

BY: House Judiciary Committee

AMENDMENTS TO HOUSE BILL NO. 979

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike in their entirety lines 2 and 3 and substitute “Department of Juvenile Services Reform Act of 2005”; in line 4, after “to” insert “appear in court to explain why a certain child, detained in a certain facility for a certain period of time after a court has made a disposition on a petition about the child, remains in the facility; requiring the Department to appear in court in subsequent hearings, after certain periods of time, to explain the reasons for the child’s continued detention; establishing the Joint Oversight Committee on the Department of Juvenile Services; establishing the composition of the Committee; providing for the appointment of co-chairs and for staff assistance for the Committee; establishing certain powers and duties of the Committee; requiring the Committee to submit a certain annual report to the General Assembly on or before certain dates; requiring the Department to provide to the Governor and certain members of the General Assembly by a certain date a report on certain specific action taken by the Department in response to certain recommendations of the Office of the Independent Juvenile Justice Monitor; requiring the Department to provide to the Governor and certain members of the General Assembly by a certain date an inventory of all facilities used by the Department to place certain children under the Department’s jurisdiction in out-of-home placement; requiring the inventory to contain certain information concerning each facility; requiring the Department, by a certain date, to report to the Governor and certain members of the General Assembly on the feasibility of establishing a volunteer mentoring program for certain children; providing for the termination of certain provisions of this Act;”; strike beginning with “, by” in line 4 down through “Assembly;” in line 9; in line 10, strike “the maintenance and operation of certain facilities by”; and strike in their entirety lines 12 through 16, inclusive, and substitute:

“BY repealing and reenacting, with amendments,

Article - Courts and Judicial Proceedings

Section 3-8A-15(k)

Annotated Code of Maryland

(Over)

(2002 Replacement Volume and 2004 Supplement)

BY adding to

Article - State Government

Section 2-10A-09

Annotated Code of Maryland
(2004 Replacement Volume)”.

AMENDMENT NO. 2

On page 1, after line 18, insert:

“Article - Courts and Judicial Proceedings

3-8A-15.

(k) If a child remains in a facility used for detention for the specific act for which the child has been adjudicated delinquent for more than 25 days after the court has made a disposition on a petition under § 3-8A-19 of this subtitle, the Department of Juvenile Services shall:

(1) [Submit a report to the court explaining] ON THE FIRST AVAILABLE COURT DATE AFTER THE 25TH DAY THAT THE CHILD REMAINS IN A FACILITY USED FOR DETENTION, APPEAR AT A HEARING BEFORE THE COURT WITH THE CHILD TO EXPLAIN the reasons for continued detention; and

(2) Every 25 days thereafter, [submit another report to the court explaining] APPEAR AT ANOTHER HEARING BEFORE THE COURT WITH THE CHILD TO EXPLAIN the reasons for continued detention.

SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

Article - State Government

2-10A-09.

(A) THERE IS A JOINT OVERSIGHT COMMITTEE ON THE DEPARTMENT OF JUVENILE SERVICES.

(B) (1) THE COMMITTEE CONSISTS OF 12 MEMBERS.

(2) OF THE 12 MEMBERS:

(I) SIX SHALL BE MEMBERS OF THE SENATE APPOINTED BY THE PRESIDENT OF THE SENATE; AND

(II) SIX SHALL BE MEMBERS OF THE HOUSE OF DELEGATES APPOINTED BY THE SPEAKER OF THE HOUSE.

(3) (I) OF THE SIX MEMBERS OF THE SENATE APPOINTED BY THE PRESIDENT OF THE SENATE, THREE SHALL BE MEMBERS OF THE MAJORITY PARTY AND THREE SHALL BE MEMBERS OF THE MINORITY PARTY.

(II) OF THE SIX MEMBERS OF THE HOUSE OF DELEGATES APPOINTED BY THE SPEAKER OF THE HOUSE, THREE SHALL BE MEMBERS OF THE MAJORITY PARTY AND THREE SHALL BE MEMBERS OF THE MINORITY PARTY.

(C) (1) A MEMBER APPOINTED BY THE PRESIDENT SERVES AT THE PLEASURE OF THE PRESIDENT.

(2) A MEMBER APPOINTED BY THE SPEAKER SERVES AT THE PLEASURE OF THE SPEAKER.

(D) THE PRESIDENT OF THE SENATE AND THE SPEAKER OF THE HOUSE OF DELEGATES SHALL APPOINT A SENATOR AND A DELEGATE, RESPECTIVELY, TO SERVE AS CO-CHAIRS.

(E) THE DEPARTMENT OF LEGISLATIVE SERVICES, OFFICE OF POLICY ANALYSIS, SHALL PROVIDE STAFF ASSISTANCE TO THE COMMITTEE.

(F) THE COMMITTEE SHALL HOLD:

(Over)

(1) AN ORGANIZATIONAL MEETING PROMPTLY AFTER THE APPOINTMENT OF ITS MEMBERS; AND

(2) ANY OTHER MEETINGS THAT THE COMMITTEE CONSIDERS NECESSARY TO CARRY OUT ITS DUTIES EFFICIENTLY.

(G) THE COMMITTEE MAY HOLD A HEARING ON ANY MATTER RELATING TO THE FUNCTIONS OF THE COMMITTEE.

(H) THE COMMITTEE:

(1) SHALL REVIEW ALL REPORTS FROM THE DEPARTMENT OF JUVENILE SERVICES REQUIRED TO BE REPORTED TO THE GENERAL ASSEMBLY;

(2) SHALL REVIEW THE OPERATIONS OF THE DEPARTMENT OF JUVENILE SERVICES;

(3) SHALL MONITOR THE PROGRESS MADE BY THE DEPARTMENT OF JUVENILE SERVICES IN DEVELOPING AND IMPLEMENTING THE FACILITIES MASTER PLAN REQUIRED BY CHAPTER 431 OF THE ACTS OF THE GENERAL ASSEMBLY OF 2004;

(4) MAY RECOMMEND LEGISLATION TO IMPROVE THE PROGRAMS AND OPERATIONS OF THE DEPARTMENT OF JUVENILE SERVICES; AND

(5) MAY INVESTIGATE ANY OTHER MATTER CONCERNING THE DEPARTMENT OF JUVENILE SERVICES OR THE PROVISION OF SERVICES TO JUVENILES UNDER ITS JURISDICTION.

(I) (1) IN ACCORDANCE WITH § 2-1246 OF THIS TITLE, THE COMMITTEE SHALL SUBMIT AN ANNUAL REPORT TO THE GENERAL ASSEMBLY ON OR BEFORE DECEMBER 1 OF EACH YEAR.

(2) THE REPORT SHALL INCLUDE THE FINDINGS AND RECOMMENDATIONS OF THE COMMITTEE WITH REGARD TO THE REVIEW AND MONITORING CARRIED OUT UNDER SUBSECTION (H) OF THIS SECTION.”.

AMENDMENT NO. 3

On pages 1 and 2, strike in their entirety the lines beginning with line 19 on page 1 through line 3 on page 2, inclusive, and substitute:

“SECTION 3. AND BE IT FURTHER ENACTED, That:

(a) By January 1, 2006, the Department of Juvenile Services shall provide to the Governor and, in accordance with § 2-1246 of the State Government Article, the President of the Senate, the Speaker of the House of Delegates, and chairmen of the Senate Budget and Taxation Committee, House Appropriations Committee, Senate Judicial Proceedings Committee, and House Judiciary Committee of the General Assembly:

(1) a report on all specific action taken by the Department in response to the findings and recommendations of the Office of the Independent Juvenile Justice Monitor, including:

(i) specific action taken to resolve problems regarding the care, supervision, or treatment of children in facilities as reported by the Monitor; and

(ii) specific action taken relating to recommendations of the Monitor on disciplinary action, incident reports, grievances, and alleged cases of child abuse and neglect in Department facilities; and

(2) an inventory of all facilities used by the Department to place a child who is under the Department’s jurisdiction in an out-of-home placement, including:

(i) the name and address of the facility;

(ii) the maximum number of children who may be placed in the facility by the Department;

(Over)

(iii) a statement of whether the facility is used by other State departments for placement of children under the other departments' jurisdiction and, if so, the names of the other departments using the facility;

(iv) the types of children placed in the facility;

(v) the types of services provided by the facility;

(vi) the outcome measures used, if any, to evaluate the progress of children in the facility; and

(vii) the recidivism rate, if known, of children placed in the facility.

(b) By October 1, 2005, the Department shall report to the Governor and, in accordance with § 2-1246 of the State Government Article, the President of the Senate, the Speaker of the House of Delegates, and chairmen of the Senate Budget and Taxation Committee, House Appropriations Committee, Senate Judicial Proceedings Committee, and House Judiciary Committee of the General Assembly, on the feasibility of establishing a volunteer mentoring program for children in committed facilities.”.

On page 2, strike in their entirety lines 4 through 6, inclusive; in line 7, strike “3.” and substitute “4.”; in line 8, strike “October” and substitute “June”; and in the same line, after “2005.” insert “Section 2 of this Act shall remain in effect for a period of 2 years and 7 months and, at the end of December 31, 2007, with no further action required by the General Assembly, Section 2 of this Act shall be abrogated and of no further force and effect.”.”