



DEPARTMENT OF
JUVENILE SERVICES

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Date: February 8, 2024
Bill Number/Title: HB0313 - Juvenile Law - Probation
Committee: Judiciary
DJS Position: Oppose

The Department of Juvenile Services (DJS) opposes HB 313, which repeals the statutory framework for probation terms and repeals the definition of technical violation of probation.

The Juvenile Justice Reform Council (JJRC) was formed during the 2019 session of the Maryland General Assembly, and the council spent the next two years gathering public input, researching best practices regarding the treatment of juveniles who are subject to the criminal and juvenile justice systems, and identifying recommendations to limit or otherwise mitigate risk factors that contribute to juvenile contact with the criminal and juvenile justice systems.

During the 2022 legislative session, the General Assembly adopted the Juvenile Justice Reform Council’s recommendations, including provisions to establish a statutory framework, timeframes, and legal standards related to provision of community supervision/probation services. *Md. Code, Courts and Judicial Proceedings, §3-8A-19.6.*

Prior to the adoption of the JJRC recommendations in 2022, the state of Maryland did not have a statutory framework of supervision timeframes, resulting in indeterminate and unclear probation terms. The JJRC, recognized that with probation being the most common disposition, it was necessary to codify a framework that would set clear timeframes to establish rehabilitation goals, and create a system of review to ensure DJS provided appropriate interventions and supports to achieve positive outcomes for youth and communities.

Specifically, the JJRC recommended and the General Assembly adopted a probation framework that included:

1. Defining technical violation to help guide when a youth was out of compliance.
2. Terms of probation based on the most serious adjudicated offense:
 - **Misdemeanor:** Initial term of up to 6 months, which may be extended by the court in 3 month increments if the court finds there is good cause to extend the probation to ensure the youth completes a treatment for rehabilitative program. The total term of probation may not exceed 1 year.
 - **Felony:** Initial term of up to 1 year, which may be extended by the court in 3 month increments if the court finds there is good cause to extend the probation to ensure the youth completes a treatment for rehabilitative program. The total term of probation may not exceed 2 years. Probation may extend to 3 years if there is clear and convincing evidence that continuing probation is the best interest of the child.
 - **Crime of Violence:** If a youth is adjudicated for a crime of violence, probation may continue until jurisdiction is terminated or the youth reaches the age of 21.

DJS urges the committee to refer substantive changes or modifications to the recommendations of the Juvenile Justice Reform Council to the DJS State Advisory Board or other stakeholder commission to ensure changes are rooted in data, consider relevant research and best practices, and do not exacerbate racial and ethnic disparities.

For these reasons, DJS requests an unfavorable report on HB 313.