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

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House action: Adopted  
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CHAPTER \_\_\_\_\_

1 AN ACT concerning

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

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

1 BY repealing and reenacting, with amendments,  
2 Article 83C - Juvenile Justice  
3 Section 2-104(e) and 2-110  
4 Annotated Code of Maryland  
5 (1998 Replacement Volume and 1999 Supplement)

6 BY adding to  
7 Article 83C - Juvenile Justice  
8 Section 2-110.1 through 2-110.4, inclusive  
9 Annotated Code of Maryland  
10 (1998 Replacement Volume and 1999 Supplement)

11 BY repealing and reenacting, with amendments,  
12 Article - Courts and Judicial Proceedings  
13 Section 3-802  
14 Annotated Code of Maryland  
15 (1998 Replacement Volume and 1999 Supplement)

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

18 **Article 83C - Juvenile Justice**

19 2-104.

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

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

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

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

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

31 3. Establish priorities for the different services needed;

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

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

3 6. INCLUDE A PROGRAM TO ADDRESS ANY  
4 ~~DISPROPORTIONALITY INEQUITY~~ THAT EXISTS, IN PROCESSING OR DISPOSING OF  
5 CASES INVOLVING JUVENILE OFFENDERS, ON THE BASIS OF GENDER, RACE, FAMILY  
6 INCOME, AND MENTALLY, EMOTIONALLY, OR PHYSICALLY HANDICAPPING  
7 CONDITIONS AND A PLAN TO MONITOR THAT PROGRAM, IN ACCORDANCE WITH THE  
8 RECOMMENDATIONS OF THE ADVISORY COUNCIL ~~FOR DISPROPORTIONATE ON~~  
9 MINORITY CONFINEMENT UNDER § 2-110.4 OF THIS SUBTITLE; AND

10 [6.] 7. Include any other matters that the Secretary deems  
11 appropriate.

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

15 2-110.

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

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

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

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

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

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

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

27 (5) ASSIST THE ADVISORY COUNCIL ~~FOR DISPROPORTIONATE ON~~  
28 MINORITY CONFINEMENT IN FULFILLING ~~THEIR ITS~~ DUTIES, AS REQUIRED BY §  
29 2-110.4 OF THIS SUBTITLE; AND

30 (6) RECOMMEND TO THE SECRETARY IMPLEMENTATION OF THE PLAN  
31 DEVELOPED BY THE ADVISORY COUNCIL ~~FOR DISPROPORTIONATE ON~~ MINORITY  
32 CONFINEMENT UNDER § 2-110.4 OF THIS SUBTITLE TO ADDRESS ANY  
33 ~~DISPROPORTIONALITY INEQUITY~~ THAT EXISTS, IN PROCESSING OR DISPOSING OF  
34 CASES INVOLVING JUVENILE OFFENDERS, ON THE BASIS OF GENDER, RACE, FAMILY  
35 INCOME, OR MENTALLY, EMOTIONALLY, OR PHYSICALLY HANDICAPPING  
36 CONDITIONS.

1 2-110.1.

2 (A) THERE IS AN ADVISORY COUNCIL ~~FOR DISPROPORTIONATE~~ ON MINORITY  
3 CONFINEMENT.

4 (B) THE ADVISORY COUNCIL CONSISTS OF 15 MEMBERS APPOINTED BY THE  
5 GOVERNOR:

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

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

10 (3) ONE ELECTED OFFICIAL REPRESENTING LOCAL GOVERNMENT  
11 INTERESTS;

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

13 (5) ONE JUVENILE COURT JUDGE;

14 (6) ONE REPRESENTATIVE FROM THE STATE SOCIAL SERVICES  
15 ADMINISTRATION;

16 (7) ONE REPRESENTATIVE FROM A PRIVATE NONPROFIT ORGANIZATION  
17 WITH A SPECIAL FOCUS ON JUVENILE DELINQUENCY PREVENTION AND  
18 TREATMENT;

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

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

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

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

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

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

32 (14) TWO REPRESENTATIVES FROM THE GENERAL ASSEMBLY, WITH ONE  
33 RECOMMENDED BY THE PRESIDENT OF THE SENATE AND THE OTHER  
34 RECOMMENDED BY THE SPEAKER OF THE HOUSE.

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

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

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

6             ~~(4)     A MEMBER WHO IS APPOINTED AFTER A TERM HAS BEGUN SERVES~~  
7 ~~ONLY FOR THE REST OF THE TERM AND UNTIL A SUCCESSOR IS APPOINTED AND~~  
8 ~~QUALIFIES.~~

9 2-110.2.

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

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

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

16 2-110.3.

17     (A)     THE ADVISORY COUNCIL SHALL MEET REGULARLY AT LEAST SIX TIMES A  
18 YEAR.

19     (B)     A MEMBER OF THE ADVISORY COUNCIL:

20             (1)     MAY NOT RECEIVE COMPENSATION; BUT

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

23 2-110.4.

24     (A)     (1)     THE ADVISORY COUNCIL SHALL SERVE IN AN ADVISORY CAPACITY  
25 TO THE STATE ADVISORY BOARD FOR JUVENILE JUSTICE ON THE ISSUE OF  
26 DEVELOPMENT AND IMPLEMENTATION OF A PLAN TO ADDRESS AND MONITOR ANY  
27 ~~DISPROPORTIONALITY INEQUITY~~ THAT EXISTS IN PROCESSING OR DISPOSING OF  
28 CASES INVOLVING JUVENILE OFFENDERS, ON THE BASIS OF GENDER, RACE, FAMILY  
29 INCOME, OR MENTALLY, EMOTIONALLY, OR PHYSICALLY HANDICAPPING  
30 CONDITIONS.

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

33             (3)     THE ADVISORY COUNCIL SHALL COOPERATE WITH THE STATE  
34 ADVISORY BOARD IN CARRYING OUT THE DUTIES OUTLINED IN SUBSECTION (B) OF  
35 THIS SECTION.

1 (B) THE ADVISORY COUNCIL SHALL:

2 (1) COLLECT AND ANALYZE DATA AS NECESSARY TO MONITOR ANY  
 3 ~~DISPROPORTIONALITY INEQUITY~~ THAT EXISTS IN PROCESSING OR DISPOSING OF  
 4 CASES INVOLVING JUVENILE OFFENDERS, ON THE BASIS OF GENDER, RACE, FAMILY  
 5 INCOME, OR MENTALLY, EMOTIONALLY, OR PHYSICALLY HANDICAPPING  
 6 CONDITIONS;

7 (2) IDENTIFY THE CAUSES OF ANY ~~DISPROPORTIONALITY INEQUITY~~  
 8 THAT EXISTS IN PROCESSING OR DISPOSING OF CASES INVOLVING JUVENILE  
 9 OFFENDERS;

10 (3) DEVELOP A PLAN TO ADDRESS ANY ~~DISPROPORTIONALITY INEQUITY~~  
 11 THAT EXISTS IN PROCESSING OR DISPOSING OF CASES INVOLVING JUVENILE  
 12 OFFENDERS;

13 (4) DEVELOP A METHOD TO MONITOR THE IMPLEMENTATION OF A PLAN  
 14 TO ADDRESS ANY ~~DISPROPORTIONALITY INEQUITY~~ THAT EXISTS IN PROCESSING OR  
 15 DISPOSING OF CASES INVOLVING JUVENILE OFFENDERS; AND

16 (5) MONITOR THE PROGRESS OF THE JUVENILE JUSTICE SYSTEM  
 17 REGARDING THE CONTINUED EXISTENCE OF ANY ~~DISPROPORTIONALITY INEQUITY~~  
 18 THAT EXISTS IN PROCESSING OR DISPOSING OF CASES INVOLVING JUVENILE  
 19 OFFENDERS, ON THE BASIS OF GENDER, RACE, FAMILY INCOME, OR MENTALLY,  
 20 EMOTIONALLY, OR PHYSICALLY HANDICAPPING CONDITIONS.

21 (C) THE ADVISORY COUNCIL SHALL REPORT ON OR BEFORE OCTOBER 1 OF  
 22 EACH YEAR TO THE ~~JOINT COMMITTEE ON CHILDREN, YOUTH, AND FAMILIES~~  
 23 GENERAL ASSEMBLY, SUBJECT TO § 2-1246 OF THE STATE GOVERNMENT ARTICLE.

24 (D) STAFF SUPPORT FOR THE ADVISORY COUNCIL SHALL BE PROVIDED BY  
 25 THE DEPARTMENT.

26 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland  
 27 read as follows:

28 **Article - Courts and Judicial Proceedings**

29 3-802.

30 (a) The purposes of this subtitle are:

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

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

34 (ii) Accountability of the child to the victim and the community for  
 35 offenses committed; and

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

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

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

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

12 (5) TO ENSURE THAT ~~YOUTH CHILDREN~~ IN THE JUVENILE JUSTICE  
13 SYSTEM ARE TREATED EQUITABLY ~~ON THE BASIS~~ REGARDLESS OF GENDER, RACE,  
14 FAMILY INCOME, AND MENTALLY, EMOTIONALLY, OR PHYSICALLY HANDICAPPING  
15 CONDITIONS;

16 [(5)] (6) To conserve and strengthen the child's family ties and to  
17 separate a child from his parents only when necessary for his welfare or in the  
18 interest of public safety;

19 [(6)] (7) If necessary to remove a child from his home, to secure for him  
20 custody, care, and discipline as nearly as possible equivalent to that which should  
21 have been given by his parents; and

22 [(7)] (8) To provide judicial procedures for carrying out the provisions of  
23 this subtitle.

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

25 SECTION ~~2- 3~~. AND BE IT FURTHER ENACTED, That ~~the terms of the initial~~  
26 ~~members of the Advisory Council on Disproportionate Minority Confinement shall~~  
27 ~~expire as follows:~~

28 (1) ~~5 members in 2001;~~

29 (2) ~~4 members in 2002; and~~

30 (3) ~~5 members in 2003.~~ Section 1 of this Act shall remain effective for a period  
31 of 3 years and, at the end of September 30, 2003, with no further action required by  
32 the General Assembly, Section 1 of this Act shall be abrogated and of no further force  
33 and effect.

34 SECTION ~~3- 4~~. AND BE IT FURTHER ENACTED, That this Act shall take  
35 effect October 1, 2000.

