

HOUSE BILL 1095

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2000 Regular Session
0lr1281

By: **Delegates Montague, Grosfeld, Gladden, Cole, Doory, Dobson, Menes,
Marriott, and Rawlings**

Introduced and read first time: February 11, 2000

Assigned to: Judiciary

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 22, 2000

CHAPTER _____

1 AN ACT concerning

2 **Juvenile Causes - Facilities Used for Detention - Accommodation of**
3 **Children Awaiting Placement After Disposition**

4 FOR the purpose of prohibiting a child from being accommodated in a facility used for
5 detention for more than a certain period of time after the court has made a
6 disposition on a certain petition; authorizing the court to order that a child be
7 accommodated in a facility used for detention for a specified period of time
8 under certain circumstances; authorizing the court to extend the period of time
9 for which a certain child may be accommodated in a facility used for detention;
10 requiring the Department of Juvenile Justice to make a certain report; and
11 generally relating to the accommodation of a child in a facility used for detention
12 after disposition.

13 BY repealing and reenacting, without amendments,
14 Article - Courts and Judicial Proceedings
15 Section 3-801(m)
16 Annotated Code of Maryland
17 (1998 Replacement Volume and 1999 Supplement)

18 BY adding to
19 Article - Courts and Judicial Proceedings
20 Section 3-815(j)
21 Annotated Code of Maryland
22 (1998 Replacement Volume and 1999 Supplement)

23 BY repealing and reenacting, with amendments,

1 Article - Courts and Judicial Proceedings
2 Section 3-820(c)
3 Annotated Code of Maryland
4 (1998 Replacement Volume and 1999 Supplement)

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

7 **Article - Courts and Judicial Proceedings**

8 3-801.

9 (m) "Detention" means the temporary care of children who, pending court
10 disposition, require secure custody for the protection of themselves or the community,
11 in physically restricting facilities.

12 3-815.

13 (J) (1) ~~EXCEPT AS PROVIDED IN PARAGRAPH (2) PARAGRAPHS (2) AND (3) OF~~
14 ~~THIS SUBSECTION, A CHILD MAY NOT BE ACCOMMODATED IN A FACILITY USED FOR~~
15 ~~DETENTION FOR THE SPECIFIC ACT FOR WHICH THE CHILD HAS BEEN ADJUDICATED~~
16 ~~DELINQUENT FOR MORE THAN 7 15 DAYS AFTER THE COURT MAKES A DISPOSITION~~
17 ~~ON A PETITION UNDER § 3-820 OF THIS SUBTITLE.~~

18 (2) ~~A THE COURT MAY ORDER THAT A CHILD BE ACCOMMODATED IN A~~
19 ~~FACILITY USED FOR DETENTION FOR THE SPECIFIC ACT FOR WHICH THE CHILD HAS~~
20 ~~BEEN ADJUDICATED DELINQUENT FOR A SPECIFIED PERIOD OF TIME NOT TO~~
21 ~~EXCEED 45 45 DAYS FROM THE DATE OF DISPOSITION UPON A FINDING THAT~~
22 ~~ACCOMMODATION IN THE FACILITY IS NECESSARY FOR THE APPROPRIATE~~
23 ~~PLACEMENT OF THE CHILD.~~

24 (3) ~~THE COURT MAY EXTEND THE PERIOD OF TIME SPECIFIED IN~~
25 ~~PARAGRAPH (2) OF THIS SUBSECTION IN INCREMENTS OF NOT MORE THAN 30 DAYS~~
26 ~~FOR A CHILD FOR WHOM THE DISPOSITION IS PLACEMENT IN A SECURE FACILITY.~~

27 3-820.

28 (c) (1) In making a disposition on a petition, the court may:

29 (i) Place the child on probation or under supervision in his own
30 home or in the custody or under the guardianship of a relative or other fit person,
31 upon terms the court deems appropriate;

32 (ii) Subject to the provisions of paragraph (2) of this subsection,
33 commit the child to the custody or under the guardianship of the Department of
34 Juvenile Justice, a local department of social services, the Department of Health and
35 Mental Hygiene, or a public or licensed private agency on terms that the court
36 considers appropriate to meet the priorities set forth in § 3-802 of this subtitle,
37 including designation of the type of facility where the child is to be accommodated,

1 until custody or guardianship is terminated with approval of the court or as required
2 under § 3-825 of this subtitle; or

3 (iii) Order the child, parents, guardian, or custodian of the child to
4 participate in rehabilitative services that are in the best interest of the child and the
5 family.

6 (2) A child committed under paragraph (1)(ii) of this subsection may not:

7 (I) [be] BE accommodated in a facility that has reached budgeted
8 capacity if a bed is available in another comparable facility in the State, unless the
9 placement to the facility that has reached budgeted capacity has been recommended
10 by the Department of Juvenile Justice; OR

11 (II) EXCEPT AS PROVIDED IN § 3-815(J) OF THIS SUBTITLE, BE
12 ACCOMMODATED IN A FACILITY USED FOR DETENTION.

13 (3) The court shall consider any oral address made in accordance with
14 Article 27, § 780 of the Code or any victim impact statement, as described in Article
15 27, § 781 of the Code, in determining an appropriate disposition on a petition.

16 SECTION 2. AND BE IT FURTHER ENACTED, That the Department of
17 Juvenile Justice shall report to the General Assembly on or before July 1, 2001, in
18 accordance with § 2-1246 of the State Government Article, on the implementation of
19 this Act.

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