER ENACTED, That the Department of~~  
6 ~~Juvenile Justice shall report to the General Assembly on or before July 1, 2004, in~~  
7 ~~accordance with § 2-1246 of the State Government Article, on the implementation of~~  
8 ~~this Act.~~

9     ~~SECTION 3-2.~~ AND BE IT FURTHER ENACTED, That this Act shall take  
10 effect October 1, 2003.