

HOUSE BILL 552

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E3

1999 Regular Session
9lr0885
CF 9lr1544

By: **Delegates Montague, Gladden, and Grosfeld**
Introduced and read first time: February 11, 1999
Assigned to: Judiciary

Committee Report: Favorable with amendments
House action: Adopted
Read second time: March 27, 1999

CHAPTER _____

1 AN ACT concerning

2 **Juvenile Law - Juvenile Detention Facilities - Standards**

3 FOR the purpose of ~~requiring the Department of Juvenile Justice to adopt certain~~
4 ~~standards for juvenile detention facilities; requiring the Department to ensure~~
5 ~~that certain juvenile detention facilities come into compliance with certain~~
6 ~~standards by a certain date; requiring the Department to adopt certain~~
7 ~~regulations; requiring the Department to submit certain reports to the Governor~~
8 ~~and the General Assembly on or before a certain date; defining a certain term;~~
9 requiring the Department of Juvenile Justice to conduct a study of juvenile
10 detention; requiring the Department to develop standards for juvenile detention
11 in certain facilities; requiring the Department to report to the Governor and the
12 General Assembly on or before a certain date; and generally relating to
13 standards for juvenile detention ~~centers~~ facilities.

14 ~~BY adding to~~
15 ~~Article 83C—Juvenile Justice~~
16 ~~Section 2-134~~
17 ~~Annotated Code of Maryland~~
18 ~~(1998 Replacement Volume)~~

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

1

Article 83C – Juvenile Justice2 ~~2-134.~~

3 (A) ~~IN THIS SECTION, "JUVENILE DETENTION FACILITY" MEANS A FACILITY~~
4 ~~OPERATED BY THE DEPARTMENT OR BY A PRIVATE AGENCY UNDER CONTRACT WITH~~
5 ~~THE DEPARTMENT AND USED TO TEMPORARILY DETAIN CHILDREN WHO ARE~~
6 ~~AWAITING AN ADJUDICATORY HEARING UNDER § 3-819 OF THE COURTS ARTICLE, A~~
7 ~~DISPOSITION HEARING UNDER § 3-820 OF THE COURTS ARTICLE, OR PLACEMENT BY~~
8 ~~THE JUVENILE COURT AFTER A DISPOSITION HEARING.~~

9 (B) ~~THE DEPARTMENT SHALL ADOPT STANDARDS FOR JUVENILE DETENTION~~
10 ~~FACILITIES BASED ON THE JUVENILE DETENTION STANDARDS ARTICULATED IN THE~~
11 ~~AMERICAN BAR ASSOCIATION'S ANNOTATED JUVENILE JUSTICE STANDARDS.~~

12 (C) ~~THE DEPARTMENT SHALL ENSURE THAT:~~

13 (1) ~~A JUVENILE DETENTION FACILITY IN OPERATION ON OCTOBER 1,~~
14 ~~1999, IS IN COMPLIANCE WITH THE STANDARDS DESCRIBED IN SUBSECTION (B) OF~~
15 ~~THIS SECTION BY OCTOBER 1, 2002; AND~~

16 (2) ~~A JUVENILE DETENTION FACILITY IN OPERATION AFTER OCTOBER 1,~~
17 ~~1999, IS IN COMPLIANCE WITH THE STANDARDS DESCRIBED IN SUBSECTION (B) OF~~
18 ~~THIS SECTION ON THE DATE THAT THE FACILITY BEGINS TO OPERATE.~~

19 (D) ~~THE DEPARTMENT SHALL ADOPT REGULATIONS TO IMPLEMENT THE~~
20 ~~PROVISIONS OF THIS SECTION.~~

21 ~~SECTION 2. AND BE IT FURTHER ENACTED, That, for juvenile detention~~
22 ~~facilities in operation on October 1, 1999, the Department shall:~~

23 (1) ~~on or before October 1, 2000, submit a report to the Governor and, subject~~
24 ~~to § 2-1246 of the State Government Article, to the General Assembly that:~~

25 (i) ~~outlines a model for independent monitoring of the Department's~~
26 ~~implementation of the standards described in this Act; and~~

27 (ii) ~~describes the Department's plan for ensuring that each facility comes~~
28 ~~into compliance with the standards described in this Act by the date specified by this~~
29 ~~Act; and~~

30 (2) ~~on or before October 1, 2001, submit a progress report to the Governor and,~~
31 ~~subject to § 2-1246 of the State Government Article, to the General Assembly on the~~
32 ~~implementation of the standards described in this Act.~~

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

35 (2) The purpose of the study is to develop standards for juvenile
36 detention in facilities operated by the Department and private agencies under

1 contract with the Department that are used to temporarily detain children who are
2 awaiting:

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

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

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

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

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

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

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

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

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

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

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

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

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

1 (c) (1) On or before November 15, 1999, the Department shall submit its
2 findings and recommendations to the Governor and the General Assembly, in
3 accordance with § 2-1246 of the State Government Article.

4 (2) The final report shall include:

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

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

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

12 SECTION ~~3-2~~. AND BE IT FURTHER ENACTED, That this Act shall take
13 effect October 1, 1999.