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2002 Regular Session
21r0147

By: Chairman, Judiciary Committee (Departmental - Juvenile Justice)

Introduced and read first time: February 8, 2002

Assigned to: Judiciary

#### 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; requiring the Department to develop and provide medical and mental
- 7 health assessment services within certain facilities; specifying the
- 8 administrative and management authority of the Department of Juvenile
- 9 Justice over the Baltimore City Juvenile Justice Center; requiring that certain
- units of government have certain offices located at the Baltimore City Juvenile
- Justice Center; providing for certain employees to serve at the pleasure of the
- 12 Secretary of Juvenile Justice; requiring the Department to photograph and
- fingerprint certain children in custody, conduct criminal and juvenile history
- record checks, and conduct a certain search for certain warrants under certain
- 15 circumstances; requiring the Criminal Justice Information System Central
- Repository to provide certain information to the Department in accordance with
- 17 State and federal law; and generally relating to the Department of Juvenile
- Justice and the operation of the Baltimore City Juvenile Justice Center.
- 19 BY repealing and reenacting, without amendments,
- 20 Article Courts and Judicial Proceedings
- 21 Section 3-8A-14
- 22 Annotated Code of Maryland
- 23 (1998 Replacement Volume and 2001 Supplement)
- 24 BY repealing and reenacting, with amendments,
- 25 Article Courts and Judicial Proceedings
- 26 Section 3-8A-27
- 27 Annotated Code of Maryland
- 28 (1998 Replacement Volume and 2001 Supplement)
- 29 BY repealing and reenacting, with amendments,
- 30 Article 83C Juvenile Justice
- 31 Section 2-103(d) and 2-118

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**HOUSE BILL 1011** 1 Annotated Code of Maryland 2 (1998 Replacement Volume and 2001 Supplement) 3 BY repealing and reenacting, without amendments, Article 83C - Juvenile Justice 4 5 Section 2-111(a) and 2-117(a) Annotated Code of Maryland 6 7 (1998 Replacement Volume and 2001 Supplement) 8 BY adding to Article 83C - Juvenile Justice 9 Section 2-118.1 10 11 Annotated Code of Maryland (1998 Replacement Volume and 2001 Supplement) 12 13 BY repealing and reenacting, with amendments, Article - Criminal Procedure 14 15 Section 10-201(f) and 10-220 16 Annotated Code of Maryland 17 (2001 Volume) 18 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF 19 MARYLAND, That the Laws of Maryland read as follows: 20 **Article - Courts and Judicial Proceedings** 21 3-8A-14. 22 A child may be taken into custody under this subtitle by any of the (a) 23 following methods: 24 (1) Pursuant to an order of the court; 25 By a law enforcement officer pursuant to the law of arrest; (2) By a law enforcement officer or other person authorized by the court 26 (3) 27 if the officer or other person has reasonable grounds to believe that the child is in 28 immediate danger from the child's surroundings and that the child's removal is 29 necessary for the child's protection; or 30 By a law enforcement officer or other person authorized by the court

31 if the officer or other person has reasonable grounds to believe that the child has run

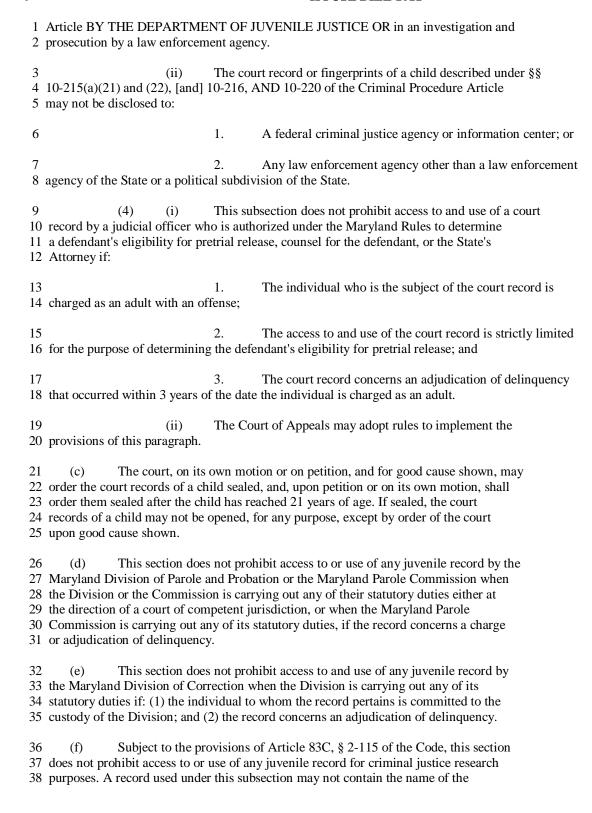
34 immediately notify, or cause to be notified, the child's parents, guardian, or custodian

If a law enforcement officer takes a child into custody, the officer shall

32 away from the child's parents, guardian, or legal custodian.

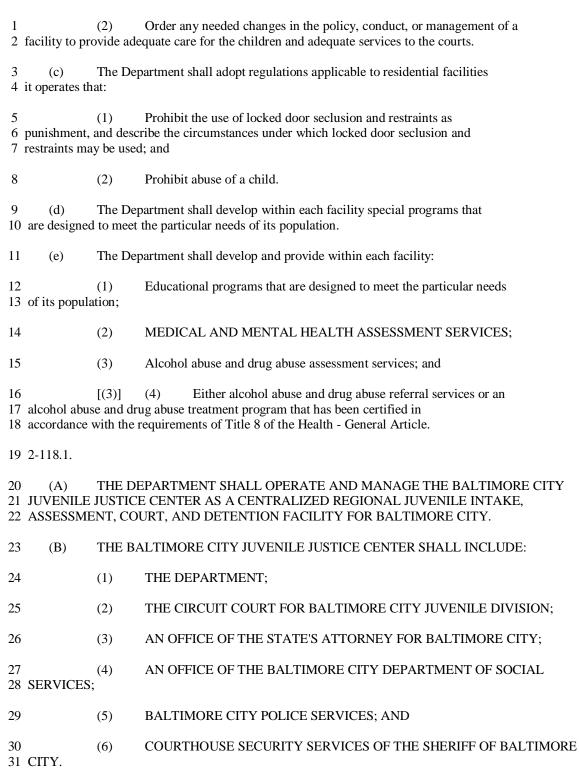
2	officer shall with all reasonable speed:					
5 6 7	(1) Release the child to the child's parents, guardian, or custodian or to any other person designated by the court, upon their written promise to bring the child before the court when requested by the court, and such security for the child's appearance as the court may reasonably require, unless the child's placement in detention or shelter care is permitted and appears required by § 3-8A-15 of this subtitle; or					
9 10	(2) Deliver the child to the court or a place of detention or shelter care designated by the court.					
13	1 (c) If a parent, guardian, or custodian fails to bring the child before the court 2 when requested, the court may issue a writ of attachment directing that the child be 3 taken into custody and brought before the court. The court may proceed against the 4 parent, guardian, or custodian for contempt.					
15	3-8A-27.					
18	(a) (1) A police record concerning a child is confidential and shall be maintained separate from those of adults. Its contents may not be divulged, by subpoena or otherwise, except by order of the court upon good cause shown or as otherwise provided in § 7-303 of the Education Article.					
20	(2) This subsection does not prohibit:					
	(i) Access to and confidential use of the record by the Department of Juvenile Justice or in the investigation and prosecution of the child by any law enforcement agency; or					
26 27	(ii) A law enforcement agency of the State or of a political subdivision of the State, THE DEPARTMENT OF JUVENILE JUSTICE, or the criminal justice information system from including[,] in the law enforcement computer information system[,] information about an outstanding juvenile court ordered writ of attachment, for the sole purpose of apprehending a child named in the writ.					
	(b) (1) A court record pertaining to a child is confidential and its contents may not be divulged, by subpoena or otherwise, except by order of the court upon good cause shown or as provided in § 7-303 of the Education Article.					
34 35	(2) This subsection does not prohibit access to and the use of the court record or fingerprints of a child described under Title 10, Subtitle 2 of the Criminal Procedure Article in a proceeding in the court involving the child, by personnel of the court, the State's Attorney, counsel for the child, a court-appointed special advocate for the child, or authorized personnel of the Department of Juvenile Justice.					
	(3) (i) Except as provided in subparagraph (ii) of this paragraph, this subsection does not prohibit access to and confidential use of the court record or fingerprints of a child described under Title 10, Subtitle 2 of the Criminal Procedure					

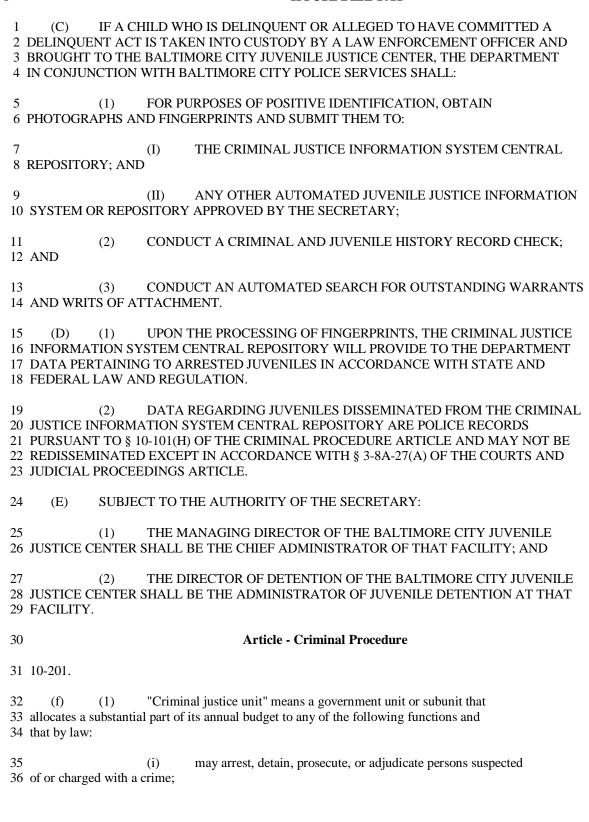
1 of the action. After making every reasonable effort to give notice, the law enforcement

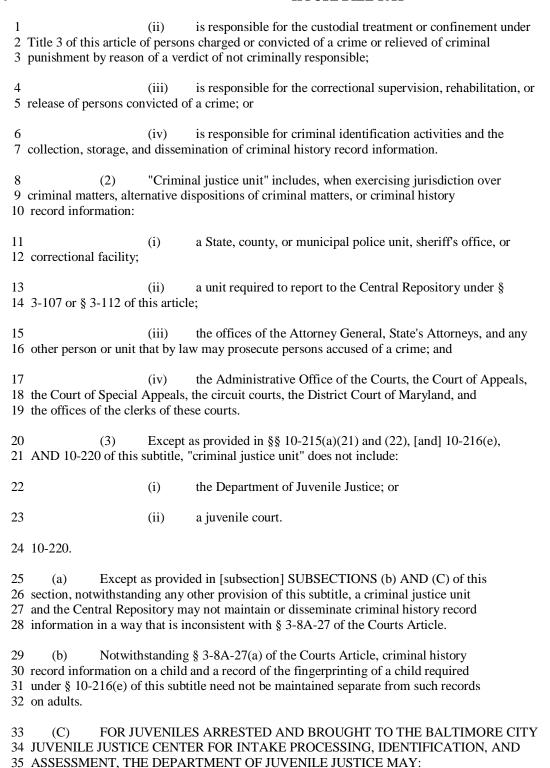


1 individual to whom the record pertains, or any other identifying information which 2 could reveal the individual's name. 3 This section does not prohibit a victim or victim's representative who has 4 filed a notification request form from being notified of proceedings and events 5 involving the defendant or child as provided in this subtitle, the Criminal Procedure 6 Article, or Article 27 of the Code. 7 **Article 83C - Juvenile Justice** 8 2-103. (1) The Secretary may employ a staff and retain consultants in 10 accordance with the State budget. Except as provided in paragraph (4) of this subsection or otherwise by 12 law, the Secretary shall appoint and remove all staff in accordance with the provisions 13 of the State Personnel and Pensions Article. 14 The appointment or removal of staff of any unit in the Department is 15 subject to the approval of the Secretary. As to any unit in the Department, the 16 Secretary may delegate this authority to the head of that unit. 17 All personnel in the Department specified in this paragraph shall be 18 in the executive service or management service of the State Personnel Management 19 System and shall be appointed by and serve at the pleasure of the Secretary: 20 (i) Any assistant secretary; 21 (ii) Any director of an institution; [and] 22 (iii) The superintendent of the youth centers; AND 23 THE MANAGING DIRECTOR, DEPUTY DIRECTOR, AND DIRECTOR (IV) 24 OF DETENTION AT THE BALTIMORE CITY JUVENILE JUSTICE CENTER. 25 (5) All personnel in the Department who are subject to the provisions of 26 paragraph (4) of this subsection shall be prohibited from other employment while 27 employed by the Department, unless express permission is granted by the Secretary. 28 Express permission from the Secretary may not be unreasonably withheld. If the 29 Secretary grants permission to engage in other employment, the employee shall 30 disclose to the Secretary the source and amount of all income earned from that other 31 employment. 32 All teachers, principals, directors of education, and supervisors of 33 vocational education who are employed by institutions managed by the Department 34 are in the management service or are special appointments in the State Personnel 35 Management System.

1	2-111.				
2	(a)	The Department is the central administrative Department for:			
3	protective su	(1) Juvenile intake, detention authorization, investigation, probation, pervision, and aftercare services; and			
5 6	institutions.	(2)	The Stat	e juvenile, diagnostic, training, detention, and rehabilitation	
7	2-117.				
	(a) necessary to need these s	_	The Department may establish and operate the facilities that are ose, care for, train, educate, and rehabilitate properly children who es.		
11		(2)	These fa	cilities include:	
12			(i)	The Baltimore City Juvenile Justice Center;	
13			(ii)	The J. DeWeese Carter Center;	
14			(iii)	The Charles H. Hickey, Jr. School;	
15			(iv)	The Alfred D. Noyes Children's Center;	
16			(v)	The Cheltenham Youth Facility;	
17			(vi)	The Victor Cullen Center;	
18			(vii)	The Thomas J. S. Waxter Children's Center; and	
19			(viii)	The youth centers.	
20	2-118.				
21 22	(a) control and	Each facility provided for in § 2-117 of this article shall operate under the general management of the Department.			
23 24	(b) the Departm	Subject to the provisions of Title 3, Subtitles 8 and 8A of the Courts Article, nent shall:			
25		(1)	Adopt re	egulations that set:	
26 27	supervision;	and	(i)	Policies for admission, transfer, discharge, and aftercare	
30	(ii) Standards of care, including provisions to administer any early, periodic screening diagnosis and treatment program that the Department approves for establishment under Title 42, § 1396d(a)(4)(B) of the United States Code and to treat appropriately any condition that the screening reveals; and				







- $1 \hspace{1.5cm} (1) \hspace{1.5cm} \text{SUBMIT FINGERPRINTS TO THE CRIMINAL JUSTICE INFORMATION}$   $2 \hspace{1.5cm} \text{SYSTEM CENTRAL REPOSITORY; AND}$
- 3 (2) OBTAIN JUVENILE DATA DESCRIBED UNDER  $\S$  2-118.1 OF ARTICLE 4 83C.
- 5 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take 6 effect July 1, 2002.