
By: **Chairman, Rules and Executive Nominations Committee**
(Departmental - Juvenile Justice)

Introduced and read first time: February 21, 2001

Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Baltimore City Juvenile Justice Center - Intake - Assessment - Detention**

3 FOR the purpose of requiring the Department of Juvenile Justice to operate and
4 manage the Baltimore City Juvenile Justice Center as a centralized regional
5 juvenile justice intake, assessment, court, and detention facility for Baltimore
6 City; authorizing the Department of Juvenile Justice to perform certain intake
7 processing and assessment functions; providing that the Department of Juvenile
8 Justice may receive certain criminal history record information; specifying the
9 administrative and management authority of the Department of Juvenile
10 Justice over the Baltimore City Juvenile Justice Center; requiring that certain
11 units of government be located at the Baltimore City Juvenile Justice Center;
12 providing for certain employees to serve at the pleasure of the Secretary of
13 Juvenile Justice; and generally relating to the Department of Juvenile Justice
14 and the operation of the Baltimore City Juvenile Justice Center.

15 BY repealing and reenacting, with amendments,
16 Article - Courts and Judicial Proceedings
17 Section 3-828
18 Annotated Code of Maryland
19 (1998 Replacement Volume and 2000 Supplement)

20 BY repealing and reenacting, without amendments,
21 Article - Courts and Judicial Proceedings
22 Section 3-814
23 Annotated Code of Maryland
24 (1998 Replacement Volume and 2000 Supplement)

25 BY repealing and reenacting, with amendments,
26 Article 83C - Juvenile Justice
27 Section 2-103(c)
28 Annotated Code of Maryland
29 (1998 Replacement Volume and 2000 Supplement)

1 BY adding to
2 Article 83C - Juvenile Justice
3 Section 2-118.1
4 Annotated Code of Maryland
5 (1998 Replacement Volume and 2000 Supplement)

6 BY repealing and reenacting, without amendments,
7 Article 83C - Juvenile Justice
8 Section 2-111(a), 2-117(a), and 2-118(a)
9 Annotated Code of Maryland
10 (1998 Replacement Volume and 2000 Supplement)

11 BY repealing and reenacting, with amendments,
12 Article - Criminal Procedure
13 Section 10-201(f) and 10-220
14 Annotated Code of Maryland
15 (As enacted by Chapter _____ (S.B. 1) of the Acts of the General Assembly of
16 2001)

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

19 **Article - Courts and Judicial Proceedings**

20 3-814.

21 (a) A child may be taken into custody by any of the following methods:

22 (1) Pursuant to an order of the court;

23 (2) By a law enforcement officer pursuant to the law of arrest;

24 (3) By a law enforcement officer or other person authorized by the court
25 if he has reasonable grounds to believe that the child is in immediate danger from his
26 surroundings and that his removal is necessary for his protection; or

27 (4) By a law enforcement officer or other person authorized by the court
28 if he has reasonable grounds to believe that the child has run away from his parents,
29 guardian, or legal custodian.

30 (b) If a law enforcement officer takes a child into custody he shall immediately
31 notify, or cause to be notified, the child's parents, guardian, or custodian of the action.
32 After making every reasonable effort to give notice, the law enforcement officer shall
33 with all reasonable speed:

34 (1) Release the child to his parents, guardian, or custodian or to any
35 other person designated by the court, upon their written promise to bring the child

1 before the court when requested by the court, and such security for the child's
2 appearance as the court may reasonably require, unless his placement in detention or
3 shelter care is permitted and appears required by § 3-815; or

4 (2) Deliver the child to the court or a place of detention or shelter care
5 designated by the court.

6 (c) If a parent, guardian, or custodian fails to bring the child before the court
7 when requested, the court may issue a writ of attachment directing that the child be
8 taken into custody and brought before the court. The court may proceed against the
9 parent, guardian, or custodian for contempt.

10 3-828.

11 (a) (1) A police record concerning a child is confidential and shall be
12 maintained separate from those of adults. Its contents may not be divulged, by
13 subpoena or otherwise, except by order of the court upon good cause shown or as
14 otherwise provided in § 7-303 of the Education Article.

15 (2) This subsection does not prohibit:

16 (i) Access to and confidential use of the record by the Department
17 of Juvenile Justice or in the investigation and prosecution of the child by any law
18 enforcement agency; or

19 (ii) A law enforcement agency of the State or of a political
20 subdivision of the State, THE DEPARTMENT OF JUVENILE JUSTICE, or the criminal
21 justice information system from including, in the law enforcement computer
22 information system, information about an outstanding juvenile court ordered writ of
23 attachment, for the sole purpose of apprehending a child named in the writ.

24 (b) (1) A court record pertaining to a child is confidential and its contents
25 may not be divulged, by subpoena or otherwise, except by order of the court upon good
26 cause shown or as provided in § 7-303 of the Education Article.

27 (2) This subsection does not prohibit access to and the use of the court
28 record or fingerprints of a child described under the Criminal Justice Information
29 System subtitle of [Article 27 of the Code] THE CRIMINAL PROCEDURE ARTICLE in a
30 proceeding in the court involving the child, by personnel of the court, the State's
31 Attorney, counsel for the child, a court-appointed special advocate for the child, or
32 authorized personnel of the Department of Juvenile Justice, or, in a proceeding
33 involving a child alleged to be in need of assistance, by authorized personnel of the
34 Social Services Administration and local departments of social services of the
35 Department of Human Resources in order to conduct a child abuse or neglect
36 investigation or to comply with requirements imposed under Title IV-E of the Social
37 Security Act.

38 (3) Information obtained from a juvenile court record by authorized
39 personnel of the Department of Human Resources under paragraph (2) of this
40 subsection is subject to the provisions of Article 88A, § 6 of the Code.

1 (4) (i) Except as provided in subparagraph (ii) of this paragraph, this
2 subsection does not prohibit access to and confidential use of the court record or
3 fingerprints of a child described under the Criminal Justice Information System
4 subtitle of [Article 27 of the Code] THE CRIMINAL PROCEDURE ARTICLE BY THE
5 DEPARTMENT OF JUVENILE JUSTICE OR in an investigation and prosecution by a law
6 enforcement agency.

7 (ii) The court record or fingerprints of a child described under
8 [Article 27, §§ 747(a)(21) and (22) and 747A of the Code] §§ 10-215(A)(21) AND (22),
9 10-216, AND 10-220 OF THE CRIMINAL PROCEDURE ARTICLE may not be disclosed to:

10 1. A federal criminal justice agency or information center; or

11 2. Any law enforcement agency other than a law enforcement
12 agency of the State or a political subdivision of the State.

13 (5) (i) This subsection does not prohibit access to and use of a court
14 record by a judicial officer who is authorized under the Maryland Rules to determine
15 a defendant's eligibility for pretrial release, counsel for the defendant, or the State's
16 Attorney if:

17 1. The individual who is the subject of the court record is
18 charged as an adult with an offense;

19 2. The access to and use of the court record is strictly limited
20 for the purpose of determining the defendant's eligibility for pretrial release; and

21 3. The court record concerns an adjudication of delinquency
22 that occurred within 3 years of the date the individual is charged as an adult.

23 (ii) The Court of Appeals may adopt rules to implement the
24 provisions of this paragraph.

25 (c) The court, on its own motion or on petition, and for good cause shown, may
26 order the court records of a child sealed, and, upon petition or on its own motion, shall
27 order them sealed after the child has reached 21 years of age. If sealed, the court
28 records of a child may not be opened, for any purpose, except by order of the court
29 upon good cause shown.

30 (d) This section does not prohibit access to or use of any juvenile record by the
31 Maryland Division of Parole and Probation or the Maryland Parole Commission when
32 the Division or the Commission is carrying out any of their statutory duties either at
33 the direction of a court of competent jurisdiction, or when the Maryland Parole
34 Commission is carrying out any of its statutory duties, if the record concerns a charge
35 or adjudication of delinquency.

36 (e) This section does not prohibit access to and use of any juvenile record by
37 the Maryland Division of Correction when the Division is carrying out any of its
38 statutory duties if: (1) the individual to whom the record pertains is committed to the
39 custody of the Division; and (2) the record concerns an adjudication of delinquency.

1 (f) Subject to the provisions of Article 83C, § 2-115 of the Code, this section
2 does not prohibit access to or use of any juvenile record for criminal justice research
3 purposes. A record used under this subsection may not contain the name of the
4 individual to whom the record pertains, or any other identifying information which
5 could reveal the individual's name.

6 (g) This section does not prohibit a victim who has filed a notification request
7 form from being notified of proceedings and events involving the defendant or child as
8 provided in this article or [Article 27 of the Code] THE CRIMINAL PROCEDURE
9 ARTICLE.

10 **Article 83C - Juvenile Justice**

11 2-103.

12 (c) (1) The Secretary may employ a staff and retain consultants in
13 accordance with the State budget.

14 (2) Except as provided in paragraph (4) of this subsection or otherwise by
15 law, the Secretary shall appoint and remove all staff in accordance with the provisions
16 of the State Personnel and Pensions Article.

17 (3) The appointment or removal of staff of any unit in the Department is
18 subject to the approval of the Secretary. As to any unit in the Department, the
19 Secretary may delegate this authority to the head of that unit.

20 (4) All personnel in the Department specified in this paragraph shall be
21 in the executive service or management service of the State Personnel Management
22 System and shall be appointed by and serve at the pleasure of the Secretary:

23 (i) Any assistant secretary;

24 (ii) Any director of an institution; [and]

25 (iii) The Superintendent of the youth centers; AND

26 (IV) THE MANAGING DIRECTOR, DIRECTOR OF DETENTION, AND
27 THE DIRECTOR OF THE JUVENILE JUSTICE CENTER AT THE BALTIMORE CITY
28 JUVENILE JUSTICE CENTER.

29 (5) All personnel in the Department who are subject to the provisions of
30 paragraph (4) of this subsection shall be prohibited from other employment while
31 employed by the Department, unless express permission is granted by the Secretary.
32 Express permission from the Secretary may not be unreasonably withheld. If the
33 Secretary grants permission to engage in other employment, the employee shall
34 disclose to the Secretary the source and amount of all income earned from that other
35 employment.

36 (6) All teachers, principals, directors of education, and supervisors of
37 vocational education who are employed by institutions managed by the Department

1 are in the management service or are special appointments in the State Personnel
2 Management System.

3 2-111.

4 (a) The Department is the central administrative Department for:

5 (1) Juvenile intake, detention authorization, investigation, probation,
6 protective supervision, and aftercare services; and

7 (2) The State juvenile, diagnostic, training, detention, and rehabilitation
8 institutions.

9 2-117.

10 (a) (1) The Department may establish and operate the facilities that are
11 necessary to diagnose, care for, train, educate, and rehabilitate properly children who
12 need these services.

13 (2) These facilities include:

14 (i) The Baltimore City Juvenile Justice Center;

15 (ii) The J. DeWeese Carter Center;

16 (iii) The Charles H. Hickey, Jr. School;

17 (iv) The Alfred D. Noyes Children's Center;

18 (v) The Cheltenham Youth Facility;

19 (vi) The Victor Cullen Center;

20 (vii) The Thomas J. S. Waxter Children's Center; and

21 (viii) The youth centers.

22 2-118.

23 (a) Each facility provided for in § 2-117 of this article shall operate under the
24 control and general management of the Department.

25 2-118.1.

26 (A) THE DEPARTMENT SHALL OPERATE AND MANAGE THE BALTIMORE CITY
27 JUVENILE JUSTICE CENTER AS A CENTRALIZED REGIONAL JUVENILE INTAKE,
28 ASSESSMENT, COURT, AND DETENTION FACILITY FOR BALTIMORE CITY.

29 (B) THE BALTIMORE CITY JUVENILE JUSTICE CENTER SHALL INCLUDE:

30 (1) THE DEPARTMENT;

- 1 (2) THE CIRCUIT COURT FOR BALTIMORE CITY JUVENILE DIVISION;
2 (3) AN OFFICE OF THE STATE'S ATTORNEY FOR BALTIMORE CITY;
3 (4) AN OFFICE OF THE BALTIMORE CITY DEPARTMENT OF SOCIAL
4 SERVICES;
5 (5) BALTIMORE CITY POLICE SERVICES; AND
6 (6) COURTHOUSE SECURITY SERVICES OF THE SHERIFF OF BALTIMORE
7 CITY.

8 (C) IF A CHILD WHO IS DELINQUENT OR ALLEGED TO HAVE COMMITTED A
9 DELINQUENT ACT IS TAKEN INTO CUSTODY BY A LAW ENFORCEMENT OFFICER AND
10 BROUGHT TO THE BALTIMORE CITY JUVENILE JUSTICE CENTER, THE DEPARTMENT
11 MAY:

12 (1) FOR PURPOSES OF POSITIVE IDENTIFICATION, OBTAIN
13 PHOTOGRAPHS AND FINGERPRINTS AND SUBMIT THEM TO:

14 (I) THE MARYLAND AUTOMATED FINGERPRINT IDENTIFICATION
15 SYSTEM;

16 (II) THE CRIMINAL JUSTICE INFORMATION SYSTEM; AND

17 (III) ANY OTHER AUTOMATED JUVENILE OR CRIMINAL RECORDS
18 REPOSITORY APPROVED BY THE SECRETARY;

19 (2) CONDUCT A CRIMINAL AND JUVENILE HISTORY RECORD CHECK;

20 (3) CONDUCT AN AUTOMATED SEARCH FOR OUTSTANDING WARRANTS
21 AND WRITS OF ATTACHMENT; AND

22 (4) PROVIDE A MEDICAL, SUBSTANCE ABUSE, AND MENTAL HEALTH
23 SCREENING.

24 (D) (1) THE MANAGING DIRECTOR OF THE BALTIMORE CITY JUVENILE
25 JUSTICE CENTER SHALL BE THE CHIEF ADMINISTRATOR OF THAT FACILITY.

26 (2) THE DIRECTOR OF DETENTION OF THE BALTIMORE CITY JUVENILE
27 JUSTICE CENTER SHALL BE THE ADMINISTRATOR OF JUVENILE DETENTION AT THAT
28 FACILITY.

29 **Article - Criminal Procedure**

30 10-201.

31 (f) (1) "Criminal Justice Unit" means a government unit or subunit that
32 allocates a substantial part of its annual budget to any of the following functions and
33 that by law:

1 (i) may arrest, detain, prosecute, or adjudicate persons suspected
2 of or charged with a crime;

3 (ii) is responsible for the custodial treatment or confinement under
4 Title 3 of this article of persons charged or convicted of a crime or relieved of criminal
5 punishment by reason of a verdict of not criminally responsible;

6 (iii) is responsible for the correctional supervision, rehabilitation, or
7 release of persons convicted of a crime; or

8 (iv) is responsible for criminal identification activities and the
9 collection, storage, and dissemination of criminal history record information.

10 (2) "Criminal Justice Unit" includes, when exercising jurisdiction over
11 criminal matters, alternative dispositions of criminal matters, or criminal history
12 record information:

13 (i) a State, county, or municipal police unit, sheriff's office, or
14 correctional facility;

15 (ii) a unit required to report to the Central Repository under §
16 3-107 or § 3-112 of this article;

17 (iii) the offices of the Attorney General, State's Attorneys, and any
18 other person or unit that by law may prosecute persons accused of a crime; and

19 (iv) the Administrative Office of the Courts, the Court of Appeals,
20 the Court of Special Appeals, the circuit courts, the District Court of Maryland, and
21 the offices of the clerks of these courts.

22 (3) Except as provided in §§ 10-215(a)(21) and (22) [and], 10-216(e),
23 AND 10-220 of this subtitle, "Criminal Justice Unit" does not include:

24 (i) the Department of Juvenile Justice; or

25 (ii) a juvenile court.

26 10-220.

27 (a) Except as provided in [subsection] SUBSECTIONS (b) AND (C) of this
28 section, notwithstanding any other provision of this subtitle, a criminal justice unit
29 and the Central Repository may not maintain or disseminate criminal history record
30 information in a way that is inconsistent with § 3-828 of the Courts Article.

31 (b) Notwithstanding § 3-828(a) of the Courts Article, criminal history record
32 information on a child and a record of the fingerprinting of a child required under §
33 10-216(e) of this subtitle need not be maintained separate from such records on
34 adults.

35 (C) FOR JUVENILES ARRESTED AND BROUGHT TO THE BALTIMORE CITY
36 JUVENILE JUSTICE CENTER FOR INTAKE PROCESSING, IDENTIFICATION, AND

1 ASSESSMENT, THE DEPARTMENT OF JUVENILE JUSTICE MAY, TO THE SAME EXTENT
2 AS A CRIMINAL JUSTICE UNIT:

- 3 (1) SUBMIT FINGERPRINTS TO THE CENTRAL REPOSITORY; AND
4 (2) RECEIVE CRIMINAL HISTORY RECORD INFORMATION.

5 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take
6 effect October 1, 2001.