

**HB0814/563727/1**

BY: Judicial Proceedings Committee

AMENDMENTS TO HOUSE BILL 814  
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with “altering” in line 3 down through “Practices;” in line 4; and strike beginning with “altering” in line 14 down through “Unit;” in line 15 and substitute “altering certain provisions relating to the Commission on Juvenile Justice Reform and Emerging and Best Practices;”.

On pages 1 through 3, strike in their entirety the lines beginning with line 20 on page 1 through line 2 on page 3, inclusive, and substitute:

“BY repealing and reenacting, without amendments,

Article - Courts and Judicial Proceedings

Section 3-8A-01(a) and (h), 3-8A-15(e)(3)(ii), 3-8A-19.7, and 3-8A-27(b)(1)

Annotated Code of Maryland

(2020 Replacement Volume and 2023 Supplement)

BY repealing and reenacting, with amendments,

Article - Courts and Judicial Proceedings

Section 3-8A-03, 3-8A-10(c), (f), and (g), 3-8A-14, 3-8A-15(b)(3) and (k), 3-8A-19(d), 3-8A-19.6, 3-8A-20.1, 3-8A-25, and 3-8A-27(b)(10)

Annotated Code of Maryland

(2020 Replacement Volume and 2023 Supplement)

BY repealing and reenacting, with amendments,

Article - Criminal Procedure

Section 2-108, 11-722, and 11-914(9)

Annotated Code of Maryland

(2018 Replacement Volume and 2023 Supplement)

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BY adding to

Article - Human Services  
Section 8-103 and 8-104  
Annotated Code of Maryland  
(2019 Replacement Volume and 2023 Supplement)

BY repealing and reenacting, without amendments,

Article - Human Services  
Section 8-601  
Annotated Code of Maryland  
(2019 Replacement Volume and 2023 Supplement)

BY repealing and reenacting, with amendments,

Article - Human Services  
Section 8-605, 9-101, and 9-204(f)  
Annotated Code of Maryland  
(2019 Replacement Volume and 2023 Supplement)

BY repealing

Article - Human Services  
Section 9-211 through 9-215 and 9-230  
Annotated Code of Maryland  
(2019 Replacement Volume and 2023 Supplement)

BY adding to

Article - Public Safety  
Section 3-531  
Annotated Code of Maryland  
(2022 Replacement Volume and 2023 Supplement)

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Article - State Government  
Section 6-401(a) and (i) and 9-3501  
Annotated Code of Maryland  
(2021 Replacement Volume and 2023 Supplement)

BY repealing and reenacting, with amendments,

Article - State Government  
Section 6-406 and 9-3502  
Annotated Code of Maryland  
(2021 Replacement Volume and 2023 Supplement)”.

AMENDMENT NO. 2

On pages 3 through 31, strike in their entirety the lines beginning with line 18 on page 3 through line 30 on page 31, inclusive, and substitute:

**“Article – Courts and Judicial Proceedings**

3–8A–01.

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

(h) (1) “Community detention” means a program monitored by the Department of Juvenile Services in which a delinquent child or a child alleged to be delinquent is placed in the home of a parent, guardian, custodian, or other fit person, or in shelter care, as a condition of probation or as an alternative to detention.

(2) “Community detention” includes electronic monitoring.

3–8A–03.

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(a) In addition to the jurisdiction specified in Subtitle 8 of this title, the court has exclusive original jurisdiction over:

(1) A child:

(i) Who is at least 13 years old alleged to be delinquent; or

(ii) Except as provided in subsection (d) of this section, who is at least 10 years old alleged to have committed an act:

1. That, if committed by an adult, would constitute [a]:

A. A crime of violence, as defined in § 14–101 of the Criminal Law Article; [or]

B. A CRIME INVOLVING HANDGUNS UNDER § 4–203 OR § 4–204 OF THE CRIMINAL LAW ARTICLE;

C. A CRIME INVOLVING FIREARMS UNDER § 5–133, § 5–134, § 5–138, § 5–142, § 5–203, OR § 5–703 OF THE PUBLIC SAFETY ARTICLE;

D. AGGRAVATED CRUELTY TO ANIMALS UNDER § 10–606 OF THE CRIMINAL LAW ARTICLE; OR

E. SEXUAL OFFENSE IN THE THIRD DEGREE UNDER § 3–307 OF THE CRIMINAL LAW ARTICLE; OR

2. Arising out of the same incident as an act listed in item 1 of this item;

(2) A child who is in need of supervision:

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(3) A child who has received a citation for a violation;

(4) Except as provided in subsection (d)(6) of this section, a peace order proceeding in which the respondent is a child; and

(5) Proceedings arising under the Interstate Compact on Juveniles.

(b) The court has concurrent jurisdiction over proceedings against an adult for the violation of § 3–8A–30 of this subtitle. However, the court may waive its jurisdiction under this subsection upon its own motion or upon the motion of any party to the proceeding, if charges against the adult arising from the same incident are pending in the criminal court. Upon motion by either the State’s Attorney or the adult charged under § 3–8A–30 of this subtitle, the court shall waive its jurisdiction, and the adult shall be tried in the criminal court according to the usual criminal procedure.

(c) (1) The jurisdiction of the court is concurrent with that of the District Court in any criminal case arising under the compulsory public school attendance laws of this State.

(2) The jurisdiction of the court is concurrent with that of a federal court sitting in the State over proceedings involving a violation of federal law committed by a child on a military installation of the U.S. Department of Defense if:

(i) The federal court waives exclusive jurisdiction; and

(ii) The violation of federal law is also a crime under State law.

(d) The court does not have jurisdiction over:

(1) A child at least 14 years old alleged to have done an act that, if committed by an adult, would be a crime punishable by life imprisonment, as well as all

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other charges against the child arising out of the same incident, unless an order removing the proceeding to the court has been filed under § 4–202 of the Criminal Procedure Article;

(2) A child at least 16 years old alleged to have done an act in violation of any provision of the Transportation Article or other traffic law or ordinance, except an act that prescribes a penalty of incarceration;

(3) A child at least 16 years old alleged to have done an act in violation of any provision of law, rule, or regulation governing the use or operation of a boat, except an act that prescribes a penalty of incarceration;

(4) A child at least 16 years old alleged to have committed any of the following crimes, as well as all other charges against the child arising out of the same incident, unless an order removing the proceeding to the court has been filed under § 4–202 of the Criminal Procedure Article:

(i) Abduction;

(ii) Kidnapping;

(iii) Second degree murder;

(iv) Manslaughter, except involuntary manslaughter;

(v) Second degree rape;

(vi) Robbery under § 3–403 of the Criminal Law Article;

(vii) Third degree sexual offense under § 3–307(a)(1) of the Criminal Law Article;

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(viii) A crime in violation of § 5-133, § 5-134, § 5-138, or § 5-203 of the Public Safety Article;

(ix) Using, wearing, carrying, or transporting a firearm during and in relation to a drug trafficking crime under § 5-621 of the Criminal Law Article;

(x) Use of a firearm under § 5-622 of the Criminal Law Article;

(xi) Carjacking or armed carjacking under § 3-405 of the Criminal Law Article;

(xii) Assault in the first degree under § 3-202 of the Criminal Law Article;

(xiii) Attempted murder in the second degree under § 2-206 of the Criminal Law Article;

(xiv) Attempted rape in the second degree under § 3-310 of the Criminal Law Article;

(xv) Attempted robbery under § 3-403 of the Criminal Law Article; or

(xvi) A violation of § 4-203, § 4-204, § 4-404, or § 4-405 of the Criminal Law Article;

(5) A child who previously has been convicted as an adult of a felony and is subsequently alleged to have committed an act that would be a felony if committed by an adult, unless an order removing the proceeding to the court has been filed under § 4-202 of the Criminal Procedure Article;

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(6) A peace order proceeding in which the victim, as defined in § 3-8A-01(cc)(1)(ii) of this subtitle, is a person eligible for relief, as defined in § 4-501 of the Family Law Article; or

(7) Except as provided in subsection (a)(1)(ii) of this section, a delinquency proceeding against a child who is under the age of 13 years.

(e) If the child is charged with two or more violations of the Maryland Vehicle Law, another traffic law or ordinance, or the State Boat Act, allegedly arising out of the same incident and which would result in the child being brought before both the court and a court exercising criminal jurisdiction, the court has exclusive jurisdiction over all of the charges.

(f) A child under the age of 13 years may not be charged with a crime.

3-8A-10.

(c) (1) **(I)** Except as [otherwise] provided in [this subsection,] SUBPARAGRAPH (II) OF THIS PARAGRAPH, in considering the complaint, the intake officer shall make an inquiry within [25 days] 15 BUSINESS DAYS as to whether the court has jurisdiction and whether judicial action is in the best interests of the public or the child.

**(II)** IF A LAW ENFORCEMENT OFFICER REQUESTS THAT THE INTAKE OFFICER AUTHORIZE DETENTION FOR A CHILD UNDER § 3-8A-15 OF THIS SUBTITLE AND THE INTAKE OFFICER DOES NOT AUTHORIZE DETENTION, THE INTAKE OFFICER SHALL MAKE AN INQUIRY WITHIN 2 BUSINESS DAYS AS TO WHETHER THE COURT HAS JURISDICTION AND WHETHER JUDICIAL ACTION IS IN THE BEST INTERESTS OF THE PUBLIC OR THE CHILD.



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(2) An inquiry need not include an interview of the child who is the subject of the complaint if the complaint alleges the commission of an act that would be a felony if committed by an adult or alleges a violation of § 4-203 or § 4-204 of the Criminal Law Article OR A VIOLATION OF § 5-133, § 5-134, § 5-138, § 5-142, § 5-203, OR § 5-703 OF THE PUBLIC SAFETY ARTICLE.

(3) In accordance with this section, the intake officer [may,] SHALL, IMMEDIATELY after such inquiry [and within 25 days of receiving the complaint]:

(i) Authorize the filing of a petition or a peace order request or both;

(ii) Propose an informal adjustment of the matter; or

(iii) Refuse authorization to file a petition or a peace order request or both.

(4) (i) [1. Except as provided in subparagraph 2 of this subparagraph, if] IF a complaint is filed that alleges the commission of an act which would be a felony if committed by an adult or alleges a violation of § 4-203 or § 4-204 of the Criminal Law Article OR A VIOLATION OF § 5-133, § 5-134, § 5-138, § 5-142, § 5-203, OR § 5-703 OF THE PUBLIC SAFETY ARTICLE, and if the intake officer denies authorization to file a petition or proposes an informal adjustment, the intake officer shall immediately:

[A.] 1. Forward the complaint to the State's Attorney;  
and

[B.] 2. Forward a copy of the entire intake case file to the State's Attorney with information as to any and all prior intake involvement with the child.

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[2. For a complaint that alleges the commission of an act that would be a felony if committed by an adult, the intake officer is not required to forward the complaint and copy of the intake case file to the State's Attorney if:

A. The intake officer proposes the matter for informal adjustment;

B. The act did not involve the intentional causing of, or attempt to cause, the death of or physical injury to another; and

C. The act would not be a crime of violence, as defined under § 14-101 of the Criminal Law Article, if committed by an adult.]

**(II) IF A COMPLAINT IS FILED THAT ALLEGES THE COMMISSION OF A DELINQUENT ACT BY A CHILD WHO WAS UNDER THE SUPERVISION OF THE DEPARTMENT OF JUVENILE SERVICES AT THE TIME OF THE ALLEGED DELINQUENT ACT, AND IF THE INTAKE OFFICER DENIES AUTHORIZATION TO FILE A PETITION OR PROPOSES INFORMAL ADJUSTMENT, THE INTAKE OFFICER SHALL IMMEDIATELY:**

**1. FORWARD THE COMPLAINT TO THE STATE'S ATTORNEY; AND**

**2. FORWARD A COPY OF THE ENTIRE INTAKE CASE FILE TO THE STATE'S ATTORNEY WITH INFORMATION AS TO ANY AND ALL PRIOR INTAKE INVOLVEMENT WITH THE CHILD.**

**[(ii)] (III) The State's Attorney shall make a preliminary review as to whether the court has jurisdiction and whether judicial action is in the best interests of the public or the child. The need for restitution may be considered as one**

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factor in the public interest. After the preliminary review the State's Attorney shall, within 30 days of the receipt of the complaint by the State's Attorney, unless the court extends the time:

1. File a petition or a peace order request or both;
2. Refer the complaint to the Department of Juvenile Services for informal disposition; or
3. Dismiss the complaint.

**(IV) THIS PARAGRAPH MAY NOT BE CONSTRUED TO PROHIBIT AN INTAKE OFFICER FROM PROCEEDING WITH AN INFORMAL ADJUSTMENT WHILE THE STATE'S ATTORNEY CONDUCTS A PRELIMINARY REVIEW UNDER SUBPARAGRAPH (II) OR (III) OF THIS PARAGRAPH.**

**[(iii)] (V) This subsection may not be construed or interpreted to limit the authority of the State's Attorney to seek a waiver under § 3-8A-06 of this subtitle.**

**(5) IF A COMPLAINT IS FILED THAT ALLEGES THE COMMISSION OF AN ACT BY A CHILD UNDER THE AGE OF 13 YEARS THAT, IF COMMITTED BY AN ADULT, WOULD CONSTITUTE THEFT OF A MOTOR VEHICLE UNDER § 7-105 OF THE CRIMINAL LAW ARTICLE, THE INTAKE OFFICER SHALL AUTHORIZE THE FILING OF A PETITION ALLEGING THAT THE CHILD IS IN NEED OF SUPERVISION.**

**(f) (1) During the informal adjustment process, the child shall be subject to such supervision as the intake officer deems appropriate and if the intake officer decides to have an intake conference, the child and the child's parent or guardian shall appear at the intake conference.**

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(2) The informal adjustment process may not exceed 90 days unless:

(i) That time is extended by the court; or

(ii) The intake officer determines that additional time is necessary for the child to participate in a substance-related disorder treatment program or a mental health program that is part of the informal adjustment process.

(3) If the victim, the child, and the child's parent or guardian do not consent to an informal adjustment, the intake officer shall authorize the filing of a petition or a peace order request or both or deny authorization to file a petition or a peace order request or both under subsection (g) of this section.

(4) **(I)** If at any time before the completion of an agreed upon informal adjustment the intake officer believes that the informal adjustment cannot be completed successfully, the intake officer shall authorize the filing of a petition or a peace order request or both or deny authorization to file a petition or a peace order request or both under subsection (g) of this section.

**(II)** **IF THE INTAKE OFFICER DENIES AUTHORIZATION TO FILE A PETITION OR A PEACE ORDER REQUEST UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH, THE INTAKE OFFICER SHALL IMMEDIATELY FORWARD TO THE STATE'S ATTORNEY:**

**1. THE COMPLAINT; AND**

**2. A COPY OF THE ENTIRE INTAKE CASE FILE WITH INFORMATION AS TO ANY PRIOR INTAKE INVOLVEMENT WITH THE CHILD.**

(g) (1) If based upon the complaint and the inquiry, the intake officer concludes that the court has no jurisdiction, or that neither an informal adjustment nor

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judicial action is appropriate, the intake officer may deny authorization to file a petition or a peace order request or both.

(2) If the intake officer denies authorization to file a petition or a peace order request or both, the intake officer shall inform the following persons of the decision, the reasons for it, and their right of review provided in this section:

(i) The victim;

(ii) The arresting police officer; and

(iii) The person or agency that filed the complaint or caused it to be filed.

(3) The intake officer shall inform the persons specified in paragraph (2) of this subsection **BY ELECTRONIC MEANS** of the decision to deny authorization to file a petition for the alleged commission of a delinquent act through use of the form prescribed by § 3-8A-11 of this subtitle.

3-8A-14.

(a) A child may be taken into custody under this subtitle by any of the following methods:

(1) Pursuant to an order of the court;

(2) By a law enforcement officer pursuant to the law of arrest;

(3) By a law enforcement officer or other person authorized by the court if the officer or other person has reasonable grounds to believe that the child is in immediate danger from the child's surroundings and that the child's removal is necessary for the child's protection;

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(4) By a law enforcement officer or other person authorized by the court if the officer or other person has reasonable grounds to believe that the child has run away from the child's parents, guardian, or legal custodian; or

(5) In accordance with § 3-8A-14.1 of this subtitle.

(b) (1) (i) If a law enforcement officer takes a child into custody, the officer shall immediately notify, or cause to be notified, the child's parents, guardian, or custodian in a manner reasonably calculated to give actual notice of the action.

(ii) The notice required under subparagraph (i) of this paragraph shall:

1. Include the child's location;
2. Provide the reason for the child being taken into custody; and
3. Instruct the parent, guardian, or custodian on how to make immediate in-person contact with the child.

(2) After making every reasonable effort to give actual notice to a child's parent, guardian, or custodian, the law enforcement officer shall with all reasonable speed:

(i) Release the child to the child's parents, guardian, or custodian or to any other person designated by the court, upon their written promise to bring the child before the court when requested by the court, and such security for the child's appearance as the court may reasonably require, unless the child's placement in detention or shelter care is permitted and appears required by § 3-8A-15 of this subtitle; or

(ii) Deliver the child to the court or a place of detention or shelter care designated by the court.

(c) If a parent, guardian, or custodian fails to bring the child before the court when requested, the court may:

(1) Issue a writ of attachment directing that the child be taken into custody and brought before the court; and

(2) Proceed against the parent, guardian, or custodian for contempt.

**(D) IF A CHILD IS TAKEN INTO CUSTODY UNDER THIS SUBTITLE BY A LAW ENFORCEMENT OFFICER PURSUANT TO THE LAW OF ARREST, THE LAW ENFORCEMENT OFFICER SHALL:**

**(1) COMPLETE AND FORWARD A WRITTEN COMPLAINT OR CITATION TO THE DEPARTMENT OF JUVENILE SERVICES FOR PROCESSING UNDER § 3-8A-10 OF THIS SUBTITLE;**

**(2) IF THE CHILD WAS REFERRED TO AN AT-RISK YOUTH PREVENTION AND DIVERSION PROGRAM, AS DEFINED IN § 8-601 OF THE HUMAN SERVICES ARTICLE, COMPLETE AND FORWARD A WRITTEN REPORT TO THE DEPARTMENT OF JUVENILE SERVICES INDICATING THAT THE CHILD WAS DIVERTED TO:**

**(I) A LAW ENFORCEMENT DIVERSION PROGRAM, INCLUDING A DIVERSION PROGRAM OPERATED BY A LOCAL STATE'S ATTORNEY;**

(II) A DIVERSION PROGRAM OPERATED BY ANOTHER AGENCY OR ORGANIZATION;

(III) A LOCAL CARE TEAM; OR

(IV) ANOTHER COMMUNITY-BASED SERVICE PROVIDER; OR

(3) COMPLETE AND FORWARD A WRITTEN REPORT TO THE DEPARTMENT OF JUVENILE SERVICES INDICATING THAT NO FURTHER ACTION WAS TAKEN.

[(d)] (E) (1) (i) In this subsection the following words have the meanings indicated.

(ii) “Qualifying offense” has the meaning stated in § 8–302 of the Criminal Procedure Article.

(iii) “Sex trafficking” has the meaning stated in § 5–701 of the Family Law Article.

(iv) “Victim of human trafficking” has the meaning stated in § 8–302 of the Criminal Procedure Article.

(2) In addition to the requirements for reporting child abuse and neglect under § 5–704 of the Family Law Article, if a law enforcement officer has reason to believe that a child who has been detained is a victim of sex trafficking or a victim of human trafficking, the law enforcement officer shall, as soon as practicable:

(i) Notify an appropriate regional navigator, as defined in § 5–704.4 of the Family Law Article, for the jurisdiction where the child was taken into custody or where the child is a resident that the child is a suspected victim of sex



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trafficking or a suspected victim of human trafficking so the regional navigator can coordinate a service response;

(ii) Report to the local child welfare agency that the child is a suspected victim of sex trafficking or a suspected victim of human trafficking; and

(iii) Release the child to the child's parents, guardian, or custodian if it is safe and appropriate to do so, or to the local child welfare agency if there is reason to believe that the child's safety will be at risk if the child is returned to the child's parents, guardian, or custodian.

(3) A law enforcement officer who takes a child who is a suspected victim of sex trafficking or a suspected victim of human trafficking into custody under subsection (a)(3) of this section may not detain the child in a juvenile detention facility, as defined under § 9–237 of the Human Services Article, if the reason for detaining the child is a suspected commission of a qualifying offense or § 3–1102 of the Criminal Law Article.

[(e)] (F) The Supreme Court of Maryland may adopt rules concerning age-appropriate language to be used to advise a child who is taken into custody of the child's rights.

3–8A–15.

(b) (3) (I) [A] SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, A child alleged to have committed a delinquent act may not be placed in detention before a hearing if the most serious offense would be a misdemeanor if committed by an adult, unless:

[(i)] 1. The act [involved a handgun and would be a violation under the Criminal Law Article or] WOULD BE A VIOLATION OF § 4–203 OR § 4–204

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OF THE CRIMINAL LAW ARTICLE OR A VIOLATION OF § 5-133, § 5-134, § 5-138, § 5-142, § 5-203, OR § 5-703 OF the Public Safety Article if committed by an adult; [or]

[(ii)] 2. The child has been adjudicated delinquent at least twice in the preceding [12 months] 2 YEARS; OR

3. A. THE CHILD WAS UNDER THE SUPERVISION OF THE DEPARTMENT OF JUVENILE SERVICES WHEN THE ALLEGED ACT OCCURRED; AND

B. THE ALLEGED ACT, IF COMMITTED BY AN ADULT, WOULD BE SUBJECT TO A PENALTY OF IMPRISONMENT OF MORE THAN 2 YEARS AND WOULD NOT CONSTITUTE ASSAULT IN THE SECOND DEGREE UNDER § 3-203 OF THE CRIMINAL LAW ARTICLE.

(ii) EXCEPT AS PROVIDED IN SUBSECTION (E) OF THIS SECTION, A CHILD UNDER THE AGE OF 13 MAY NOT BE PLACED IN DETENTION IF:

1. THE ACT WOULD BE A VIOLATION OF § 4-203 OR § 4-204 OF THE CRIMINAL LAW ARTICLE OR A VIOLATION OF § 5-133, § 5-134, § 5-138, § 5-142, § 5-203, OR § 5-703 OF THE PUBLIC SAFETY ARTICLE; AND

2. THE CHILD HAS NOT PREVIOUSLY BEEN ADJUDICATED DELINQUENT FOR AN ACT THAT WOULD BE A VIOLATION § 4-203 OR § 4-204 OF THE CRIMINAL LAW ARTICLE OR A VIOLATION OF § 5-133, § 5-134, § 5-138, § 5-142, § 5-203, OR § 5-703 OF THE PUBLIC SAFETY ARTICLE.

(e) (3) (ii) If a child who has been released by the Department of Juvenile Services or the court into community detention violates the conditions of

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community detention, and it is necessary to protect the child or others, an intake officer may authorize the detention of the child.

(k) (1) [If] EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, IF a child remains in a facility used for detention, the Department of Juvenile Services shall:

[(1)] (I) Within 14 days after the child's initial detention, appear at a hearing before the court with the child to explain the reasons for continued detention; and

[(2)] (II) Every 14 days thereafter, appear at another hearing before the court with the child to explain the reasons for continued detention.

(2) A HEARING REQUIRED UNDER THIS SUBSECTION MAY BE WAIVED ONE TIME ON THE CONSENT OF THE COURT, THE STATE'S ATTORNEY, AND COUNSEL FOR THE CHILD.

3-8A-19.

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

(i) Subject to § 3-8A-19.6 of this subtitle, place the child on probation or under supervision in his own home or in the custody or under the guardianship of a relative or other fit person, upon terms the court deems appropriate, including community detention;

(ii) Subject to the provisions of paragraphs (2) and (3) of this subsection, commit the child to the custody or under the guardianship of the Department of Juvenile Services, the Maryland Department of Health, or a public or

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licensed private agency on terms that the court considers appropriate to meet the priorities set forth in § 3–8A–02 of this subtitle, including designation of the type of facility where the child is to be accommodated, until custody or guardianship is terminated with approval of the court or as required under § 3–8A–24 of this subtitle;  
or

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

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

(3) (i) A child may not be committed to the Department of Juvenile Services for out-of-home placement if the most serious offense is:

1. Possession of cannabis under § 5–601(c)(2)(ii) of the Criminal Law Article;

2. An offense that would be a misdemeanor if committed by an adult, unless the offense involves a firearm;

3. A technical violation, as defined in § 3–8A–19.6 of this subtitle; or

4. A first-time violation for making a false statement, report, or complaint of an emergency or a crime under § 9–501.1 of the Criminal Law Article.

(ii) This paragraph may not be construed to prohibit the court from committing the child to another appropriate agency.

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

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

(6) (i) If the court finds that a child enrolled in a public elementary or secondary school is delinquent or in need of supervision and commits the child to the custody or under the guardianship of the Department of Juvenile Services, the court may notify the county superintendent, the supervisor of pupil personnel, or any other official designated by the county superintendent of the fact that the child has been found to be delinquent or in need of supervision and has been committed to the custody or under the guardianship of the Department of Juvenile Services.

(ii) If the court rescinds the commitment order for a child enrolled in a public elementary or secondary school, the court may notify the county superintendent, the supervisor of pupil personnel, or any other official designated by the county superintendent of the fact that the child is no longer committed to the custody of the Department of Juvenile Services.

(iii) The notice authorized under subparagraphs (i) and (ii) of this paragraph may not include any order or pleading related to the delinquency or child in need of supervision case.

**(7) IF A CHILD PLACED IN COMMUNITY DETENTION UNDER AN ELECTRONIC MONITORING AGREEMENT UNDER THIS SUBSECTION VIOLATES THE**

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AGREEMENT, THE DEPARTMENT OF JUVENILE SERVICES SHALL NOTIFY WITHIN 24 HOURS AFTER THE VIOLATION:

- (I) THE JUVENILE COURT;
- (II) THE OFFICE OF THE STATE’S ATTORNEY; AND
- (III) THE CHILD’S DEFENSE ATTORNEY.

3-8A-19.6.

(a) (1) In this section[, “technical”] THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) “GOOD CAUSE” INCLUDES A CHILD HAVING TWO OR MORE UNEXCUSED ABSENCES FROM A TREATMENT PROGRAM THAT THE CHILD IS ORDERED TO ATTEND AS A CONDITION OF PROBATION, UNLESS THE CHILD HAS SUBSTANTIALLY COMPLETED THE TREATMENT PROGRAM.

(3) “TECHNICAL violation” means a violation of probation that does not involve:

[(1)] (I) An arrest or a summons issued by a commissioner on a statement of charges filed by a law enforcement officer;

[(2)] (II) A violation of a criminal prohibition, or an act that would be a violation of a criminal prohibition if committed by an adult, other than a minor traffic offense;

[(3)] (III) A violation of a no-contact or stay-away order; or

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[(4)] (IV) Absconding.

(b) This section does not apply to an offense committed by a child that, if committed by an adult, would be a felony and a crime of violence under § 14–101 of the Criminal Law Article.

(c) The court may not place a child on probation for a term exceeding that provided in this section.

(d) (1) Except as provided in paragraph (2) of this subsection, if the most serious offense committed by a child would be a misdemeanor if committed by an adult, the court may place the child on probation for a period not exceeding [6 months] 1 YEAR.

(2) Subject to paragraph (3) of this subsection, the court may, after a hearing, extend the probation by periods not exceeding 3 months if the court finds that:

(i) There is good cause to extend the probation; and

(ii) The purpose of extending the probation is to ensure that the child completes a treatment or rehabilitative program or service.

(3) The total period of the probation, including extensions of the probation, may not exceed [1 year] 2 YEARS.

(e) (1) Except as provided in paragraph (2) of this subsection, if the most serious offense committed by a child would be a felony if committed by an adult, the court may place the child on probation for a period not exceeding [1 year] 2 YEARS.

(2) (i) Subject to paragraph (3) of this subsection, the court may, after a hearing, extend the probation by periods not exceeding 3 months if the court finds that:

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1. There is good cause to extend the probation; and

2. The purpose of extending the probation is to ensure that the child completes a treatment or rehabilitative program or service.

(ii) Except as provided in paragraph (3) of this subsection, if the probation is extended under this paragraph, the total period of the probation may not exceed [2] 3 years.

(3) (i) Subject to subparagraph (ii) of this paragraph, the court may extend the period of the probation for a period of time greater than the period described in paragraph (2)(ii) of this subsection if, after a hearing, the court finds by clear and convincing evidence that:

1. There is good cause to extend the probation; and

2. Extending the probation is in the best interest of the child.

(ii) If the probation is extended under this paragraph, the total period of probation, including extensions under paragraph (2) of this subsection, may not exceed [3] 4 years.

(f) Notwithstanding any other provision of this section, if a child is found to have committed a violation of probation, except for a technical violation, a court may, after a hearing, place the child on a new term of probation for a period that is consistent with the period of probation that may be imposed under this section for the delinquent act for which the child was originally placed on probation.



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(a) In this section, “technical violation” has the meaning stated in § 3–8A–19.6 of this subtitle.

(b) A child may not be placed in a facility used for detention for a technical violation.

3–8A–20.1.

(a) (1) In this section, “treatment service plan” means a plan recommended at a disposition hearing under § 3–8A–19 of this subtitle or at a disposition review hearing under this section by the Department of Juvenile Services to the court proposing specific assistance, guidance, treatment, or rehabilitation of a child.

(2) In making a treatment service plan, a juvenile counselor shall meet with the child who is the subject of the treatment service plan and the child’s parent, guardian, or legal custodian to discuss the treatment service plan.

(3) If a child’s parent, guardian, or legal custodian is unable or refuses to meet with the juvenile counselor, the treatment service plan shall indicate that the parent, guardian, or legal custodian is unable or refuses to meet, and the reason for the inability or refusal to meet, if known.

(4) At a minimum, the treatment service plan shall include:

(i) The recommended level of supervision for the child;

(ii) Specific goals for the child and family to meet, along with timelines for meeting those goals;

(iii) A statement of any condition that the child’s parent, guardian, or legal custodian must change in order to alleviate any risks to the child;

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(iv) A statement of the services to be provided to the child and child's family; and

(v) Any other information that may be necessary to make a disposition consistent with the child's best interests and the protection of the public interest.

(b) (1) In making a disposition on a petition under § 3-8A-19 of this subtitle, if the court adopts a treatment service plan, the Department of Juvenile Services shall ensure that implementation of the treatment service plan occurs within 25 days after the date of disposition.

(2) If a treatment service plan requires specified supervision, mentoring, mediation, monitoring, or placement, implementation of the treatment service plan is considered to have occurred ONLY when the supervision, mentoring, mediation, monitoring, or placement occurs.

(3) The Department of Juvenile Services shall [certify] PROVIDE CERTIFICATION in writing to the court within 25 days after the date of disposition whether implementation of the treatment service plan has occurred AND EXPLAIN ATTEMPTS MADE TO ENSURE IMPLEMENTATION.

(4) THE DEPARTMENT OF JUVENILE SERVICES SHALL FORWARD A COPY OF THE CERTIFICATION DESCRIBED IN PARAGRAPH (3) OF THIS SUBSECTION TO THE COMMISSION ON JUVENILE JUSTICE REFORM AND EMERGING AND BEST PRACTICES UNDER § 9-3502 OF THE STATE GOVERNMENT ARTICLE SO THAT THE COMMISSION MAY EVALUATE PATTERNS OF FAILED IMPLEMENTATION.

(c) (1) If a treatment service plan is not implemented by the Department of Juvenile Services within 25 days under subsection (b)(3) of this section, the court shall

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schedule, within 7 days after receipt of the certification, a disposition review hearing to be held within 30 days after receipt of the certification.

(2) The court shall give at least 7 days' notice of the date and time of the disposition review hearing to each party and to the Department of Juvenile Services.

(d) (1) The court shall hold a disposition review hearing unless the Department of Juvenile Services certifies in writing to the court prior to the hearing that implementation of the treatment service plan has occurred.

(2) At a disposition review hearing, the court may:

(i) Revise, in accordance with the provisions of § 3-8A-19 of this subtitle, the disposition previously made; and

(ii) Revise the treatment service plan previously adopted.

(e) This section may not be construed to provide entitlement to services not otherwise provided by law.

(f) The Supreme Court of Maryland may adopt rules to implement the provisions of this section.

3-8A-25.

(A) If a child is committed under this subtitle to an individual or to a public or private agency or institution:

(1) The juvenile counselor shall visit the child at the child's placement no less than once every month, if the placement is in the State;

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(2) The court may order the juvenile counselor to visit the child more frequently than required by item (1) of this [section] SUBSECTION if the court deems it to be in the child's best interests; and

(3) The court may require the custodian to file periodic written progress reports, with recommendations for further supervision, treatment, or rehabilitation.

**(B) IF A CHILD IS PLACED ON PROBATION UNDER § 3-8A-19.6 OF THIS SUBTITLE, THE COURT SHALL BE PROVIDED WITH A PROGRESS REPORT IF THE CHILD HAS TWO OR MORE UNEXCUSED ABSENCES FROM A TREATMENT PROGRAM THAT THE CHILD IS ORDERED TO ATTEND AS A CONDITION OF PROBATION.**

3-8A-27.

(b) (1) A court record pertaining to a child is confidential and its contents may not be divulged, by subpoena or otherwise, except by order of the court upon good cause shown or as provided in §§ 7-303 and 22-309 of the Education Article.

(10) This subsection does not prohibit access to and confidential use of a court record by the [State Advisory Board for Juvenile Services] COMMISSION ON JUVENILE JUSTICE REFORM AND EMERGING AND BEST PRACTICES if the [Board] COMMISSION is performing the functions described under [§ 9-215(5) of the Human Services] § 9-3502 OF THE STATE GOVERNMENT Article.

**Article - Criminal Procedure**

2-108.

(a) A law enforcement officer who charges a minor with a criminal offense shall make a reasonable attempt to provide actual notice to the parent or guardian of the minor of the charge.

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(b) If a law enforcement officer takes a minor into custody, the law enforcement officer or the officer's designee shall make a reasonable attempt to notify the parent or guardian of the minor in accordance with the requirements of § 3-8A-14 of the Courts Article.

**(C) IF A LAW ENFORCEMENT OFFICER ALLEGES THE COMMISSION OF AN ACT BY A CHILD UNDER THE AGE OF 13 YEARS THAT, IF COMMITTED BY AN ADULT, WOULD CONSTITUTE THEFT OF A MOTOR VEHICLE UNDER § 7-105 OF THE CRIMINAL LAW ARTICLE, THE LAW ENFORCEMENT OFFICER SHALL FORWARD THE COMPLAINT TO THE DEPARTMENT OF JUVENILE SERVICES TO FILE A PETITION ALLEGING THAT THE CHILD IS IN NEED OF SUPERVISION.**

11-722.

(a) (1) In this section the following words have the meanings indicated.

(2) "County board" has the meaning stated in § 1-101 of the Education Article.

**(3) "JUVENILE REGISTRANT" HAS THE MEANING STATED IN § 11-704.1 OF THIS SUBTITLE.**

[(3)] (4) "State Board" has the meaning stated in § 1-101 of the Education Article.

(b) This section does not apply to a registrant OR A JUVENILE REGISTRANT who enters real property:

(1) where the registrant's OR JUVENILE REGISTRANT'S child is a student or receives child care, if:

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(i) within the past year the registrant OR JUVENILE REGISTRANT has been given the specific written permission of the Superintendent of Schools, the local school board, the principal of the school, or the owner or operator of the registered family child care home, licensed child care home, or licensed child care institution, as applicable; and

(ii) the registrant OR JUVENILE REGISTRANT promptly notifies an agent or employee of the school, home, or institution of the registrant's OR JUVENILE REGISTRANT'S presence and purpose of visit; or

(2) for the purpose of voting at a school on an election day in the State if the registrant OR JUVENILE REGISTRANT is properly registered to vote and the registrant's OR JUVENILE REGISTRANT'S polling place is at the school.

(c) Except as provided in subsection (e) of this section, a registrant OR JUVENILE REGISTRANT may not knowingly enter onto real property:

(1) that is used for public or nonpublic elementary or secondary education; or

(2) on which is located:

(i) a family child care home registered under Title 5, Subtitle 5 of the Family Law Article;

(ii) a child care home or a child care institution licensed under Title 5, Subtitle 5 of the Family Law Article; or

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(iii) a home where informal child care, as defined in child care subsidy regulations adopted under Title 13A of the Code of Maryland Regulations, is being provided or will be provided to a child who does not reside there.

(d) A person who enters into a contract with a county board or a nonpublic school may not knowingly employ an individual to work at a school if the individual is a registrant OR JUVENILE REGISTRANT.

(e) (1) A registrant OR JUVENILE REGISTRANT who is a student may receive an education in accordance with State law in any of the following locations:

(i) a location other than a public or nonpublic elementary or secondary school, including by:

1. participating in the Home and Hospital Teaching Program for Students; or

2. participating in or attending a program approved by a county board under paragraph (2) of this subsection;

(ii) a Regional Institute for Children and Adolescents; or

(iii) a nonpublic educational program as provided by § 8-406 of the Education Article if:

1. the registrant OR JUVENILE REGISTRANT has notified an agent or employee of the nonpublic educational program that the registrant OR JUVENILE REGISTRANT is required to register under this subtitle; and

2. the registrant OR JUVENILE REGISTRANT has been given specific written permission by an agent or employee of the nonpublic educational program to attend the nonpublic educational program.

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(2) Each county board shall develop and adopt a policy that enables a registrant **OR JUVENILE REGISTRANT** who is a student to receive an education as described under paragraph (1) of this subsection.

(3) The State Board shall develop and adopt guidelines and a model policy to assist a county board with the development of a policy under paragraph (2) of this subsection.

(f) A person who violates subsection (c) or (d) of this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 5 years or a fine not exceeding \$5,000 or both.

11-914.

Subject to the authority of the Executive Director, the Board shall:

(9) (i) develop pamphlets to notify victims and victim's representatives of the rights, services, and procedures provided under Article 47 of the Maryland Declaration of Rights or State law, how to request information regarding an unsolved case, **HOW TO FILE A COMPLAINT TO THE DEPARTMENT OF JUVENILE SERVICES ALLEGING THAT A CHILD IS IN NEED OF SUPERVISION**, and how to request that an offender be placed on electronic monitoring or electronic monitoring with victim stay-away alert technology, including:

1. one pamphlet relating to the MDEC system protocol registration process and the time before and after the filing of a charging document other than an indictment or information in circuit court; and

2. a second pamphlet relating to the time after the filing of an indictment or information in circuit court; and



(ii) develop a poster to notify victims of the right to request a private room in a law enforcement agency or unit to report crimes under Title 3 of the Criminal Law Article; and

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

Article – Human Services

8-103.

(A) (1) THERE IS A GOVERNOR’S OFFICE FOR CHILDREN.

(2) THE OFFICE IS A SEPARATE UNIT WITHIN THE EXECUTIVE DEPARTMENT.

(B) THE PURPOSE OF THE OFFICE IS TO PROVIDE A COORDINATED, COMPREHENSIVE, INTERAGENCY APPROACH TO PROMOTING THE WELL-BEING OF CHILDREN AND FAMILIES THROUGH A NETWORK OF SUPPORTS, PROGRAMS, AND SERVICES THAT ARE FAMILY AND CHILD-ORIENTED AND REDUCING THE NUMBER OF CHILDREN LIVING IN POVERTY.

(C) THE GOVERNOR MAY PROVIDE FOR THE STRUCTURE, DUTIES, AND RESPONSIBILITIES OF THE OFFICE BY EXECUTIVE ORDER.

8-104.

(A) THERE IS A CHILDREN’S CABINET ADMINISTERED BY THE GOVERNOR’S OFFICE FOR CHILDREN.

(Over)

**(B) THE PURPOSE OF THE CHILDREN'S CABINET IS TO PROMOTE THE VISION OF THE STATE FOR A STABLE, SAFE, AND HEALTHY ENVIRONMENT FOR CHILDREN AND FAMILIES.**

**(C) THE HEAD OF THE GOVERNOR'S OFFICE FOR CHILDREN SHALL SERVE AS THE CHAIR AND BE RESPONSIBLE FOR THE ADMINISTRATION AND OPERATIONS OF THE CHILDREN'S CABINET.**

**(D) THE GOVERNOR MAY PROVIDE FOR THE STRUCTURE, DUTIES, AND RESPONSIBILITIES OF THE CHILDREN'S CABINET BY EXECUTIVE ORDER.**

8-601.

In this subtitle, "at-risk youth prevention and diversion program" means services provided to school-aged youth and their families to prevent or divert youth from entering the juvenile justice system and to help make them ready for adulthood by age 21.

8-605.

On or before December 31 each year, the Office shall report:

**(1) to the General Assembly, in accordance with § 2-1257 of the State Government Article, on the implementation and effectiveness of at-risk youth prevention and diversion programs; AND**

**(2) TO THE DEPARTMENT OF JUVENILE SERVICES ON:**

**(I) THE NUMBER OF CHILDREN REFERRED TO AN AT-RISK YOUTH PREVENTION AND DIVERSION PROGRAM IN THE PREVIOUS YEAR;**

(II) THE AGE, GENDER, AND RACE OF CHILDREN REFERRED TO AN AT-RISK YOUTH PREVENTION AND DIVERSION PROGRAM IN THE PREVIOUS YEAR; AND

(III) THE NUMBER OF CHILDREN CURRENTLY ENROLLED IN AN AT-RISK YOUTH PREVENTION AND DIVERSION PROGRAM.

9-101.

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

(b) “Department” means the Department of Juvenile Services.

(c) “Secretary” means the Secretary of Juvenile Services.

[(d) “State Advisory Board” means the State Advisory Board for Juvenile Services.]

9-204.

(f) (1) The Secretary shall develop a State Comprehensive Juvenile Services 3-Year Plan.

(2) The Plan shall:

(i) include an inventory of all in-day treatment programs and residential care programs and an accounting of the residence of all clients;

(ii) include an inventory of nonresidential treatment programs;

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(iii) specify the needs of the various areas of services for clients, including alcohol and drug abuse rehabilitation services;

(iv) specify the needs of clients, including predelinquent diversion services programs;

(v) establish priorities for the different services needed;

(vi) set standards for the quality of residential services and outreach services;

(vii) include a program dedicated to reducing recidivism rates of clients;

(viii) include programs dedicated to diverting children from the juvenile justice system; [and]

**(IX) INCLUDE PROGRAMS DEVELOPED FOR YOUTH AT THE HIGHEST RISK OF BECOMING VICTIMS OR PERPETRATORS OF GUN VIOLENCE;**

**(X) INCLUDE PROGRAMS DEVELOPED SPECIFICALLY FOR INDIVIDUALS AT LEAST 10 YEARS OLD AND UNDER THE AGE OF 15 YEARS WHO ARE AT THE HIGHEST RISK OF BECOMING VICTIMS OR PERPETRATORS OF GUN VIOLENCE;**

**(XI) INCLUDE PROGRAMS DEVELOPED FOR YOUTH INVOLVED IN MOTOR VEHICLE THEFT; AND**

**[(ix)] (XII) include any other matters that the Secretary considers appropriate.**

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(3) The Plan shall be revised for each fiscal year and submitted, subject to § 2–1257 of the State Government Article, to the General Assembly by February 1 of each year.

[9–211.

There is a State Advisory Board for Juvenile Services in the Department.]

[9–212.

(a) The State Advisory Board consists of the following members appointed by the Governor:

- (1) one representative of the Department;
- (2) one representative of the State Department of Education;
- (3) one representative of the Maryland Department of Health;
- (4) one representative of the Department of State Police;
- (5) one representative of the Social Services Administration of the Department of Human Services;
- (6) one representative of a private child welfare agency;
- (7) one representative of a youth services bureau;
- (8) three representatives of the State judiciary;
- (9) one representative of the General Assembly recommended by the President of the Senate;

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(10) one representative of the General Assembly recommended by the Speaker of the House;

(11) one representative of the Maryland State's Attorneys' Association;

(12) one representative of the Maryland Office of the Public Defender;  
and

(13) nine members of the general public.

(b) Of the nine members from the general public:

(1) three shall be chosen on the basis of their interest in and experience with minors and juvenile problems;

(2) two shall:

(i) at the time of appointment to a first term, be at least 16 years old and under the age of 25 years; and

(ii) include at least one individual who has been under the jurisdiction of the Department;

(3) one shall be an individual who is a parent or guardian of a youth who has been under the jurisdiction of the Department;

(4) one shall be a victim advocate; and

(5) two shall be employees of the Department with different job titles, recommended by the President of the American Federation of State, County, and Municipal Employees, Council 3.

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(c) (1) The term of a member is 3 years.

(2) The terms of the members are staggered as required by the terms provided for members of the State Advisory Board on October 1, 2007.

(3) At the end of a term, a member continues to serve until a successor is appointed and qualifies.

(4) A member who is appointed after a term has begun serves only for the rest of the term and until a successor is appointed and qualifies.

(5) A member who serves two consecutive full 3-year terms may not be reappointed for 3 years after completion of those terms.]

[9-213.

(a) From among the members of the State Advisory Board, the Governor shall appoint a chair.

(b) (1) From among the members of the State Advisory Board, the chair shall appoint a secretary.

(2) The secretary shall keep full and accurate minutes of each State Advisory Board meeting.]

[9-214.

(a) The State Advisory Board shall meet regularly at least six times a year on the call of its chair.

(b) A member of the State Advisory Board:

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(1) may not receive compensation as a member of the State Advisory Board; but

(2) is entitled to reimbursement for expenses under the Standard State Travel Regulations, as provided in the State budget.

(c) A member of the State Advisory Board may not have a direct or indirect interest in any contract for building, repairing, equipping, or providing materials or supplies to the Department or have any other financial interest in a contract with the Department.]

[9-215.

In addition to its other duties specified in this title, the State Advisory Board shall:

(1) consult with and advise the Secretary on:

(i) each aspect of the juvenile services program in the State;

(ii) the educational programs and services of the Department;

(iii) programs designed to divert children from the juvenile justice system; and

(iv) the treatment and programming needs of females in the juvenile justice system;

(2) recommend to the Secretary policies and programs to improve juvenile services in the State;



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(3) participate in interpreting for the public the objectives of the Department;

(4) participate in planning the development and use of available resources to meet the needs of the Department; and

(5) examine and review fatalities involving children under the supervision of the Department for the purpose of advising the Secretary on policies and programs to prevent fatalities, including:

(i) a death caused by a child under the supervision of the Department, if the child is convicted or adjudicated for the death; and

(ii) the death of a child under the supervision of the Department.]

**[9-230.**

(a) With the consent of the State Advisory Board, the Secretary may establish an advisory board for one or more facilities.

(b) Each board shall consist of individuals that the Secretary and the State Advisory Board consider to be helpful in matters that relate to the effective operation and improvement of the facility.

(c) A representative of the Juvenile Justice Monitoring Unit of the Office of the Attorney General established under Title 6, Subtitle 4 of the State Government Article shall be available to attend meetings of each advisory board.]

**Article – Public Safety**

**3-531.**

(Over)

**(A) THERE IS A GOVERNOR'S OFFICE OF CRIME PREVENTION AND POLICY.**

**(B) THE OFFICE IS A SEPARATE UNIT WITHIN THE EXECUTIVE DEPARTMENT.**

**(C) THE GOVERNOR MAY PROVIDE FOR THE STRUCTURE, DUTIES, AND RESPONSIBILITIES OF THE OFFICE BY EXECUTIVE ORDER.**

**Article – State Government**

6–401.

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

(i) “Unit” means the Juvenile Justice Monitoring Unit of the Office of the Attorney General.

6–406.

(a) The Unit shall report in a timely manner to the Deputy Director, the Secretary, THE COMMISSION ON JUVENILE JUSTICE REFORM AND EMERGING AND BEST PRACTICES, and, in accordance with § 2–1257 of this article, the Speaker of the House of Delegates and the President of the Senate:

(1) knowledge of any problem regarding the care, supervision, and treatment of children in facilities;

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(2) findings, actions, and recommendations, related to the investigations of disciplinary actions, grievances, incident reports, and alleged cases of child abuse and neglect; and

(3) all other findings and actions related to the monitoring required under this subtitle.

(b) (1) The Unit shall report quarterly to the Executive Director and the Secretary.

(2) A copy of the report shall be provided to the [State Advisory Board for Juvenile Services] **COMMISSION ON JUVENILE JUSTICE REFORM AND EMERGING AND BEST PRACTICES** and, in accordance with § 2–1257 of this article, the General Assembly.

(3) The report shall include:

(i) all activities of the Unit;

(ii) actions taken by the Department resulting from the findings and recommendations of the Unit, including the Department’s response; and

(iii) a summary of any violations of the standards and regulations of the Department that remained unabated for 30 days or more during the reporting period.

(c) Beginning in 2006, on or before November 30 of each year, the Unit shall report to the Executive Director, the Secretary, the [advisory boards established under § 9–230 of the Human Services Article] **COMMISSION ON JUVENILE JUSTICE REFORM AND EMERGING AND BEST PRACTICES**, the Governor, and, in accordance with § 2–1257 of this article, the General Assembly, on all the activities of the Office

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and the actions taken by the Department in response to findings and recommendations of the Unit.

9-3501.

In this subtitle, "Commission" means the Commission on Juvenile Justice Reform and Emerging and Best Practices.

9-3502.

(a) There is a Commission on Juvenile Justice Reform and Emerging and Best Practices.

(b) **(1)** The Commission consists of the following members:

**[(1)] (I)** two members of the Senate of Maryland, appointed by the President of the Senate;

**[(2)] (II)** two members of the House of Delegates, appointed by the Speaker of the House;

**[(3)] (III)** the Secretary of Juvenile Services;

**[(4)] (IV)** the Secretary of Human Services; and

**[(5)] (V)** the following members, appointed by the Governor:

**[(i)] 1.** one representative of an institute for public policy that specializes in juvenile justice issues in the State;

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**[(ii)] 2. one representative of an institute operated by the University of Maryland specializing in providing evidence-based and culturally competent services for juveniles; [and]**

**[(iii)] 3. [three representatives] ONE REPRESENTATIVE with relevant education and experience;**

**4. ONE LOCAL SCHOOL SUPERINTENDENT;**

**5. ONE SCHOOL PRINCIPAL;**

**6. ONE REPRESENTATIVE OF AN ORGANIZATION THAT PROVIDES SERVICES TO CHILDREN INVOLVED IN THE JUVENILE JUSTICE SYSTEM;**

**7. ONE REPRESENTATIVE OF THE MARYLAND DEPARTMENT OF HEALTH;**

**8. ONE REPRESENTATIVE OF A PRIVATE CHILD WELFARE AGENCY;**

**9. ONE REPRESENTATIVE OF A YOUTH SERVICES BUREAU;**

**10. ONE REPRESENTATIVE OF THE STATE JUDICIARY;**

**11. ONE REPRESENTATIVE OF THE MARYLAND STATE'S ATTORNEYS' ASSOCIATION;**

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12. ONE REPRESENTATIVE OF THE MARYLAND OFFICE OF THE PUBLIC DEFENDER;

13. ONE REPRESENTATIVE OF THE MARYLAND CHIEFS OF POLICE ASSOCIATION;

14. ONE REPRESENTATIVE OF THE MARYLAND SHERIFFS' ASSOCIATION;

15. ONE REPRESENTATIVE OF THE MARYLAND CONSORTIUM ON COORDINATED COMMUNITY SUPPORTS; AND

16. SEVEN MEMBERS OF THE GENERAL PUBLIC.

(2) OF THE SEVEN MEMBERS OF THE GENERAL PUBLIC:

(I) ONE SHALL BE CHOSEN ON THE BASIS OF THE MEMBER'S INTEREST IN AND EXPERIENCE WITH MINORS AND JUVENILE PROBLEMS;

(II) TWO SHALL:

1. AT THE TIME OF THE APPOINTMENT TO A FIRST TERM, BE AT LEAST 16 YEARS OLD AND UNDER THE AGE OF 30 YEARS; AND

2. INCLUDE AT LEAST ONE INDIVIDUAL WHO HAS BEEN UNDER THE JURISDICTION OF THE DEPARTMENT OF JUVENILE SERVICES;

(III) ONE SHALL BE AN INDIVIDUAL WHO IS A PARENT OR GUARDIAN OF A YOUTH WHO HAS BEEN UNDER THE JURISDICTION OF THE DEPARTMENT OF JUVENILE SERVICES;

(IV) ONE SHALL BE A VICTIM ADVOCATE; AND

(V) TWO SHALL BE EMPLOYEES OF THE DEPARTMENT OF JUVENILE SERVICES WITH DIFFERENT JOB TITLES, RECOMMENDED BY THE PRESIDENT OF THE AMERICAN FEDERATION OF STATE, COUNTY, AND MUNICIPAL EMPLOYEES, COUNCIL 3.

(C) (1) THE TERM OF AN APPOINTED MEMBER IS 3 YEARS.

(2) THE TERMS OF THE APPOINTED MEMBERS ARE STAGGERED AS REQUIRED BY THE TERMS PROVIDED FOR MEMBERS OF THE COMMISSION ON JUNE 1, 2024.

(3) AT THE END OF A TERM, A MEMBER CONTINUES TO SERVE UNTIL A SUCCESSOR IS APPOINTED AND QUALIFIES.

(4) A MEMBER WHO IS APPOINTED AFTER A TERM HAS BEGUN SERVES ONLY FOR THE REST OF THE TERM AND UNTIL A SUCCESSOR IS APPOINTED AND QUALIFIES.

(5) AN APPOINTED MEMBER WHO SERVES TWO CONSECUTIVE FULL 3-YEAR TERMS MAY NOT BE REAPPOINTED FOR 3 YEARS AFTER COMPLETION OF THOSE TERMS.

[(c)] (D) (1) [The Governor shall designate the chair of the Commission] FROM AMONG THE MEMBERS OF THE COMMISSION, THE GOVERNOR, THE

(Over)

**PRESIDENT OF THE SENATE, AND THE SPEAKER OF THE HOUSE SHALL APPOINT  
A CHAIR.**

**(2) (I) FROM AMONG THE MEMBERS OF THE COMMISSION, THE  
CHAIR SHALL APPOINT A SECRETARY.**

**(II) THE SECRETARY SHALL KEEP FULL AND ACCURATE  
MINUTES OF EACH COMMISSION MEETING.**

**[(d)] (E) The [Department of Juvenile Services and the Department of  
Human Services] GOVERNOR'S OFFICE OF CRIME PREVENTION AND POLICY shall  
provide staff for the Commission.**

**[(e)] (F) (1) THE COMMISSION SHALL MEET REGULARLY AT LEAST  
SIX TIMES A YEAR ON THE CALL OF ITS CHAIR.**

**(2) A member of the Commission:**

**[(1)] (I) may not receive compensation as a member of the  
Commission; but**

**[(2)] (II) is entitled to reimbursement for expenses under the Standard  
State Travel Regulations, as provided in the State budget.**

**[(f)] (G) The Commission shall:**

**(1) REVIEW AND REPORT ON:**

**(I) ALL JUVENILE SERVICES, FACILITIES, AND PROGRAMS IN  
THE STATE;**



(II) THE EDUCATIONAL PROGRAMS AND SERVICES OF THE DEPARTMENT OF JUVENILE SERVICES;

(III) PROGRAMS DESIGNED TO DIVERT CHILDREN FROM THE JUVENILE JUSTICE SYSTEM;

(IV) THE TREATMENT AND PROGRAMMING NEEDS OF FEMALES IN THE JUVENILE JUSTICE SYSTEM;

(V) 1. THE USE OF CHILD IN NEED OF SUPERVISION PETITIONS; AND

2. THE NUMBER OF CHILD IN NEED OF SUPERVISION PETITIONS AUTHORIZED OR DENIED BY JURISDICTION; AND

(VI) THE WAIT TIMES FOR PLACEMENT OF CHILDREN IN FACILITIES;

[(1)] (2) research culturally competent, evidence-based, research-based, and promising PROGRAMS AND practices relating to:

(i) child welfare;

(ii) juvenile rehabilitation;

(iii) mental health services for children; and

(iv) prevention and intervention services for juveniles;

(Over)

[(2)] (3) evaluate the cost-effectiveness of EXISTING AND PROMISING PROGRAMS AND practices researched by the Commission;

[(3)] (4) identify means of evaluating the effectiveness of PROGRAMS AND practices researched by the Commission; [and]

[(4)] (5) giving special attention to organizations located in or serving historically underserved communities, identify strategies to enable community-based organizations that provide services for juveniles to evaluate and validate services and programming provided by those organizations;

(6) REVIEW DATA RELATING TO ARRESTS, COMPLETION OF PROGRAMMING, AND RECIDIVISM FROM THE MARYLAND LONGITUDINAL DATA SYSTEM CENTER;

(7) IDENTIFY OPPORTUNITIES FOR GREATER COORDINATION BETWEEN THE DEPARTMENT OF JUVENILE SERVICES, THE OFFICE OF THE STATE'S ATTORNEY, LAW ENFORCEMENT, AND LOCAL ORGANIZATIONS THAT PROVIDE SERVICES TO JUVENILES;

(8) RECOMMEND POLICIES AND PROGRAMS TO IMPROVE JUVENILE SERVICES IN THE STATE;

(9) PARTICIPATE IN INTERPRETING FOR THE PUBLIC THE OBJECTIVES OF THE JUVENILE SERVICES IN THE STATE;

(10) PARTICIPATE IN PLANNING THE DEVELOPMENT AND USE OF AVAILABLE RESOURCES TO MEET THE NEEDS OF JUVENILES;

(11) COORDINATE WITH THE MARYLAND DEPARTMENT OF LABOR TO IDENTIFY POTENTIAL JOB AND APPRENTICESHIP OPPORTUNITIES FOR JUVENILES UNDER THE SUPERVISION OF THE DEPARTMENT OF JUVENILE SERVICES; AND

(12) EXAMINE AND REVIEW FATALITIES INVOLVING CHILDREN UNDER THE SUPERVISION OF THE DEPARTMENT OF JUVENILE SERVICES FOR THE PURPOSE OF PROVIDING RECOMMENDATIONS ON POLICIES AND PROGRAMS TO PREVENT FATALITIES, INCLUDING:

(I) A DEATH CAUSED BY A CHILD UNDER THE SUPERVISION OF THE DEPARTMENT OF JUVENILE SERVICES, IF THE CHILD IS CONVICTED OR ADJUDICATED DELINQUENT FOR THE DEATH; AND

(II) THE DEATH OF A CHILD UNDER THE SUPERVISION OF THE DEPARTMENT OF JUVENILE SERVICES.

[(g)] (H) On or before [December 31, 2023] **OCTOBER 1, 2025**, and on or before [December 31] **OCTOBER 1** each year thereafter, the Commission shall report its findings to the Governor and, in accordance with § 2-1257 of this article, the General Assembly.”.

AMENDMENT NO. 3

On page 39, in line 3, strike “, Youth, and Victim Services” and substitute “and Policy”; in line 9, strike “1” and substitute “2”; in line 14, strike “2” and substitute “1”; in line 15, strike “January 1, 2025” and substitute “November 1, 2024”; and in line 17, strike “July” and substitute “June”.