

HOUSE BILL 313

E3

4lr1646

By: **Delegate Attar**

Introduced and read first time: January 15, 2024

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Juvenile Law – Probation**

3 FOR the purpose of repealing certain provisions of law specifying certain limitations on the
4 imposition of juvenile probation; authorizing the juvenile court to place a child on
5 probation for a term that the court determines is appropriate to ensure that the child
6 is able to complete any necessary services or treatment; and generally relating to
7 juvenile probation.

8 BY repealing

9 Article – Courts and Judicial Proceedings

10 Section 3–8A–19.6

11 Annotated Code of Maryland

12 (2020 Replacement Volume and 2023 Supplement)

13 BY adding to

14 Article – Courts and Judicial Proceedings

15 Section 3–8A–19.6

16 Annotated Code of Maryland

17 (2020 Replacement Volume and 2023 Supplement)

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

20 **Article – Courts and Judicial Proceedings**

21 [3–8A–19.6.

22 (a) In this section, “technical violation” means a violation of probation that does
23 not involve:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

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

5 (3) A violation of a no-contact or stay-away order; or

6 (4) Absconding.

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

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

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

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

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

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

20 (3) The total period of the probation, including extensions of the probation,
21 may not exceed 1 year.

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

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

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

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

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

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

- 5 1. There is good cause to extend the probation; and
6 2. Extending the probation is in the best interest of the child.

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

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

15 **3-8A-19.6.**

16 **THE COURT MAY PLACE A CHILD ON PROBATION FOR A TERM THAT THE COURT**
17 **DETERMINES IS APPROPRIATE TO ENSURE THAT THE CHILD IS ABLE TO COMPLETE**
18 **ANY NECESSARY SERVICES AND TREATMENT.**

19 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
20 October 1, 2024.