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

Introduced and read first time: February 8, 2002

Assigned to: Judiciary

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Committee Report: Favorable

House action: Adopted

Read second time: March 5, 2002

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CHAPTER \_\_\_\_\_

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  
10 units of government have certain offices located at the Baltimore City Juvenile  
11 Justice Center; providing for certain employees to serve at the pleasure of the  
12 Secretary of Juvenile Justice; requiring the Department to photograph and  
13 fingerprint certain children in custody, conduct criminal and juvenile history  
14 record checks, and conduct a certain search for certain warrants under certain  
15 circumstances; requiring the Criminal Justice Information System Central  
16 Repository to provide certain information to the Department in accordance with  
17 State and federal law; and generally relating to the Department of Juvenile  
18 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

1 Section 3-8A-27  
2 Annotated Code of Maryland  
3 (1998 Replacement Volume and 2001 Supplement)

4 BY repealing and reenacting, with amendments,  
5 Article 83C - Juvenile Justice  
6 Section 2-103(d) and 2-118  
7 Annotated Code of Maryland  
8 (1998 Replacement Volume and 2001 Supplement)

9 BY repealing and reenacting, without amendments,  
10 Article 83C - Juvenile Justice  
11 Section 2-111(a) and 2-117(a)  
12 Annotated Code of Maryland  
13 (1998 Replacement Volume and 2001 Supplement)

14 BY adding to  
15 Article 83C - Juvenile Justice  
16 Section 2-118.1  
17 Annotated Code of Maryland  
18 (1998 Replacement Volume and 2001 Supplement)

19 BY repealing and reenacting, with amendments,  
20 Article - Criminal Procedure  
21 Section 10-201(f) and 10-220  
22 Annotated Code of Maryland  
23 (2001 Volume)

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

26 **Article - Courts and Judicial Proceedings**

27 3-8A-14.

28 (a) A child may be taken into custody under this subtitle by any of the  
29 following methods:

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

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

32 (3) By a law enforcement officer or other person authorized by the court  
33 if the officer or other person has reasonable grounds to believe that the child is in  
34 immediate danger from the child's surroundings and that the child's removal is  
35 necessary for the child's protection; or

1 (4) By a law enforcement officer or other person authorized by the court  
2 if the officer or other person has reasonable grounds to believe that the child has run  
3 away from the child's parents, guardian, or legal custodian.

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

8 (1) Release the child to the child's parents, guardian, or custodian or to  
9 any other person designated by the court, upon their written promise to bring the  
10 child before the court when requested by the court, and such security for the child's  
11 appearance as the court may reasonably require, unless the child's placement in  
12 detention or shelter care is permitted and appears required by § 3-8A-15 of this  
13 subtitle; or

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

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

20 3-8A-27.

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

25 (2) This subsection does not prohibit:

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

29 (ii) A law enforcement agency of the State or of a political  
30 subdivision of the State, THE DEPARTMENT OF JUVENILE JUSTICE, or the criminal  
31 justice information system from including[,] in the law enforcement computer  
32 information system[,] information about an outstanding juvenile court ordered writ  
33 of attachment, for the sole purpose of apprehending a child named in the writ.

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

37 (2) This subsection does not prohibit access to and the use of the court  
38 record or fingerprints of a child described under Title 10, Subtitle 2 of the Criminal  
39 Procedure Article in a proceeding in the court involving the child, by personnel of the

1 court, the State's Attorney, counsel for the child, a court-appointed special advocate  
2 for the child, or authorized personnel of the Department of Juvenile Justice.

3           (3)   (i)       Except as provided in subparagraph (ii) of this paragraph, this  
4 subsection does not prohibit access to and confidential use of the court record or  
5 fingerprints of a child described under Title 10, Subtitle 2 of the Criminal Procedure  
6 Article BY THE DEPARTMENT OF JUVENILE JUSTICE OR in an investigation and  
7 prosecution by a law enforcement agency.

8                   (ii)       The court record or fingerprints of a child described under §§  
9 10-215(a)(21) and (22), [and] 10-216, AND 10-220 of the Criminal Procedure Article  
10 may not be disclosed to:

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

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

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

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

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

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

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

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

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

37   (e)       This section does not prohibit access to and use of any juvenile record by  
38 the Maryland Division of Correction when the Division is carrying out any of its

1 statutory duties if: (1) the individual to whom the record pertains is committed to the  
2 custody of the Division; and (2) the record concerns an adjudication of delinquency.

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

8 (g) This section does not prohibit a victim or victim's representative who has  
9 filed a notification request form from being notified of proceedings and events  
10 involving the defendant or child as provided in this subtitle, the Criminal Procedure  
11 Article, or Article 27 of the Code.

## 12 **Article 83C - Juvenile Justice**

13 2-103.

14 (d) (1) The Secretary may employ a staff and retain consultants in  
15 accordance with the State budget.

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

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

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

25 (i) Any assistant secretary;

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

27 (iii) The superintendent of the youth centers; AND

28 (IV) **THE MANAGING DIRECTOR, DEPUTY DIRECTOR, AND DIRECTOR**  
29 **OF DETENTION AT THE BALTIMORE CITY JUVENILE JUSTICE CENTER.**

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

1 (6) All teachers, principals, directors of education, and supervisors of  
2 vocational education who are employed by institutions managed by the Department  
3 are in the management service or are special appointments in the State Personnel  
4 Management System.

5 2-111.

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

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

9 (2) The State juvenile, diagnostic, training, detention, and rehabilitation  
10 institutions.

11 2-117.

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

15 (2) These facilities include:

16 (i) The Baltimore City Juvenile Justice Center;

17 (ii) The J. DeWeese Carter Center;

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

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

20 (v) The Cheltenham Youth Facility;

21 (vi) The Victor Cullen Center;

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

23 (viii) The youth centers.

24 2-118.

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

27 (b) Subject to the provisions of Title 3, Subtitles 8 and 8A of the Courts Article,  
28 the Department shall:

29 (1) Adopt regulations that set:

30 (i) Policies for admission, transfer, discharge, and aftercare  
31 supervision; and

1 (ii) Standards of care, including provisions to administer any early,  
2 periodic screening diagnosis and treatment program that the Department approves  
3 for establishment under Title 42, § 1396d(a)(4)(B) of the United States Code and to  
4 treat appropriately any condition that the screening reveals; and

5 (2) Order any needed changes in the policy, conduct, or management of a  
6 facility to provide adequate care for the children and adequate services to the courts.

7 (c) The Department shall adopt regulations applicable to residential facilities  
8 it operates that:

9 (1) Prohibit the use of locked door seclusion and restraints as  
10 punishment, and describe the circumstances under which locked door seclusion and  
11 restraints may be used; and

12 (2) Prohibit abuse of a child.

13 (d) The Department shall develop within each facility special programs that  
14 are designed to meet the particular needs of its population.

15 (e) The Department shall develop and provide within each facility:

16 (1) Educational programs that are designed to meet the particular needs  
17 of its population;

18 (2) MEDICAL AND MENTAL HEALTH ASSESSMENT SERVICES;

19 (3) Alcohol abuse and drug abuse assessment services; and

20 [(3)] (4) Either alcohol abuse and drug abuse referral services or an  
21 alcohol abuse and drug abuse treatment program that has been certified in  
22 accordance with the requirements of Title 8 of the Health - General Article.

23 2-118.1.

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

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

28 (1) THE DEPARTMENT;

29 (2) THE CIRCUIT COURT FOR BALTIMORE CITY JUVENILE DIVISION;

30 (3) AN OFFICE OF THE STATE'S ATTORNEY FOR BALTIMORE CITY;

31 (4) AN OFFICE OF THE BALTIMORE CITY DEPARTMENT OF SOCIAL  
32 SERVICES;

33 (5) BALTIMORE CITY POLICE SERVICES; AND

1 (6) COURTHOUSE SECURITY SERVICES OF THE SHERIFF OF BALTIMORE  
2 CITY.

3 (C) IF A CHILD WHO IS DELINQUENT OR ALLEGED TO HAVE COMMITTED A  
4 DELINQUENT ACT IS TAKEN INTO CUSTODY BY A LAW ENFORCEMENT OFFICER AND  
5 BROUGHT TO THE BALTIMORE CITY JUVENILE JUSTICE CENTER, THE DEPARTMENT  
6 IN CONJUNCTION WITH BALTIMORE CITY POLICE SERVICES SHALL:

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

9 (I) THE CRIMINAL JUSTICE INFORMATION SYSTEM CENTRAL  
10 REPOSITORY; AND

11 (II) ANY OTHER AUTOMATED JUVENILE JUSTICE INFORMATION  
12 SYSTEM OR REPOSITORY APPROVED BY THE SECRETARY;

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

15 (3) CONDUCT AN AUTOMATED SEARCH FOR OUTSTANDING WARRANTS  
16 AND WRITS OF ATTACHMENT.

17 (D) (1) UPON THE PROCESSING OF FINGERPRINTS, THE CRIMINAL JUSTICE  
18 INFORMATION SYSTEM CENTRAL REPOSITORY WILL PROVIDE TO THE DEPARTMENT  
19 DATA PERTAINING TO ARRESTED JUVENILES IN ACCORDANCE WITH STATE AND  
20 FEDERAL LAW AND REGULATION.

21 (2) DATA REGARDING JUVENILES DISSEMINATED FROM THE CRIMINAL  
22 JUSTICE INFORMATION SYSTEM CENTRAL REPOSITORY ARE POLICE RECORDS  
23 PURSUANT TO § 10-101(H) OF THE CRIMINAL PROCEDURE ARTICLE AND MAY NOT BE  
24 REDISSEMINATED EXCEPT IN ACCORDANCE WITH § 3-8A-27(A) OF THE COURTS AND  
25 JUDICIAL PROCEEDINGS ARTICLE.

26 (E) SUBJECT TO THE AUTHORITY OF THE SECRETARY:

27 (1) THE MANAGING DIRECTOR OF THE BALTIMORE CITY JUVENILE  
28 JUSTICE CENTER SHALL BE THE CHIEF ADMINISTRATOR OF THAT FACILITY; AND

29 (2) THE DIRECTOR OF DETENTION OF THE BALTIMORE CITY JUVENILE  
30 JUSTICE CENTER SHALL BE THE ADMINISTRATOR OF JUVENILE DETENTION AT THAT  
31 FACILITY.

32 **Article - Criminal Procedure**

33 10-201.

34 (f) (1) "Criminal justice unit" means a government unit or subunit that  
35 allocates a substantial part of its annual budget to any of the following functions and  
36 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 § 3-8A-27 of the Courts Article.

31 (b) Notwithstanding § 3-8A-27(a) of the Courts Article, criminal history  
32 record information on a child and a record of the fingerprinting of a child required  
33 under § 10-216(e) of this subtitle need not be maintained separate from such records  
34 on adults.

1 (C) FOR JUVENILES ARRESTED AND BROUGHT TO THE BALTIMORE CITY  
2 JUVENILE JUSTICE CENTER FOR INTAKE PROCESSING, IDENTIFICATION, AND  
3 ASSESSMENT, THE DEPARTMENT OF JUVENILE JUSTICE MAY:

4 (1) SUBMIT FINGERPRINTS TO THE CRIMINAL JUSTICE INFORMATION  
5 SYSTEM CENTRAL REPOSITORY; AND

6 (2) OBTAIN JUVENILE DATA DESCRIBED UNDER § 2-118.1 OF ARTICLE  
7 83C.

8 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take  
9 effect July 1, 2002.