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By: **Delegates Zirkin, Amedori, Morhaim, and O'Donnell**  
Introduced and read first time: February 6, 2003  
Assigned to: Judiciary

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Committee Report: Favorable with amendments  
House action: Adopted  
Read second time: March 24, 2003

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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 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 if a child remains in a~~  
12 ~~facility used for detention for the specific act for which the child has been~~  
13 ~~adjudicated delinquent for more than a certain period of time after the court has~~  
14 ~~made a disposition on a certain petition; and generally relating to the~~  
15 accommodation of a child in a facility used for detention after disposition.

16 BY repealing and reenacting, without amendments,  
17 Article - Courts and Judicial Proceedings  
18 Section 3-8A-01(m)  
19 Annotated Code of Maryland  
20 (2002 Replacement Volume)

21 BY adding to  
22 Article - Courts and Judicial Proceedings  
23 Section 3-8A-15(k)  
24 Annotated Code of Maryland  
25 (2002 Replacement Volume)

1 ~~BY repealing and reenacting, with amendments,~~  
 2 ~~Article—Courts and Judicial Proceedings~~  
 3 ~~Section 3-8A-19(d)~~  
 4 ~~Annotated Code of Maryland~~  
 5 ~~(2002 Replacement Volume)~~

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

8 **Article - Courts and Judicial Proceedings**

9 3-8A-01.

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

13 3-8A-15.

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

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

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

28 ~~(4) IF A CHILD REMAINS IN A FACILITY USED FOR DETENTION BEYOND~~  
 29 ~~ANY PERIOD OF TIME AUTHORIZED UNDER PARAGRAPH (1), (2), OR (3) OF THIS~~  
 30 ~~SUBSECTION FOR THE SPECIFIC ACT FOR WHICH THE CHILD HAS BEEN~~  
 31 ~~ADJUDICATED DELINQUENT FOR MORE THAN 25 DAYS AFTER THE COURT HAS MADE~~  
 32 ~~A DISPOSITION ON A PETITION UNDER § 3-8A-19 OF THIS SUBTITLE, THE~~  
 33 ~~DEPARTMENT OF JUVENILE JUSTICE SHALL:~~

34 ~~(1) SUBMIT A REPORT TO THE COURT ON THE RECORD~~  
 35 ~~EXPLAINING THE REASONS FOR CONTINUED DETENTION; AND~~

36 ~~(2) EVERY 45 25 DAYS THEREAFTER, SUBMIT ANOTHER~~  
 37 ~~REPORT TO THE COURT ON THE RECORD EXPLAINING THE REASONS FOR~~  
 38 ~~CONTINUED DETENTION.~~

1 ~~3-8A-19.~~

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

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

7 (ii) Subject to the provisions of paragraph (2) of this subsection,  
8 commit the child to the custody or under the guardianship of the Department of  
9 Juvenile Justice, the Department of Health and Mental Hygiene, or a public or  
10 licensed private agency on terms that the court considers appropriate to meet the  
11 priorities set forth in § 3-8A-02 of this subtitle, including designation of the type of  
12 facility where the child is to be accommodated, until custody or guardianship is  
13 terminated with approval of the court or as required under § 3-8A-24 of this subtitle;  
14 or

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

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

21 (3) A child committed under paragraph (1)(ii) of this subsection may not:

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

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

28 (4) The court shall consider any oral address made in accordance with §  
29 11-403 of the Criminal Procedure Article or any victim impact statement, as  
30 described in § 11-402 of the Criminal Procedure Article, in determining an  
31 appropriate disposition on a petition.

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

36 SECTION 3. 2. AND BE IT FURTHER ENACTED, That this Act shall take  
37 effect October 1, 2003.

