
By: **Delegates Marriott, Benson, Cole, Fulton, Grosfeld, Howard, A. Jones, V.
Jones, Kirk, Nathan-Pulliam, Phillips, and Proctor**

Introduced and read first time: February 3, 2000

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Juvenile Justice - Advisory Council for Disproportionate Minority**
3 **Confinement**

4 FOR the purpose of requiring the Secretary of Juvenile Justice to include in the State
5 Comprehensive Juvenile Justice 3-Year Plan a program to address
6 discriminatory disproportionality in the processing or disposing of juvenile
7 cases; creating an Advisory Council for Disproportionate Minority Confinement;
8 requiring the State Advisory Board for Juvenile Justice to assist the Advisory
9 Council in certain duties; requiring the State Advisory Board for Juvenile
10 Justice to make a certain recommendation to the Secretary; specifying the
11 membership of the Advisory Council; providing for terms of office of the
12 members of the Advisory Council; specifying the terms of the initial members of
13 the Advisory Council; requiring the appointment of the chairman of the Advisory
14 Council; requiring the appointment of the secretary of the Advisory Council;
15 providing for a certain number of meetings of the Advisory Council; prohibiting
16 members of the Advisory Council from receiving compensation; allowing for
17 reimbursement to the members of the Advisory Council of certain expenses;
18 specifying the duties of the Advisory Council; requiring that the Advisory
19 Council report annually to the Joint Committee on Children, Youth, and
20 Families; providing for staff support for the Advisory Council; requiring youth in
21 the juvenile justice system to be treated equitably on the basis of certain factors;
22 and generally relating to juvenile justice, discriminatory disproportionality in
23 the processing of juvenile cases, and the Advisory Council for Disproportionate
24 Minority Confinement.

25 BY repealing and reenacting, with amendments,
26 Article 83C - Juvenile Justice
27 Section 2-104(e) and 2-110
28 Annotated Code of Maryland
29 (1998 Replacement Volume and 1999 Supplement)

30 BY adding to
31 Article 83C - Juvenile Justice

1 Section 2-110.1 through 2-110.4, inclusive
2 Annotated Code of Maryland
3 (1998 Replacement Volume and 1999 Supplement)

4 BY repealing and reenacting, with amendments,
5 Article - Courts and Judicial Proceedings
6 Section 3-802
7 Annotated Code of Maryland
8 (1998 Replacement Volume and 1999 Supplement)

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

11 **Article 83C - Juvenile Justice**

12 2-104.

13 (e) (1) The Secretary is responsible for the coordination and direction of all
14 planning that the office of the Secretary initiates.

15 (2) The Secretary shall keep fully apprised of plans, proposals, and
16 projects of each unit in the Department and, except as expressly provided otherwise,
17 may approve, disapprove, or modify any of them.

18 (3) (i) Prior to January 1, [1990] 2001, the Secretary shall [develop a]
19 REVISE THE State Comprehensive Juvenile Justice 3-Year Plan. The Plan shall:

20 1. Include an inventory of all in-day treatment programs
21 and residential care programs and an accounting of the residence of all clients;

22 2. Set out the needs of the various areas of services for clients
23 including alcohol and drug abuse rehabilitation services;

24 3. Establish priorities for the different services needed;

25 4. Set standards for the quality of residential services, and
26 out-reach services;

27 5. Include a program dedicated to reducing recidivism rates
28 of clients; [and]

29 6. INCLUDE A PROGRAM TO ADDRESS ANY
30 DISPROPORTIONALITY THAT EXISTS, IN PROCESSING OR DISPOSING OF CASES
31 INVOLVING JUVENILE OFFENDERS, ON THE BASIS OF GENDER, RACE, FAMILY
32 INCOME, AND MENTALLY, EMOTIONALLY, OR PHYSICALLY HANDICAPPING
33 CONDITIONS AND A PLAN TO MONITOR THAT PROGRAM, IN ACCORDANCE WITH THE
34 RECOMMENDATIONS OF THE ADVISORY COUNCIL FOR DISPROPORTIONATE
35 MINORITY CONFINEMENT UNDER § 2-110.4 OF THIS SUBTITLE; AND

1 [6.] 7. Include any other matters that the Secretary deems
2 appropriate.

3 (ii) The Plan shall be revised for each subsequent calendar year and
4 shall be submitted, subject to § 2-1246 of the State Government Article, to the
5 General Assembly by February 1 of each year.

6 2-110.

7 In addition to the duties set forth elsewhere in this article, the State Advisory
8 Board shall:

9 (1) Consult with and advise the Secretary on:

10 (i) Each aspect of the juvenile justice program in this State; and

11 (ii) The educational programs and services of the Department;

12 (2) Recommend to the Secretary policies and programs to improve
13 juvenile justice in this State;

14 (3) Participate in interpreting for the public the objectives of the
15 Department; [and]

16 (4) Participate in planning the development and use of available
17 resources to meet the needs of the Department;

18 (5) ASSIST THE ADVISORY COUNCIL FOR DISPROPORTIONATE MINORITY
19 CONFINEMENT IN FULFILLING THEIR DUTIES, AS REQUIRED BY § 2-110.4 OF THIS
20 SUBTITLE; AND

21 (6) RECOMMEND TO THE SECRETARY IMPLEMENTATION OF THE PLAN
22 DEVELOPED BY THE ADVISORY COUNCIL FOR DISPROPORTIONATE MINORITY
23 CONFINEMENT UNDER § 2-110.4 OF THIS SUBTITLE TO ADDRESS ANY
24 DISPROPORTIONALITY THAT EXISTS, IN PROCESSING OR DISPOSING OF CASES
25 INVOLVING JUVENILE OFFENDERS, ON THE BASIS OF GENDER, RACE, FAMILY
26 INCOME, OR MENTALLY, EMOTIONALLY, OR PHYSICALLY HANDICAPPING
27 CONDITIONS.

28 2-110.1.

29 (A) THERE IS AN ADVISORY COUNCIL FOR DISPROPORTIONATE MINORITY
30 CONFINEMENT.

31 (B) THE ADVISORY COUNCIL CONSISTS OF 15 MEMBERS APPOINTED BY THE
32 GOVERNOR:

33 (1) ONE REPRESENTATIVE FROM THE DEPARTMENT WHO IS NOT A
34 MEMBER OF THE STATE ADVISORY BOARD FOR JUVENILE JUSTICE;

1 (2) ONE MEMBER FROM THE STATE ADVISORY BOARD FOR JUVENILE
2 JUSTICE;

3 (3) ONE ELECTED OFFICIAL REPRESENTING LOCAL GOVERNMENT
4 INTERESTS;

5 (4) ONE REPRESENTATIVE FROM A LAW ENFORCEMENT AGENCY;

6 (5) ONE JUVENILE COURT JUDGE;

7 (6) ONE REPRESENTATIVE FROM THE STATE SOCIAL SERVICES
8 ADMINISTRATION;

9 (7) ONE REPRESENTATIVE FROM A PRIVATE NONPROFIT ORGANIZATION
10 WITH A SPECIAL FOCUS ON JUVENILE DELINQUENCY PREVENTION AND
11 TREATMENT;

12 (8) ONE REPRESENTATIVE WHO WORKS WITH MINORITY YOUTH WHO
13 ARE EITHER CURRENTLY INVOLVED IN THE JUVENILE JUSTICE SYSTEM OR AT RISK
14 OF BECOMING INVOLVED WITH THE JUVENILE JUSTICE SYSTEM;

15 (9) ONE REPRESENTATIVE FROM A PUBLIC OR PRIVATE ORGANIZATION
16 INVOLVED WITH ALTERNATIVES TO INCARCERATION FOR JUVENILE DELINQUENTS;

17 (10) ONE PERSON WITH EXPERIENCE IN ADDRESSING PROBLEMS
18 RELATED TO SCHOOL VIOLENCE AND VANDALISM;

19 (11) ONE PERSON WITH EXPERIENCE IN ADDRESSING PROBLEMS
20 RELATED TO LEARNING DISABILITIES AND EMOTIONAL DIFFICULTIES;

21 (12) ONE PERSON WITH EXPERIENCE IN ADDRESSING PROBLEMS
22 RELATED TO CHILD ABUSE AND CHILD NEGLECT;

23 (13) ONE PERSON WITH EXPERIENCE IN ADDRESSING PROBLEMS
24 RELATED TO YOUTH VIOLENCE; AND

25 (14) TWO REPRESENTATIVES FROM THE GENERAL ASSEMBLY, WITH ONE
26 RECOMMENDED BY THE PRESIDENT OF THE SENATE AND THE OTHER
27 RECOMMENDED BY THE SPEAKER OF THE HOUSE.

28 (C) (1) THE TERM OF A MEMBER OF THE ADVISORY COUNCIL IS 3 YEARS.

29 (2) THE TERMS OF MEMBERS ARE STAGGERED AS REQUIRED BY THE
30 TERMS PROVIDED FOR MEMBERS OF THE ADVISORY COUNCIL ON OCTOBER 1, 2000.

31 (3) AT THE END OF A TERM, A MEMBER CONTINUES TO SERVE UNTIL A
32 SUCCESSOR IS APPOINTED AND QUALIFIES.

33 (4) A MEMBER WHO IS APPOINTED AFTER A TERM HAS BEGUN SERVES
34 ONLY FOR THE REST OF THE TERM AND UNTIL A SUCCESSOR IS APPOINTED AND
35 QUALIFIES.

1 2-110.2.

2 (A) FROM AMONG THE MEMBERS OF THE ADVISORY COUNCIL, THE
3 GOVERNOR SHALL APPOINT A CHAIRMAN.

4 (B) (1) FROM AMONG THE MEMBERS OF THE ADVISORY COUNCIL, THE
5 ADVISORY COUNCIL CHAIRMAN SHALL APPOINT A SECRETARY.

6 (2) THE SECRETARY SHALL KEEP FULL AND ACCURATE MINUTES OF
7 EACH ADVISORY COUNCIL MEETING.

8 2-110.3.

9 (A) THE ADVISORY COUNCIL SHALL MEET REGULARLY AT LEAST SIX TIMES A
10 YEAR.

11 (B) A MEMBER OF THE ADVISORY COUNCIL:

12 (1) MAY NOT RECEIVE COMPENSATION; BUT

13 (2) IS ENTITLED TO REIMBURSEMENT FOR EXPENSES UNDER THE
14 STANDARD STATE TRAVEL REGULATIONS, AS PROVIDED IN THE STATE BUDGET.

15 2-110.4

16 (A) (1) THE ADVISORY COUNCIL SHALL SERVE IN AN ADVISORY CAPACITY
17 TO THE STATE ADVISORY BOARD FOR JUVENILE JUSTICE ON THE ISSUE OF
18 DEVELOPMENT AND IMPLEMENTATION OF A PLAN TO ADDRESS AND MONITOR ANY
19 DISPROPORTIONALITY THAT EXISTS IN PROCESSING OR DISPOSING OF CASES
20 INVOLVING JUVENILE OFFENDERS, ON THE BASIS OF GENDER, RACE, FAMILY
21 INCOME, OR MENTALLY, EMOTIONALLY, OR PHYSICALLY HANDICAPPING
22 CONDITIONS.

23 (2) A REPRESENTATIVE OF THE ADVISORY COUNCIL SHALL ATTEND ALL
24 MEETINGS OF THE STATE ADVISORY BOARD.

25 (3) THE ADVISORY COUNCIL SHALL COOPERATE WITH THE STATE
26 ADVISORY BOARD IN CARRYING OUT THE DUTIES OUTLINED IN SUBSECTION (B) OF
27 THIS SECTION.

28 (B) THE ADVISORY COUNCIL SHALL:

29 (1) COLLECT AND ANALYZE DATA AS NECESSARY TO MONITOR ANY
30 DISPROPORTIONALITY THAT EXISTS IN PROCESSING OR DISPOSING OF CASES
31 INVOLVING JUVENILE OFFENDERS, ON THE BASIS OF GENDER, RACE, FAMILY
32 INCOME, OR MENTALLY, EMOTIONALLY, OR PHYSICALLY HANDICAPPING
33 CONDITIONS;

34 (2) IDENTIFY THE CAUSES OF ANY DISPROPORTIONALITY THAT EXISTS
35 IN PROCESSING OR DISPOSING OF CASES INVOLVING JUVENILE OFFENDERS;

1 (3) DEVELOP A PLAN TO ADDRESS ANY DISPROPORTIONALITY THAT
2 EXISTS IN PROCESSING OR DISPOSING OF CASES INVOLVING JUVENILE OFFENDERS;

3 (4) DEVELOP A METHOD TO MONITOR THE IMPLEMENTATION OF A PLAN
4 TO ADDRESS ANY DISPROPORTIONALITY THAT EXISTS IN PROCESSING OR DISPOSING
5 OF CASES INVOLVING JUVENILE OFFENDERS; AND

6 (5) MONITOR THE PROGRESS OF THE JUVENILE JUSTICE SYSTEM
7 REGARDING THE CONTINUED EXISTENCE OF ANY DISPROPORTIONALITY IN
8 PROCESSING OR DISPOSING OF CASES INVOLVING JUVENILE OFFENDERS, ON THE
9 BASIS OF GENDER, RACE, FAMILY INCOME, OR MENTALLY, EMOTIONALLY, OR
10 PHYSICALLY HANDICAPPING CONDITIONS.

11 (C) THE ADVISORY COUNCIL SHALL REPORT ON OR BEFORE OCTOBER 1 OF
12 EACH YEAR TO THE JOINT COMMITTEE ON CHILDREN, YOUTH, AND FAMILIES,
13 SUBJECT TO § 2-1246 OF THE STATE GOVERNMENT ARTICLE.

14 (D) STAFF SUPPORT FOR THE ADVISORY COUNCIL SHALL BE PROVIDED BY
15 THE DEPARTMENT.

16 **Article - Courts and Judicial Proceedings**

17 3-802.

18 (a) The purposes of this subtitle are:

19 (1) To ensure that the Juvenile Justice System balances the following
20 objectives for children who have committed delinquent acts:

21 (i) Public safety and the protection of the community;

22 (ii) Accountability of the child to the victim and the community for
23 offenses committed; and

24 (iii) Competency and character development to assist children in
25 becoming responsible and productive members of society;

26 (2) To hold parents of children found to be delinquent responsible for the
27 child's behavior and accountable to the victim and the community;

28 (3) To hold parents of children found to be delinquent or in need of
29 assistance or supervision responsible, where possible, for remedying the
30 circumstances that required the court's intervention;

31 (4) To provide for the care, protection, and wholesome mental and
32 physical development of children coming within the provisions of this subtitle; and to
33 provide for a program of treatment, training, and rehabilitation consistent with the
34 child's best interests and the protection of the public interest;

1 (5) TO ENSURE THAT YOUTH IN THE JUVENILE JUSTICE SYSTEM ARE
2 TREATED EQUITABLY ON THE BASIS OF GENDER, RACE, FAMILY INCOME, AND
3 MENTALLY, EMOTIONALLY, OR PHYSICALLY HANDICAPPING CONDITIONS;

4 [(5)] (6) To conserve and strengthen the child's family ties and to
5 separate a child from his parents only when necessary for his welfare or in the
6 interest of public safety;

7 [(6)] (7) If necessary to remove a child from his home, to secure for him
8 custody, care, and discipline as nearly as possible equivalent to that which should
9 have been given by his parents; and

10 [(7)] (8) To provide judicial procedures for carrying out the provisions of
11 this subtitle.

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

13 SECTION 2. AND BE IT FURTHER ENACTED, That the terms of the initial
14 members of the Advisory Council on Disproportionate Minority Confinement shall
15 expire as follows:

16 (1) 5 members in 2001;

17 (2) 4 members in 2002; and

18 (3) 5 members in 2003.

19 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
20 October 1, 2000.