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By: **Delegates Clagett and Love**

Introduced and read first time: February 11, 1998

Assigned to: Judiciary

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A BILL ENTITLED

1 AN ACT concerning

2 **Juvenile Justice - Probation Violations - Suspension of Driving Privilege**

3 FOR the purpose of requiring the Secretary of Juvenile Justice to establish  
4 procedures to monitor and record the results of drug and alcohol tests that a  
5 juvenile is required to undergo as a condition of the juvenile's probation;  
6 requiring the Department of Juvenile Justice to report to the court if a juvenile  
7 required to undergo drug and alcohol testing as a condition of probation fails to  
8 submit to the required testing or fails a certain number of tests; requiring a  
9 court that receives a report from the Department of Juvenile Justice under this  
10 Act to hold a certain hearing; requiring the court, in making a disposition on a  
11 finding that a juvenile has violated the terms of the juvenile's probation in a  
12 certain manner, to order the Motor Vehicle Administration to suspend the child's  
13 driving privilege for a certain period; prohibiting the Administration from  
14 reinstating a juvenile's privilege to drive that was suspended under this Act  
15 until the juvenile takes certain actions; and generally relating to the suspension  
16 of the driving privileges of juveniles under certain circumstances.

17 BY repealing and reenacting, without amendments,  
18 Article 83C - Juvenile Justice  
19 Section 2-111  
20 Annotated Code of Maryland  
21 (1995 Replacement Volume and 1997 Supplement)

22 BY repealing and reenacting, with amendments,  
23 Article 83C - Juvenile Justice  
24 Section 2-127  
25 Annotated Code of Maryland  
26 (1995 Replacement Volume and 1997 Supplement)

27 BY repealing and reenacting, with amendments,  
28 Article - Courts and Judicial Proceedings  
29 Section 3-820(d)(1)  
30 Annotated Code of Maryland

1 (1995 Replacement Volume and 1997 Supplement)

2 BY repealing and reenacting, without amendments,  
3 Article - Transportation  
4 Section 16-206(c)(1), (2), and (5)  
5 Annotated Code of Maryland  
6 (1992 Replacement Volume and 1997 Supplement)

7 BY adding to  
8 Article - Transportation  
9 Section 16-206(c)(6)  
10 Annotated Code of Maryland  
11 (1992 Replacement Volume and 1997 Supplement)

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

14 **Article 83C - Juvenile Justice**

15 2-111.

16 (a) The Department is the central administrative Department for:

17 (1) Juvenile intake, detention authorization, investigation, probation,  
18 protective supervision, and aftercare services; and

19 (2) The State juvenile, diagnostic, training, detention, and rehabilitation  
20 institutions.

21 (b) The Department shall develop programs for the predelinquent child whose  
22 behavior tends to lead to contact with law enforcement agencies.

23 (c) The Department may not administer any child welfare program of the  
24 State Social Services Administration, including the Aid to Families with Dependent  
25 Children Program and the Foster Care Program.

26 2-127.

27 (a) (1) The Secretary shall establish programs for juvenile intake,  
28 investigation, probation, and aftercare services.

29 (2)(I) THE SECRETARY SHALL ESTABLISH PROCEDURES TO MONITOR AND  
30 RECORD THE RESULTS OF PERIODIC OR RANDOM DRUG AND ALCOHOL TESTS THAT A  
31 JUVENILE PLACED ON PROBATION UNDER § 3-820 OF THE COURTS ARTICLE IS  
32 REQUIRED TO UNDERGO AS A CONDITION OF THE JUVENILE'S PROBATION.

33 (II) IF THE DEPARTMENT DETERMINES THAT A JUVENILE SUBJECT  
34 TO ALCOHOL AND DRUG TESTING AS A CONDITION OF PROBATION HAS FAILED TO

1 SUBMIT TO REQUIRED TESTING OR HAS FAILED TWO OR MORE DRUG OR ALCOHOL  
2 TESTS DURING THE PROBATIONARY PERIOD, THE DEPARTMENT SHALL REPORT  
3 THAT DETERMINATION TO THE COURT THAT PLACED THE JUVENILE ON PROBATION.

4 (b) (1) The Secretary shall provide sufficient staff to operate the programs  
5 AND IMPLEMENT THE PROCEDURES ESTABLISHED under subsection (a) of this  
6 section.

7 (2) The staff of the Department are under the immediate direction and  
8 control of the Secretary.

9 **Article - Courts and Judicial Proceedings**

10 3-820.

11 (d) (1) (i) Subject to the provisions of subparagraphs (iii) [and], (iv), AND  
12 (V) of this paragraph, in making a disposition on a finding that the child has  
13 committed the violation specified in a citation, the court may order the Motor Vehicle  
14 Administration to initiate an action, under the motor vehicle laws, to suspend the  
15 driving privilege of a child licensed to operate a motor vehicle by the Motor Vehicle  
16 Administration for a specified period of not less than 30 days nor more than 90 days.

17 (ii) In this paragraph "driver's license" means a license or permit to  
18 drive a motor vehicle that is issued under the laws of this State or any other  
19 jurisdiction.

20 (iii) 1. A CHILD WHO IS THE SUBJECT OF A REPORT FROM THE  
21 DEPARTMENT OF JUVENILE JUSTICE UNDER ARTICLE 83C, § 2-127(A)(2) OF THE CODE  
22 SHALL BE REQUIRED TO APPEAR BEFORE THE COURT FOR A HEARING TO  
23 DETERMINE IF THE CHILD HAS VIOLATED THE TERMS OF THE CHILD'S PROBATION  
24 BY FAILING TO SUBMIT TO REQUIRED ALCOHOL OR DRUG TESTING OR FAILING TWO  
25 OR MORE ALCOHOL OR DRUG TESTS DURING THE CHILD'S PROBATIONARY PERIOD.

26 2. IN MAKING A DISPOSITION ON A FINDING THAT A CHILD  
27 HAS VIOLATED THE TERMS OF THE CHILD'S PROBATION UNDER THIS  
28 SUBPARAGRAPH, THE COURT SHALL ORDER THE MOTOR VEHICLE ADMINISTRATION  
29 TO INITIATE AN ACTION UNDER THE MARYLAND VEHICLE LAW TO SUSPEND THE  
30 DRIVING PRIVILEGE OF THE CHILD:

31 A. FOR A FIRST PROBATION VIOLATION, FOR NOT LESS THAN  
32 30 DAYS NOR MORE THAN 90 DAYS; AND

33 B. FOR A SECOND OR SUBSEQUENT PROBATION VIOLATION,  
34 FOR 1 YEAR.

35 (IV) In making a disposition on a finding that the child has  
36 committed a violation under Article 27, § 400 of the Code specified in a citation that  
37 involved the use of a driver's license or a document purporting to be a driver's license,  
38 the court may order the Motor Vehicle Administration to initiate an action under the

1 Maryland Vehicle Law to suspend the driving privilege of a child licensed to operate a  
2 motor vehicle by the Motor Vehicle Administration:

- 3 1. For a first offense, for 6 months; and
- 4 2. For a second or subsequent offense, until the child is 21  
5 years old.

6 [(iv)] (V) In making a disposition on a finding that the child has  
7 committed a violation under § 26-103 of the Education Article, the court shall order  
8 the Motor Vehicle Administration to initiate an action, under the motor vehicle laws,  
9 to suspend the driving privilege of a child licensed to operate a motor vehicle by the  
10 Motor Vehicle Administration for a specified period of not less than 30 days nor more  
11 than 90 days.

12 [(v)] (VI) If a child subject to a suspension under this subsection  
13 does not hold a license to operate a motor vehicle on the date of the disposition, the  
14 suspension shall commence:

- 15 1. If the child is at least 16 years of age on the date of the  
16 disposition, on the date of the disposition; or
- 17 2. If the child is younger than 16 years of age on the date of  
18 the disposition, on the date the child reaches the child's 16th birthday.

#### 19 **Article - Transportation**

20 16-206.

21 (c) (1) Pursuant to a court order under § 3-820(d) of the Courts Article, the  
22 Administration shall initiate an action to suspend the driving privilege of a child for  
23 the time specified by the court.

24 (2) If a child subject to a suspension under § 3-820(d) of the Courts  
25 Article does not hold a license to operate a motor vehicle on the date of the court order,  
26 the suspension shall commence:

27 (i) If the child is at least 16 years of age on the date of the  
28 disposition, on the date of the disposition; or

29 (ii) If the child is younger than 16 years of age on the date of the  
30 disposition, on the date the child reaches the child's 16th birthday.

31 (5) The Administration may modify a suspension under this subsection  
32 or subsection (b) of this section or issue a restricted license if:

33 (i) The license is required for the purpose of attending an alcohol  
34 education or alcoholic prevention or treatment program;

1                   (ii)       The child or individual is required to drive a motor vehicle in  
2 the course of employment;

3                   (iii)       It finds that the individual's or child's employment would be  
4 adversely affected because the individual or child has no reasonable alternative  
5 means of transportation to or from a place of employment; or

6                   (iv)       It finds that the individual's or child's education would be  
7 adversely affected because the individual or child has no reasonable alternative  
8 means of transportation for educational purposes.

9                   (6)       NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THE  
10 ADMINISTRATION MAY NOT REINSTATE A CHILD'S PRIVILEGE TO DRIVE THAT WAS  
11 SUSPENDED IN ACCORDANCE WITH A COURT ORDER UNDER § 3-820(D)(1)(III) OF THE  
12 COURTS ARTICLE UNTIL THE CHILD:

13                   (I)       COMPLETES A DRUG AND ALCOHOL ABUSE AND EDUCATION  
14 PROGRAM APPROVED BY THE ADMINISTRATION; AND

15                   (II)       DEMONSTRATES TO THE SATISFACTION OF THE  
16 ADMINISTRATION THAT THE CHILD HAS SUBMITTED TO PERIODIC OR RANDOM DRUG  
17 AND ALCOHOL TESTING AND HAS REMAINED FREE OF DRUGS AND ALCOHOL FOR  
18 THE 6 MONTHS IMMEDIATELY PRECEDING THE CHILD'S APPLICATION FOR  
19 REINSTATEMENT.

20       SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
21 October 1, 1998.