
**By: Chairman, Judiciary Committee (Departmental - Juvenile Justice) and Delegates
Dembrow, Genn, and Preis**

Introduced and read first time: February 14, 1997

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Juveniles - Balanced and Restorative Justice**

3 FOR the purpose of altering the express purposes of certain laws pertaining to juveniles
4 who commit delinquent acts; providing that the fundamental purpose of these laws
5 is to ensure that the juvenile justice system incorporates the philosophy of
6 restorative justice and balances principles of public safety, accountability and
7 competency development; expanding a certain provision relating to the
8 responsibility of parents of children in need of assistance to make it applicable to
9 the parents of children in need of supervision and the parents of delinquent
10 children; and generally relating to children in need of assistance or supervision and
11 children who commit delinquent acts.

12 BY repealing and reenacting, with amendments,
13 Article - Courts and Judicial Proceedings
14 Section 3-802
15 Annotated Code of Maryland
16 (1995 Replacement Volume and 1996 Supplement)

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

19 **Article - Courts and Judicial Proceedings**

20 3-802.

21 (a) The purposes of this subtitle are:

22 [(2)] (1) [To remove from children committing delinquent acts the taint of
23 criminality and the consequences of criminal behavior;] TO ENSURE THAT THE
24 JUVENILE JUSTICE SYSTEM BALANCES THE FOLLOWING OBJECTIVES FOR CHILDREN
25 WHO HAVE COMMITTED DELINQUENT ACTS:

26 (I) PUBLIC SAFETY AND THE PROTECTION OF THE COMMUNITY;

27 (II) ACCOUNTABILITY OF THE CHILD TO THE VICTIM AND THE
28 COMMUNITY FOR OFFENSES COMMITTED; AND

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1 (III) COMPETENCY AND CHARACTER DEVELOPMENT TO ASSIST
2 CHILDREN IN BECOMING RESPONSIBLE AND PRODUCTIVE MEMBERS OF SOCIETY;

3 (2) TO HOLD PARENTS OF CHILDREN FOUND TO BE DELINQUENT
4 RESPONSIBLE FOR THE CHILD'S BEHAVIOR AND ACCOUNTABLE TO THE VICTIM AND
5 THE COMMUNITY;

6 [(4)] (3) To hold parents of children found to be DELINQUENT OR in need
7 of assistance OR SUPERVISION responsible, where possible, for remedying the
8 circumstances that required the court's intervention;

9 [(1)] (4) To provide for the care, protection, and wholesome mental and
10 physical development of children [coming within the provisions of this subtitle] IN NEED
11 OF ASSISTANCE OR SUPERVISION; and to provide for a program of treatment, training,
12 and rehabilitation consistent with the child's best interests and the protection of the
13 public interest;

14 [(3)] (5) To conserve and strengthen the child's family ties and to separate
15 a child from his parents only when necessary for his welfare or in the interest of public
16 safety;

17 [(5)] (6) If necessary to remove a child from his home, to secure for him
18 custody, care, and discipline as nearly as possible equivalent to that which should have
19 been given by his parents; and

20 [(6)] (7) To provide judicial procedures for carrying out the provisions of
21 this subtitle.

22 (b) This subtitle shall be liberally construed to effectuate these purposes.

23 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
24 October 1, 1997.