

HOUSE BILL 814

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4lr1575
CF SB 744

By: **The Speaker and Delegate Clippinger**

Introduced and read first time: January 31, 2024

Assigned to: Judiciary

Committee Report: Favorable with amendments

House action: Adopted with floor amendments

Read second time: February 24, 2024

CHAPTER _____

1 AN ACT concerning

2 **Juvenile Law – Reform**

3 FOR the purpose of altering certain provisions relating to the Commission on Juvenile
4 Justice Reform and Emerging and Best Practices; altering the jurisdiction of the
5 juvenile court over a child of a certain age alleged to have committed a certain
6 offense; altering certain procedures relating to juvenile intake, juvenile detention,
7 and juvenile probation; altering certain provisions relating to the taking of a child
8 into custody by a law enforcement officer; expanding certain provisions of law
9 relating to the entry onto certain school or other property by, and the education of,
10 certain sex offender registrants to include juvenile sex offender registrants;
11 establishing the Governor’s Office for Children, the Children’s Cabinet, and the
12 Governor’s Office of Crime Prevention and Policy; altering certain provisions relating
13 to the State Comprehensive Juvenile Services 3–Year Plan; repealing certain
14 provisions relating to the State Advisory Board for Juvenile Services; altering certain
15 provisions relating to the Juvenile Justice Monitoring Unit; ~~altering certain~~
16 ~~provisions relating to the Commission on Juvenile Justice Reform and Emerging and~~
17 ~~Best Practices~~; altering a certain reporting requirement of the Department of
18 Juvenile Services; requiring the Governor’s Office of Crime Prevention, Youth, and
19 Victim Services to make a certain report; and generally relating to juvenile law.

20 BY repealing and reenacting, without amendments,

21 Article – State Government

22 Section 6–401(a) and (i) and 9–3501

23 Annotated Code of Maryland

24 (2021 Replacement Volume and 2023 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



- 1 BY repealing and reenacting, with amendments,
2 Article – State Government
3 Section 6–406 and 9–3502
4 Annotated Code of Maryland
5 (2021 Replacement Volume and 2023 Supplement)
- 6 BY repealing and reenacting, with amendments,
7 Article – Courts and Judicial Proceedings
8 Section 3–8A–03, 3–8A–10(c) and (g), 3–8A–14, 3–8A–15(b)(3), (e), and (k),
9 3–8A–19.6, 3–8A–20.1, and 3–8A–27(b)(10)
10 Annotated Code of Maryland
11 (2020 Replacement Volume and 2023 Supplement)
- 12 BY repealing and reenacting, without amendments,
13 Article – Courts and Judicial Proceedings
14 Section 3–8A–19.7 and 3–8A–27(b)(1)
15 Annotated Code of Maryland
16 (2020 Replacement Volume and 2023 Supplement)
- 17 BY repealing and reenacting, with amendments,
18 Article – Criminal Procedure
19 Section ~~2–108~~ 11–722
20 Annotated Code of Maryland
21 (2018 Replacement Volume and 2023 Supplement)
- 22 BY adding to
23 Article – Human Services
24 Section 8–103 and 8–104
25 Annotated Code of Maryland
26 (2019 Replacement Volume and 2023 Supplement)
- 27 BY repealing and reenacting, with amendments,
28 Article – Human Services
29 Section 9–101 and 9–204(f)
30 Annotated Code of Maryland
31 (2019 Replacement Volume and 2023 Supplement)
- 32 BY repealing
33 Article – Human Services
34 Section 9–211 through 9–215 and 9–230
35 Annotated Code of Maryland
36 (2019 Replacement Volume and 2023 Supplement)
- 37 BY adding to
38 Article – Public Safety
39 Section 3–531

1 Annotated Code of Maryland
2 (2022 Replacement Volume and 2023 Supplement)

3 ~~BY repealing and reenacting, without amendments,~~
4 ~~Article – State Government~~
5 ~~Section 6–401(a) and (i) and 9–3501~~
6 ~~Annotated Code of Maryland~~
7 ~~(2021 Replacement Volume and 2023 Supplement)~~

8 ~~BY repealing and reenacting, with amendments,~~
9 ~~Article – State Government~~
10 ~~Section 6–406 and 9–3502~~
11 ~~Annotated Code of Maryland~~
12 ~~(2021 Replacement Volume and 2023 Supplement)~~

13 BY repealing and reenacting, with amendments,
14 Chapter 42 of the Acts of the General Assembly of 2022
15 Section 2

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

18 Article – State Government

19 6–401.

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

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

23 6–406.

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

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

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

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

1 (b) (1) The Unit shall report [quarterly] EVERY 6 MONTHS to the Executive
 2 Director and the Secretary.

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

7 (3) The report shall include:

8 (i) all activities of the Unit;

9 (ii) actions taken by the Department resulting from the findings and
 10 recommendations of the Unit, including the Department's response; [and]

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

14 (IV) 1. A SUMMARY OF SERVICES THAT ARE PROVIDED TO
 15 CHILDREN UNDER THE SUPERVISION OF THE DEPARTMENT;

16 2. A LIST OF ANY NECESSARY SERVICES THAT ARE NOT
 17 BEING PROVIDED TO CHILDREN UNDER THE SUPERVISION OF THE DEPARTMENT;
 18 AND

19 3. A LIST OF ANY NECESSARY PROTECTIONS AND
 20 SERVICES SPECIFICALLY FOR CHILDREN WHO ARE AT LEAST 10 YEARS OLD BUT
 21 UNDER THE AGE OF 13 YEARS.

22 (c) Beginning in 2006, on or before November 30 of each year, the Unit shall
 23 report to the Executive Director, the Secretary, [the advisory boards established under §
 24 9-230 of the Human Services Article] THE COMMISSION ON JUVENILE JUSTICE
 25 REFORM AND EMERGING AND BEST PRACTICES, the Governor, and, in accordance with
 26 § 2-1257 of this article, the General Assembly, on all the activities of the Office and the
 27 actions taken by the Department in response to findings and recommendations of the Unit.
 28 9-3501.

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

31 9-3502.

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

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

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

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

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

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

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

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

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

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

18 **4.** ONE LOCAL SCHOOL SUPERINTENDENT;

19 **5.** ONE SCHOOL PRINCIPAL;

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

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

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

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

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

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

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

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

7 14. ONE REPRESENTATIVE OF THE MARYLAND
8 SHERIFFS' ASSOCIATION; AND

9 15. SEVEN MEMBERS OF THE GENERAL PUBLIC.

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

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

13 (II) TWO SHALL:

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

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

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

21 (IV) ONE SHALL BE A VICTIM ADVOCATE; AND

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

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

27 (2) THE TERMS OF THE APPOINTED MEMBERS ARE STAGGERED AS
28 REQUIRED BY THE TERMS PROVIDED FOR MEMBERS OF THE COMMISSION ON JULY
29 1, 2024.

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

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

6 **(5) AN APPOINTED MEMBER WHO SERVES TWO CONSECUTIVE FULL**
7 **3-YEAR TERMS MAY NOT BE REAPPOINTED FOR 3 YEARS AFTER COMPLETION OF**
8 **THOSE TERMS.**

9 **[(c)] (D) (1) [The Governor shall designate the chair of the Commission.]**
10 **FROM AMONG THE MEMBERS OF THE COMMISSION, THE GOVERNOR, THE**
11 **PRESIDENT OF THE SENATE, AND THE SPEAKER OF THE HOUSE SHALL APPOINT A**
12 **CHAIR.**

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

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

17 **[(d)] (E) The [Department of Juvenile Services and the Department of Human**
18 **Services] GOVERNOR'S OFFICE OF CRIME PREVENTION, YOUTH, AND VICTIM**
19 **SERVICES shall provide staff for the Commission.**

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

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

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

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

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

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

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

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

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

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

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

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

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

13 [(1)] (2) research culturally competent, evidence-based, research-based,
14 and promising PROGRAMS AND practices relating to:

15 (i) child welfare;

16 (ii) juvenile rehabilitation;

17 (iii) mental health services for children; and

18 (iv) prevention and intervention services for juveniles;

19 [(2)] (3) evaluate the cost-effectiveness of EXISTING AND PROMISING
20 PROGRAMS AND practices researched by the Commission;

21 [(3)] (4) identify means of evaluating the effectiveness of PROGRAMS
22 AND practices researched by the Commission; [and]

23 [(4)] (5) giving special attention to organizations located in or serving
24 historically underserved communities, identify strategies to enable community-based
25 organizations that provide services for juveniles to evaluate and validate services and
26 programming provided by those organizations;

27 (6) REVIEW DATA RELATING TO ARRESTS, COMPLETION OF
28 PROGRAMMING, AND RECIDIVISM FROM THE MARYLAND LONGITUDINAL DATA
29 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 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.

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

Article – Courts and Judicial Proceedings

3–8A–03.

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

(1) A child:

- 1 (i) Who is at least 13 years old alleged to be delinquent; or
- 2 (ii) Except as provided in subsection (d) of this section, who is at least
3 10 years old alleged to have committed an act:
- 4 1. That, if committed by an adult, would constitute [a]:
- 5 A. A crime of violence, as defined in § 14-101 of the Criminal
6 Law Article; [or]
- 7 B. **A CRIME INVOLVING WEAPONS UNDER ~~TITLE 4~~ §**
8 **4-203 OR § 4-204 OF THE CRIMINAL LAW ARTICLE;**
- 9 C. **A CRIME INVOLVING FIREARMS UNDER ~~TITLE 5~~ §**
10 **5-133, § 5-134, ~~§ 5-136, § 5-138, § 5-139, § 5-141~~ § 5-138, § 5-142, § 5-203, OR §**
11 **5-703 OF THE PUBLIC SAFETY ARTICLE;**
- 12 D. **A CRIME INVOLVING ANIMALS UNDER ~~TITLE 10,~~**
13 **SUBTITLE 6 § 10-606 OF THE CRIMINAL LAW ARTICLE;**
- 14 E. **SEXUAL OFFENSE IN THE THIRD DEGREE UNDER §**
15 **3-307 OF THE CRIMINAL LAW ARTICLE; OR**
- 16 F. **THEFT OF A MOTOR VEHICLE UNDER § 7-105 OF THE**
17 **CRIMINAL LAW ARTICLE, IF THE CHILD HAS PREVIOUSLY BEEN REFERRED TO AN**
18 **AT-RISK YOUTH PREVENTION AND DIVERSION PROGRAM, AS DEFINED IN § 8-601 OF**
19 **THE HUMAN SERVICES ARTICLE, FOR A VIOLATION OF § 4-203, § 4-204, OR § 7-105**
20 **OF THE CRIMINAL LAW ARTICLE OR § 5-133, § 5-134, § 5-138, § 5-142, § 5-203, OR**
21 **§ 5-703 OF THE PUBLIC SAFETY ARTICLE; OR**
- 22 2. Arising out of the same incident as an act listed in item 1
23 of this item;
- 24 (2) A child who is in need of supervision;
- 25 (3) A child who has received a citation for a violation;
- 26 (4) Except as provided in subsection (d)(6) of this section, a peace order
27 proceeding in which the respondent is a child; and
- 28 (5) Proceedings arising under the Interstate Compact on Juveniles.
- 29 (b) The court has concurrent jurisdiction over proceedings against an adult for
30 the violation of § 3-8A-30 of this subtitle. However, the court may waive its jurisdiction

1 under this subsection upon its own motion or upon the motion of any party to the
2 proceeding, if charges against the adult arising from the same incident are pending in the
3 criminal court. Upon motion by either the State's Attorney or the adult charged under §
4 3-8A-30 of this subtitle, the court shall waive its jurisdiction, and the adult shall be tried
5 in the criminal court according to the usual criminal procedure.

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

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

12 (i) The federal court waives exclusive jurisdiction; and

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

14 (d) The court does not have jurisdiction over:

15 (1) A child at least 14 years old alleged to have done an act that, if
16 committed by an adult, would be a crime punishable by life imprisonment, as well as all
17 other charges against the child arising out of the same incident, unless an order removing
18 the proceeding to the court has been filed under § 4-202 of the Criminal Procedure Article;

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

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

25 (4) A child at least 16 years old alleged to have committed any of the
26 following crimes, as well as all other charges against the child arising out of the same
27 incident, unless an order removing the proceeding to the court has been filed under §
28 4-202 of the Criminal Procedure Article:

29 (i) Abduction;

30 (ii) Kidnapping;

31 (iii) Second degree murder;

32 (iv) Manslaughter, except involuntary manslaughter;

33 (v) Second degree rape;

- 1 (vi) Robbery under § 3–403 of the Criminal Law Article;
- 2 (vii) Third degree sexual offense under § 3–307(a)(1) of the Criminal
3 Law Article;
- 4 (viii) A crime in violation of § 5–133, § 5–134, § 5–138, or § 5–203 of
5 the Public Safety Article;
- 6 (ix) Using, wearing, carrying, or transporting a firearm during and
7 in relation to a drug trafficking crime under § 5–621 of the Criminal Law Article;
- 8 (x) Use of a firearm under § 5–622 of the Criminal Law Article;
- 9 (xi) Carjacking or armed carjacking under § 3–405 of the Criminal
10 Law Article;
- 11 (xii) Assault in the first degree under § 3–202 of the Criminal Law
12 Article;
- 13 (xiii) Attempted murder in the second degree under § 2–206 of the
14 Criminal Law Article;
- 15 (xiv) Attempted rape in the second degree under § 3–310 of the
16 Criminal Law Article;
- 17 (xv) Attempted robbery under § 3–403 of the Criminal Law Article; or
- 18 (xvi) A violation of § 4–203, § 4–204, § 4–404, or § 4–405 of the
19 Criminal Law Article;
- 20 (5) A child who previously has been convicted as an adult of a felony and is
21 subsequently alleged to have committed an act that would be a felony if committed by an
22 adult, unless an order removing the proceeding to the court has been filed under § 4–202 of
23 the Criminal Procedure Article;
- 24 (6) A peace order proceeding in which the victim, as defined in §
25 3–8A–01(cc)(1)(ii) of this subtitle, is a person eligible for relief, as defined in § 4–501 of the
26 Family Law Article; or
- 27 (7) Except as provided in subsection (a)(1)(ii) of this section, a delinquency
28 proceeding against a child who is under the age of 13 years.
- 29 (e) If the child is charged with two or more violations of the Maryland Vehicle
30 Law, another traffic law or ordinance, or the State Boat Act, allegedly arising out of the
31 same incident and which would result in the child being brought before both the court and

1 a court exercising criminal jurisdiction, the court has exclusive jurisdiction over all of the
2 charges.

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

4 3-8A-10.

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

9 (2) An inquiry need not include an interview of the child who is the subject
10 of the complaint if the complaint alleges the commission of an act that would be a felony if
11 committed by an adult or alleges a violation of § 4-203 or § 4-204 of the Criminal Law
12 Article **OR A VIOLATION OF § 5-133, § 5-134, ~~§ 5-136, § 5-138, § 5-139, § 5-141~~ §**
13 **5-138, § 5-142, § 5-203, OR § 5-703 OF THE PUBLIC SAFETY ARTICLE.**

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

- 16 (i) Authorize the filing of a petition or a peace order request or both;
- 17 (ii) Propose an informal adjustment of the matter; or
- 18 (iii) Refuse authorization to file a petition or a peace order request or
19 both.

20 (4) (i) [1. Except as provided in subsubparagraph 2 of this
21 subparagraph, if] **IF** a complaint is filed that alleges the commission of an act which would
22 be a felony if committed by an adult or alleges a violation of § 4-203 or § 4-204 of the
23 Criminal Law Article **OR A VIOLATION OF § 5-133, § 5-134, ~~§ 5-136, § 5-138, § 5-139,~~**
24 **§ 5-141 § 5-138, § 5-142, § 5-203, OR § 5-703 OF THE PUBLIC SAFETY ARTICLE,** and
25 if the intake officer denies authorization to file a petition or proposes an informal
26 adjustment, the intake officer shall immediately:

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

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

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

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

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

5 C. The act would not be a crime of violence, as defined under
6 § 14–101 of the Criminal Law Article, if committed by an adult.]

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

12 **1. FORWARD THE COMPLAINT TO THE STATE’S**
13 **ATTORNEY; AND**

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

17 [(ii)] **(III)** The State’s Attorney shall make a preliminary review as
18 to whether the court has jurisdiction and whether judicial action is in the best interests of
19 the public or the child. The need for restitution may be considered as one factor in the public
20 interest. After the preliminary review the State’s Attorney shall, within 30 days of the
21 receipt of the complaint by the State’s Attorney, unless the court extends the time:

22 1. File a petition or a peace order request or both;

23 2. Refer the complaint to the Department of Juvenile
24 Services for informal disposition; or

25 3. Dismiss the complaint.

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

28 ~~**(5) IF A COMPLAINT IS FILED THAT ALLEGES THE COMMISSION OF AN**~~
29 ~~**ACT BY A CHILD UNDER THE AGE OF 13 YEARS THAT RESULTS IN THE DEATH OF A**~~
30 ~~**VICTIM, THE INTAKE OFFICER SHALL AUTHORIZE THE FILING OF A PETITION**~~
31 ~~**ALLEGING THAT THE CHILD IS EITHER DELINQUENT OR IN NEED OF SUPERVISION.**~~

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

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

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

6 (i) The victim;

7 (ii) The arresting police officer; and

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

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

14 3-8A-14.

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

17 (1) Pursuant to an order of the court;

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

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

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

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

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

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

32 1. Include the child's location;

1 **(III) A LOCAL CARE TEAM; OR**

2 **(IV) ANOTHER COMMUNITY-BASED SERVICE PROVIDER; OR**

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

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

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

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

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

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

18 (i) Notify an appropriate regional navigator, as defined in § 5–704.4
19 of the Family Law Article, for the jurisdiction where the child was taken into custody or
20 where the child is a resident that the child is a suspected victim of sex trafficking or a
21 suspected victim of human trafficking so the regional navigator can coordinate a service
22 response;

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

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

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

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

4 3-8A-15.

5 (b) (3) A child alleged to have committed a delinquent act may not be placed
 6 in detention before a hearing if the most serious offense would be a misdemeanor if
 7 committed by an adult, unless:

8 (i) The act ~~involved a handgun and would be a violation under the~~
 9 ~~Criminal Law Article or~~ **WOULD BE A VIOLATION OF § 4-203 OR § 4-204 OF THE**
 10 **CRIMINAL LAW ARTICLE OR A VIOLATION OF § 5-133, § 5-134, § 5-136, § 5-138, §**
 11 **5-139, § 5-141 § 5-138, § 5-142, § 5-203, OR § 5-703 OF** the Public Safety Article if
 12 committed by an adult; [or]

13 (ii) The child has been adjudicated delinquent at least twice [in the
 14 preceding 12 months] **IN THE PRECEDING 2 YEARS; OR**

15 (iii) 1. **THE CHILD WAS UNDER THE SUPERVISION OF THE**
 16 **DEPARTMENT OF JUVENILE SERVICES WHEN THE ALLEGED ACT OCCURRED; AND**

17 2. **THE ALLEGED ACT, IF COMMITTED BY AN ADULT,**
 18 **WOULD BE SUBJECT TO A PENALTY OF IMPRISONMENT OF MORE THAN ~~90 DAYS~~ 2**
 19 **YEARS.**

20 (e) (1) Detention or community detention may not be continued beyond
 21 emergency detention or community detention unless, upon an order of court after a hearing,
 22 the court has found that one or more of the circumstances stated in subsection (b) of this
 23 section exist.

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

25 (i) Contain a written determination of whether or not the criteria
 26 contained in subsection (c)(1) and (2) of this section have been met; and

27 (ii) Specify which of the circumstances stated in subsection (b) of this
 28 section exist.

29 (3) (i) If the court has not specifically prohibited community detention,
 30 the Department of Juvenile Services may release the child from detention into community
 31 detention and place the child in:

32 1. Shelter care; or

1 2. The custody of the child's parent, guardian, custodian, or
2 other person able to provide supervision and care for the child and to return the child to
3 court when required.

4 **(II) IF THE CHILD IS RELEASED FROM DETENTION, THE INTAKE**
5 **OFFICER SHALL MAKE AN INQUIRY WITHIN 2 BUSINESS DAYS AS TO WHETHER THE**
6 **COURT HAS JURISDICTION AND WHETHER JUDICIAL ACTION IS IN THE BEST**
7 **INTEREST OF THE PUBLIC OR THE CHILD.**

8 **[(ii)] (III)** If a child who has been released by the Department of
9 Juvenile Services or the court into community detention violates the conditions of
10 community detention, and it is necessary to protect the child or others, an intake officer
11 may authorize the detention of the child.

12 **[(iii)] (IV)** The Department of Juvenile Services shall promptly notify
13 the court of:

14 1. The release of a child from detention under subparagraph
15 (i) of this paragraph; or

16 2. The return to detention of a child under subparagraph
17 **[(ii)] (III)** of this paragraph.

18 **[(iv)] (V)** 1. If a child is returned to detention under
19 subparagraph **[(ii)] (III)** of this paragraph, the intake officer who authorized detention
20 shall immediately file a petition to authorize continued detention.

21 2. A hearing on the petition to authorize continued detention
22 shall be held no later than the next court day, unless extended for no more than 5 days by
23 the court on good cause shown.

24 3. Reasonable notice, oral or written, stating the time, place,
25 and purpose of the hearing, shall be given to the child and, if they can be located, the child's
26 parents, guardian, or custodian.

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

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

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

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

4 3–8A–19.6.

5 (a) **(1) In this section, ~~“technical”~~ THE FOLLOWING WORDS HAVE THE**
 6 **MEANINGS INDICATED.**

7 **(2) “GOOD CAUSE” INCLUDES A CHILD HAVING TWO OR MORE**
 8 **UNEXCUSED ABSENCES FROM A PROGRAM THAT THE CHILD IS ORDERED TO ATTEND**
 9 **AS A CONDITION OF PROBATION.**

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

12 ~~(1)~~ **(I)** An arrest or a summons issued by a commissioner on a statement
 13 of charges filed by a law enforcement officer;

14 ~~(2)~~ **(II)** A violation of a criminal prohibition, or an act that would be a
 15 violation of a criminal prohibition if committed by an adult, other than a minor traffic
 16 offense;

17 ~~(3)~~ **(III)** A violation of a no-contact or stay-away order; ~~or~~

18 ~~(4)~~ **(IV)** Absconding; ~~OR~~

19 ~~(5) TWO OR MORE UNEXCUSED FAILURES TO APPEAR AT A~~
 20 ~~TREATMENT PROGRAM ORDERED BY THE COURT.~~

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

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

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

29 (2) Subject to paragraph (3) of this subsection, the court may, after a
 30 hearing, extend the probation by periods not exceeding ~~[3]~~ **4** months if the court finds that:

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

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

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

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

8 (2) (i) Subject to paragraph (3) of this subsection, the court may, after
9 a hearing, extend the probation by periods not exceeding ~~[3]~~ **4** months if the court finds
10 that:

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

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

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

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

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

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

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

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

31 3–8A–19.7.

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

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

3 3-8A-20.1.

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

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

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

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

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

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

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

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

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

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

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

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

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

10 (c) (1) If a treatment service plan is not implemented by the Department of
11 Juvenile Services within 25 days under subsection (b)(3) of this section, the court shall
12 schedule, within 7 days after receipt of the certification, a disposition review hearing to be
13 held within 30 days after receipt of the certification.

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

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

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

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

22 (ii) Revise the treatment service plan previously adopted.

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

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

27 3-8A-27.

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

31 (10) This subsection does not prohibit access to and confidential use of a
32 court record by the [State Advisory Board for Juvenile Services] COMMISSION ON
33 JUVENILE JUSTICE REFORM AND EMERGING AND BEST PRACTICES if the [Board]

1 COMMISSION is performing the functions described under [§ 9–215(5) of the Human
2 Services Article] **§ 9–3502 OF THE STATE GOVERNMENT ARTICLE.**

3 **Article – Criminal Procedure**

4 ~~2–108.~~

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

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

12 ~~(c) IF A LAW ENFORCEMENT OFFICER ALLEGES THE COMMISSION OF AN
13 ACT BY A CHILD UNDER THE AGE OF 13 YEARS THAT RESULTS IN THE DEATH OF A
14 VICTIM, THE LAW ENFORCEMENT OFFICER SHALL FORWARD THE COMPLAINT TO
15 THE DEPARTMENT OF JUVENILE SERVICES FOR APPROPRIATE ACTION.~~

16 11–722.

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

18 (2) “County board” has the meaning stated in § 1–101 of the Education
19 Article.

20 (3) “JUVENILE REGISTRANT” HAS THE MEANING STATED IN §
21 11–704.1 OF THIS SUBTITLE.

22 [(3)] (4) “State Board” has the meaning stated in § 1–101 of the Education
23 Article.

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

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

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

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

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

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

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

11 (2) on which is located:

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

14 (ii) a child care home or a child care institution licensed under Title
15 5, Subtitle 5 of the Family Law Article; or

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

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

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

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

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

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

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

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

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

4 **(C) THE HEAD OF THE GOVERNOR’S OFFICE OF CHILDREN SHALL SERVE AS**
5 **THE CHAIR AND BE RESPONSIBLE FOR THE ADMINISTRATION AND OPERATION OF**
6 **THE CHILDREN’S CABINET.**

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

9 9–101.

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

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

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

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

15 9–204.

16 (f) (1) The Secretary shall develop a State Comprehensive Juvenile Services
17 3–Year Plan.

18 (2) The Plan shall:

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

21 (ii) include an inventory of nonresidential treatment programs;

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

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

26 (v) establish priorities for the different services needed;

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

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

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

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

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

11 **[(ix)] ~~(x)~~ (XI)** include any other matters that the Secretary
12 considers appropriate.

13 (3) The Plan shall be revised for each fiscal year and submitted, subject to
14 § 2–1257 of the State Government Article, to the General Assembly by February 1 of each
15 year.

16 [9–211.

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

18 [9–212.

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

21 (1) one representative of the Department;

22 (2) one representative of the State Department of Education;

23 (3) one representative of the Maryland Department of Health;

24 (4) one representative of the Department of State Police;

25 (5) one representative of the Social Services Administration of the
26 Department of Human Services;

27 (6) one representative of a private child welfare agency;

28 (7) one representative of a youth services bureau;

29 (8) three representatives of the State judiciary;

1 (9) one representative of the General Assembly recommended by the
2 President of the Senate;

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

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

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

7 (13) nine members of the general public.

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

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

11 (2) two shall:

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

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

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

18 (4) one shall be a victim advocate; and

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

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

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

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

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

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

3 [9-213.

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

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

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

10 [9-214.

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

13 (b) A member of the State Advisory Board:

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

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

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

22 [9-215.

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

24 (1) consult with and advise the Secretary on:

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

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

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

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

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

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

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

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

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

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

15 [9-230.

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

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

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

24 **Article – Public Safety**

25 **3-531.**

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

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

29 **(C) THE GOVERNOR MAY PROVIDE FOR THE STRUCTURE, DUTIES, AND**
30 **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;~~~~(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] EVERY 6 MONTHS 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;~~~~AND~~

1 ~~(IV) 1. A SUMMARY OF SERVICES THAT ARE PROVIDED TO~~
2 ~~CHILDREN UNDER THE SUPERVISION OF THE DEPARTMENT; AND~~

3 ~~2. A LIST OF ANY NECESSARY SERVICES THAT ARE NOT~~
4 ~~BEING PROVIDED TO CHILDREN UNDER THE SUPERVISION OF THE DEPARTMENT.~~

5 ~~(e) Beginning in 2006, on or before November 30 of each year, the Unit shall~~
6 ~~report to the Executive Director, the Secretary, [the advisory boards established under §~~
7 ~~9-230 of the Human Services Article] THE COMMISSION ON JUVENILE JUSTICE~~
8 ~~REFORM AND EMERGING AND BEST PRACTICES, the Governor, and, in accordance with~~
9 ~~§ 2-1257 of this article, the General Assembly, on all the activities of the Office and the~~
10 ~~actions taken by the Department in response to findings and recommendations of the Unit.~~

11 ~~9-3501.~~

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

14 ~~9-3502.~~

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

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

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

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

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

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

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

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

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

- 1 ~~[(iii)] 3. [three representatives] ONE REPRESENTATIVE with~~
 2 ~~relevant education and experience;~~
- 3 ~~4. ONE REPRESENTATIVE OF THE STATE DEPARTMENT~~
 4 ~~OF EDUCATION;~~
- 5 ~~5. ONE REPRESENTATIVE OF THE MARYLAND~~
 6 ~~DEPARTMENT OF HEALTH;~~
- 7 ~~6. ONE REPRESENTATIVE OF THE DEPARTMENT OF~~
 8 ~~STATE POLICE;~~
- 9 ~~7. ONE REPRESENTATIVE OF A PRIVATE CHILD~~
 10 ~~WELFARE AGENCY;~~
- 11 ~~8. ONE REPRESENTATIVE OF A YOUTH SERVICES~~
 12 ~~BUREAU;~~
- 13 ~~9. ONE REPRESENTATIVE OF THE STATE JUDICIARY;~~
- 14 ~~10. ONE REPRESENTATIVE OF THE MARYLAND STATE'S~~
 15 ~~ATTORNEYS' ASSOCIATION;~~
- 16 ~~11. ONE REPRESENTATIVE OF THE MARYLAND OFFICE~~
 17 ~~OF THE PUBLIC DEFENDER;~~
- 18 ~~12. ONE REPRESENTATIVE OF EITHER THE MARYLAND~~
 19 ~~CHIEFS OF POLICE ASSOCIATION OR THE MARYLAND SHERIFFS' ASSOCIATION;~~
 20 ~~AND~~
- 21 ~~13. FIVE MEMBERS OF THE GENERAL PUBLIC.~~
- 22 ~~(2) OF THE FIVE MEMBERS FROM THE GENERAL PUBLIC:~~
- 23 ~~(i) ONE SHALL BE CHOSEN ON THE BASIS OF THE MEMBER'S~~
 24 ~~INTEREST IN AND EXPERIENCE WITH MINORS AND JUVENILE PROBLEMS;~~
- 25 ~~(ii) TWO SHALL:~~
- 26 ~~1. AT THE TIME OF APPOINTMENT TO A FIRST TERM, BE~~
 27 ~~AT LEAST 16 YEARS OLD AND UNDER THE AGE OF 30 YEARS; AND~~
- 28 ~~2. INCLUDE AT LEAST ONE INDIVIDUAL WHO HAS BEEN~~
 29 ~~UNDER THE JURISDICTION OF THE DEPARTMENT;~~

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

~~(IV) ONE SHALL BE A VICTIM ADVOCATE.~~

~~(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 COMMISSION ON OCTOBER 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) A 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 SHALL
APPOINT A CHAIR.~~

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

~~(H) 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, YOUTH, AND VICTIM
SERVICES 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.~~

1 ~~[(1)] (C)~~ The Commission shall:

2 ~~(1) REVIEW:~~

3 ~~(I) EACH ASPECT OF THE JUVENILE SERVICES PROGRAM IN~~
4 ~~THE STATE;~~

5 ~~(II) THE EDUCATIONAL PROGRAMS AND SERVICES OF THE~~
6 ~~DEPARTMENT;~~

7 ~~(III) PROGRAMS DESIGNED TO DIVERT CHILDREN FROM THE~~
8 ~~JUVENILE JUSTICE SYSTEM; AND~~

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

11 ~~[(1)] (2)~~ ~~research culturally competent, evidence based, research based,~~
12 ~~and promising PROGRAMS AND practices relating to:~~

13 ~~(i) child welfare;~~

14 ~~(ii) juvenile rehabilitation;~~

15 ~~(iii) mental health services for children; and~~

16 ~~(iv) prevention and intervention services for juveniles;~~

17 ~~[(2)] (3)~~ ~~evaluate the cost effectiveness of EXISTING AND PROMISING~~
18 ~~PROGRAMS AND practices researched by the Commission;~~

19 ~~[(3)] (4)~~ ~~identify means of evaluating the effectiveness of PROGRAMS~~
20 ~~AND practices researched by the Commission; [and]~~

21 ~~[(4)] (5)~~ ~~giving special attention to organizations located in or serving~~
22 ~~historically underserved communities, identify strategies to enable community based~~
23 ~~organizations that provide services for juveniles to evaluate and validate services and~~
24 ~~programming provided by those organizations;~~

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

28 ~~(7) IDENTIFY OPPORTUNITIES FOR GREATER COORDINATION~~
29 ~~BETWEEN THE DEPARTMENT OF JUVENILE SERVICES, THE OFFICE OF THE STATE'S~~

~~1 ATTORNEY, LAW ENFORCEMENT, AND LOCAL ORGANIZATIONS THAT PROVIDE
2 SERVICES TO JUVENILES;~~

~~3 (8) RECOMMEND POLICIES AND PROGRAMS TO IMPROVE JUVENILE
4 SERVICES IN THE STATE;~~

~~5 (9) PARTICIPATE IN INTERPRETING FOR THE PUBLIC THE
6 OBJECTIVES OF THE JUVENILE SERVICES IN THE STATE;~~

~~7 (10) PARTICIPATE IN PLANNING THE DEVELOPMENT AND USE OF
8 AVAILABLE RESOURCES TO MEET THE NEEDS OF JUVENILES; AND~~

~~9 (11) EXAMINE AND REVIEW FATALITIES INVOLVING CHILDREN UNDER
10 THE SUPERVISION OF THE DEPARTMENT OF JUVENILE SERVICES FOR THE
11 PURPOSE OF PROVIDING RECOMMENDATIONS ON POLICIES AND PROGRAMS TO
12 PREVENT FATALITIES, INCLUDING:~~

~~13 (i) A DEATH CAUSED BY A CHILD UNDER THE SUPERVISION OF
14 THE DEPARTMENT OF JUVENILE SERVICES, IF THE CHILD IS CONVICTED OR
15 ADJUDICATED FOR THE DEATH; AND~~

~~16 (ii) THE DEATH OF A CHILD UNDER THE SUPERVISION OF THE
17 DEPARTMENT OF JUVENILE SERVICES.~~

~~18 [(g)] (H) On or before December 31, 2023, and on or before December 31 each
19 year thereafter, the Commission shall report its findings to the Governor and, in accordance
20 with § 2-1257 of this article, the General Assembly.~~

Chapter 42 of the Acts of 2022

SECTION 2. AND BE IT FURTHER ENACTED, That, on or before April 15, [2023]
2025, the Department of Juvenile Services shall report to the General Assembly, in
accordance with § 2-1257 of the State Government Article, on:

(1) plans to publish an annual report by the Department of Juvenile
Services, in consultation with the Maryland Department of Health, on the length of stay
for juveniles in secure facilities while undergoing competency evaluations and receiving
services;

(2) plans for the inclusion of information and data relating to use of a risk
assessment tool in the Department of Juvenile Services' Data Resource Guide;

(3) the use of community detention for juveniles in the care and custody of
the Department of Juvenile Services;

1 (4) the Department of Juvenile Services' development of forms for
2 community detention that do not include information relating to house arrests;

3 (5) the effect of a requirement that the Department of Juvenile Services
4 provide a robust continuum of community-based alternatives to detention in all
5 jurisdictions of the State and recommendations for establishing the requirement;

6 (6) access to mental health services for all juveniles served by the
7 Department of Juvenile Services;

8 (7) the feasibility of and any plans for providing quality, evidence-based
9 programming for juveniles detained in secure juvenile facilities, including educational
10 programming, structured weekend activities, and activities involving family members of
11 detained juveniles;

12 (8) the use of community detention, including electronic monitoring, for
13 juveniles placed on probation;

14 (9) plans to increase the number of shelter beds available in juvenile
15 facilities, particularly beds for girls;

16 (10) plans to track and report data on the number of days juveniles ordered
17 to shelter care placements remain in secure juvenile facilities;

18 (11) minimum training standards for staff at juvenile facilities;

19 (12) surveillance systems at juvenile facilities, including whether all
20 juvenile facilities are equipped with functioning surveillance cameras capable of monitoring
21 all areas of juvenile facilities;

22 (13) minimum standards for facilitating family engagement for juveniles at
23 juvenile facilities, including standards for facilitating daily contact between juveniles and
24 their family members;

25 (14) standards for attorneys to access their clients within all juvenile
26 facilities in the State;

27 (15) plans to adopt cognitive behavioral therapy training and restorative
28 justice training for staff at all juvenile facilities in the State; [and]

29 (16) plans to transition from the current slate of secure juvenile facilities to
30 ensure access to both nonresidential and residential facilities that use culturally
31 competent, evidence-based programming in all jurisdictions of the State; AND

32 **(17) THE NUMBER OF CASES RESOLVED AT INTAKE AND THE NUMBER**
33 **OF CASES REFERRED FOR INFORMAL ADJUSTMENT WITHIN THE PAST FISCAL YEAR.**

1 SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, That, on or before December 31,
2 2024, and on or before December 31 each year thereafter, the Governor’s Office of Crime
3 Prevention, Youth, and Victim Services shall report to the General Assembly, in accordance
4 with § 2–1257 of the State Government Article, on the number of children arrested and the
5 number of times the arrest resulted in a complaint with the Department of Juvenile
6 Services in each calendar year.

7 SECTION 4. AND BE IT FURTHER ENACTED, That the terms of the appointed
8 members of the Commission on Juvenile Justice Reform and Emerging and Best Practices
9 who are members of the Commission on the effective date of Section 1 of this Act or initially
10 appointed after the effective date shall expire as follows:

- 11 (1) seven members in 2025;
- 12 (2) seven members in 2026; and
- 13 (3) seven members in 2027.

14 SECTION 5. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall take
15 effect ~~October 1, 2024~~ January 1, 2025.

16 SECTION ~~3~~ 6. AND BE IT FURTHER ENACTED, That, except as provided in
17 Section 5 of this Act, this Act shall take effect ~~October~~ July 1, 2024.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.