

BY: House Judiciary Committee

AMENDMENTS TO HOUSE BILL NO. 552
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with “requiring” in line 3 down through “term;” in line 8 and substitute “requiring the Department of Juvenile Justice to conduct a study of juvenile detention; requiring the Department to develop standards for juvenile detention in certain facilities; requiring the Department to report to the Governor and the General Assembly on or before a certain date;”; in line 9, strike “centers” and substitute “facilities”; strike in their entirety lines 10 through 14, inclusive; and in line 16, strike “the Laws of Maryland read as follows”.

AMENDMENT NO. 2

On pages 1 and 2, strike in their entirety the lines beginning with line 17 on page 1 through line 20 on page 2, inclusive, and substitute:

“(a) (1) The Department of Juvenile Justice shall conduct a study of juvenile detention in the State.

(2) The purpose of the study is to develop standards for juvenile detention in facilities operated by the Department and private agencies under contract with the Department that are used to temporarily detain children who are awaiting:

- (i) an adjudicatory hearing under § 3-819 of the Courts Article;
- (ii) a disposition hearing under § 3-820 of the Courts Article; or
- (iii) placement by the juvenile court after a disposition hearing.

(b) In conducting the study, the Department shall:

(Over)

(1) conduct a thorough review of the juvenile detention standards articulated in the “Institute of Juvenile Administration - American Bar Association, Juvenile Justice Standards”;
and

(2) develop standards for juvenile detention in facilities operated by the Department and private agencies under contract with the Department by considering:

(i) policies favoring nonsecure detention alternatives to allow for the least restrictive interim status appropriate to an accused juvenile;

(ii) prohibitions on the placement in a secure detention facility of juveniles not charged with a crime;

(iii) a requirement of population limits for each juvenile detention facility;

(iv) specifications for the architectural structure of juvenile detention facilities;

(v) a requirement for educational, health, mental health, and substance abuse services;

(vi) staff qualifications, training, and the ratio of staff to juveniles in a juvenile detention facility;

(vii) provisions regarding the rights of juveniles in juvenile detention, including a juvenile’s privacy, the use of force on a juvenile, visitors, telephone use, and mail delivery;

(viii) authorization for the simultaneous housing in a nonsecure juvenile detention facility of juveniles charged with criminal offenses and juveniles held over for other reasons; and

(ix) the need for an annual inventory of each juvenile detention facility to determine the daily population, annual admissions, cost of detention, and qualifications and training of staff.

(c) (1) On or before November 15, 1999, the Department shall submit its findings and

recommendations to the Governor and the General Assembly, in accordance with § 2-1246 of the State Government Article.

(2) The final report shall include:

(i) recommendations on standards identified in subsection (b) of this Act for juvenile detention facilities operated by the Department or a private agency under contract with the Department;

(ii) recommendations on the time lines and costs associated with implementing the proposed standards; and

(iii) a model for independent monitoring of the Department's implementation of the juvenile detention standards."

On page 2, in line 21, strike "3." and substitute "2.".