
By: **Delegates Zirkin, Amedori, Morhaim, and O'Donnell**

Introduced and read first time: February 6, 2003

Assigned to: Judiciary

A BILL ENTITLED

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 except under certain circumstances; authorizing
7 the court to order that a child be accommodated in a facility used for detention
8 for a specified period of time under certain circumstances; authorizing the court
9 to extend the period of time for which a certain child may be accommodated in a
10 facility used for detention; requiring the Department of Juvenile Justice to
11 submit certain reports under certain circumstances; and generally relating to
12 the accommodation of a child in a facility used for detention after disposition.

13 BY repealing and reenacting, without amendments,
14 Article - Courts and Judicial Proceedings
15 Section 3-8A-01(m)
16 Annotated Code of Maryland
17 (2002 Replacement Volume)

18 BY adding to
19 Article - Courts and Judicial Proceedings
20 Section 3-8A-15(k)
21 Annotated Code of Maryland
22 (2002 Replacement Volume)

23 BY repealing and reenacting, with amendments,
24 Article - Courts and Judicial Proceedings
25 Section 3-8A-19(d)
26 Annotated Code of Maryland
27 (2002 Replacement Volume)

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

1 **Article - Courts and Judicial Proceedings**

2 3-8A-01.

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

6 3-8A-15.

7 (K) (1) EXCEPT AS PROVIDED IN PARAGRAPHS (2) AND (3) OF THIS
8 SUBSECTION, A CHILD MAY NOT BE ACCOMMODATED IN A FACILITY USED FOR
9 DETENTION FOR THE SPECIFIC ACT FOR WHICH THE CHILD HAS BEEN ADJUDICATED
10 DELINQUENT FOR MORE THAN 15 DAYS AFTER THE COURT HAS MADE A DISPOSITION
11 ON A PETITION UNDER § 3-8A-19 OF THIS SUBTITLE.

12 (2) THE COURT MAY ORDER THAT A CHILD BE ACCOMMODATED IN A
13 FACILITY USED FOR DETENTION FOR THE SPECIFIC ACT FOR WHICH THE CHILD HAS
14 BEEN ADJUDICATED DELINQUENT FOR A SPECIFIED PERIOD OF TIME NOT TO
15 EXCEED 45 DAYS FROM THE DATE OF DISPOSITION UPON A FINDING THAT
16 ACCOMMODATION IN THE FACILITY IS NECESSARY FOR THE APPROPRIATE
17 PLACEMENT OF THE CHILD.

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

21 (4) IF A CHILD REMAINS IN A FACILITY USED FOR DETENTION BEYOND
22 ANY PERIOD OF TIME AUTHORIZED UNDER PARAGRAPH (1), (2), OR (3) OF THIS
23 SUBSECTION, THE DEPARTMENT OF JUVENILE JUSTICE SHALL:

24 (I) SUBMIT A REPORT TO THE COURT ON THE RECORD
25 EXPLAINING THE REASONS FOR CONTINUED DETENTION; AND

26 (II) EVERY 15 DAYS THEREAFTER, SUBMIT ANOTHER REPORT TO
27 THE COURT ON THE RECORD EXPLAINING THE REASONS FOR CONTINUED
28 DETENTION.

29 3-8A-19.

30 (d) (1) In making a disposition on a petition under this subtitle, the court
31 may:

32 (i) Place the child on probation or under supervision in his own
33 home or in the custody or under the guardianship of a relative or other fit person,
34 upon terms the court deems appropriate, including community detention;

35 (ii) Subject to the provisions of paragraph (2) of this subsection,
36 commit the child to the custody or under the guardianship of the Department of
37 Juvenile Justice, the Department of Health and Mental Hygiene, or a public or

1 licensed private agency on terms that the court considers appropriate to meet the
2 priorities set forth in § 3-8A-02 of this subtitle, including designation of the type of
3 facility where the child is to be accommodated, until custody or guardianship is
4 terminated with approval of the court or as required under § 3-8A-24 of this subtitle;
5 or

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

9 (2) In addition to the provisions of paragraph (1) of this subsection, in
10 making a disposition on a petition, the court may adopt a treatment service plan, as
11 defined in § 3-8A-20.1 of this subtitle.

12 (3) A child committed under paragraph (1)(i) of this subsection may not:

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

17 (II) EXCEPT AS PROVIDED IN § 3-8A-15(K) OF THIS SUBTITLE, BE
18 ACCOMMODATED IN A FACILITY USED FOR DETENTION.

19 (4) The court shall consider any oral address made in accordance with §
20 11-403 of the Criminal Procedure Article or any victim impact statement, as
21 described in § 11-402 of the Criminal Procedure Article, in determining an
22 appropriate disposition on a petition.

23 SECTION 2. AND BE IT FURTHER ENACTED, That the Department of
24 Juvenile Justice shall report to the General Assembly on or before July 1, 2004, in
25 accordance with § 2-1246 of the State Government Article, on the implementation of
26 this Act.

27 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
28 October 1, 2003.