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**By: Chairman, Appropriations Committee (Departmental - Juvenile Justice)**

Introduced and read first time: January 24, 1996

Assigned to: Appropriations

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A BILL ENTITLED

1 AN ACT concerning

2 **Juvenile Justice Facilities Capital Program - Eligibility for Grants**

3 FOR the purpose of providing that certain organizations that operate certain programs  
4 that provide treatment to youth served by the Department of Juvenile Justice are  
5 eligible to receive certain funds through the Juvenile Justice Facilities Capital  
6 Program; removing the limitation on the total amount of any single grant under the  
7 program; and generally relating to the Juvenile Justice Facilities Capital Program.

8 BY repealing and reenacting, with amendments,  
9 Article 83C - Juvenile Justice  
10 Section 4-101 and 4-104  
11 Annotated Code of Maryland  
12 (1995 Replacement Volume)

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

15 **Article 83C - Juvenile Justice**

16 4-101.

17 (a) In this title the following terms shall have the meanings indicated.

18 (b) "Department" means the Department of Juvenile Justice.

19 (c) "Facility" means a juvenile program that is wholly owned by and operated  
20 under the authority of:

21 (1) A county or municipal corporation, or both;

22 (2) A for-profit organization; or

23 (3) A nonprofit organization.

24 (d) "Juvenile program" means any:

25 (1) Program that:

26 (i) Meets the definition in §§ 2-120 and 2-121 of this article; and

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1 (ii) [Is licensed by the Department under regulations adopted by the  
2 Department to implement the policies of §§ 2-120 through 2-131 of this article]  
3 PROVIDES RESIDENTIAL SERVICES TO YOUTH PLACED BY THE DEPARTMENT; or

4 (2) Nonresidential program that provides educational, vocational,  
5 recreational, counseling, or other day services under contract to the Department.

6 (e) "Nonprofit organization" means:

7 (1) A bona fide religious organization, no part of the earnings of which  
8 inures to the benefit of any individual or is used for any purpose other than the  
9 maintenance and operation of the facility, the purchase of equipment to be used in the  
10 facility, or the expansion of the facility; or

11 (2) An organization:

12 (i) That is chartered as a nonprofit corporation and classified by the  
13 Internal Revenue Service as nonprofit; and

14 (ii) No part of the earnings of which inures to the benefit of any  
15 individual or is used for any purpose other than the maintenance and operation of the  
16 facility, the purchase of the equipment to be used in the facility, or the expansion of the  
17 facility.

18 (f) "Wholly owned" includes leased property, if the:

19 (1) (i) Lease will be for a minimum term of 30 years following project  
20 completion; or

21 (ii) Lease agreement extends the right of purchase to the lessee; and

22 (2) Lessor consents to the recording, in the land records of the political  
23 subdivision in which the facility is located, of a notice of the State's right of recovery as  
24 provided under § 4-106 of this subtitle.

25 4-104.

26 The allocation and use of State funds under this title are subject to the following  
27 terms and conditions:

28 (1) State funds may be used only for the planning, design, construction,  
29 conversion, acquisition, renovation, and equipping of facilities, including reports, plans,  
30 specifications, site improvements, surveys, and programs in connection therewith;

31 (2) Any federal or other grant that is available for the purpose shall be  
32 applied first to the cost of planning, design, construction, conversion, acquisition,  
33 renovation, or equipping of a facility;

34 (3) A State grant may not exceed [\$600,000 or] 50 percent of the cost of  
35 eligible work remaining unpaid after all federal and other grants have been [applied,  
36 whichever is less] APPLIED;

37 (4) The amount of the State grant for any project shall be determined after  
38 consideration of all eligible applications, the total of unallocated State funds available at

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1 the time application is received, and such priorities of area need as may be established by  
2 the Department; and

3 (5) No portion of the proceeds of a State grant may be used for the  
4 furtherance of sectarian religious instruction, or in connection with the design,  
5 acquisition, or construction of any building used or to be used as a place of sectarian  
6 religious worship or instruction, or in connection with any program or department of  
7 divinity for any religious denomination. Upon the request of the Board of Public Works,  
8 the applicant shall submit evidence satisfactory to the Board that none of the proceeds of  
9 the grant has been or is being used for a purpose prohibited by this title.

10 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
11 October 1, 1996.