

SENATE BILL 722

Unofficial Copy
E3

2003 Regular Session
(31r2608)

ENROLLED BILL
-- Judicial Proceedings/Judiciary --

Introduced by **Senator Klausmeier**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this
____ day of _____ at _____ o'clock, ____ M.

President.

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 make~~
11 submit a certain report reports under certain circumstances if a child remains in
12 a 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,

1 Article - Courts and Judicial Proceedings
 2 Section 3-8A-01(m)
 3 Annotated Code of Maryland
 4 (2002 Replacement Volume)

5 BY adding to
 6 Article - Courts and Judicial Proceedings
 7 Section 3-8A-15(k)
 8 Annotated Code of Maryland
 9 (2002 Replacement Volume)

10 ~~BY repealing and reenacting, with amendments,~~
 11 ~~Article - Courts and Judicial Proceedings~~
 12 ~~Section 3-8A-19(d)~~
 13 ~~Annotated Code of Maryland~~
 14 ~~(2002 Replacement Volume)~~

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

17 **Article - Courts and Judicial Proceedings**

18 3-8A-01.

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

22 3-8A-15.

23 (K) ~~(1) EXCEPT AS PROVIDED IN PARAGRAPHS (2) AND (3) OF THIS~~
 24 ~~SUBSECTION, A CHILD MAY NOT BE ACCOMMODATED IN A FACILITY USED FOR~~
 25 ~~DETENTION FOR THE SPECIFIC ACT FOR WHICH THE CHILD HAS BEEN ADJUDICATED~~
 26 ~~DELINQUENT FOR MORE THAN 15 25 DAYS AFTER THE COURT MAKES HAS MADE A~~
 27 ~~DISPOSITION ON A PETITION UNDER § 3-8A-19 OF THIS SUBTITLE.~~

28 ~~(2) THE COURT MAY ORDER THAT A CHILD BE ACCOMMODATED IN A~~
 29 ~~FACILITY USED FOR DETENTION FOR THE SPECIFIC ACT FOR WHICH THE CHILD HAS~~
 30 ~~BEEN ADJUDICATED DELINQUENT FOR A SPECIFIED PERIOD OF TIME NOT TO~~
 31 ~~EXCEED 45 DAYS FROM THE DATE OF DISPOSITION UPON A FINDING THAT~~
 32 ~~ACCOMMODATION IN THE FACILITY IS NECESSARY FOR THE APPROPRIATE~~
 33 ~~PLACEMENT OF THE CHILD.~~

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

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

7 ~~(1)~~ (1) ~~SUBMIT A REPORT TO THE COURT ON THE RECORD~~
8 ~~EXPLAINING THE REASONS FOR CONTINUED DETENTION; AND~~

9 ~~(2)~~ (2) ~~EVERY 30 25 DAYS THEREAFTER, SUBMIT ANOTHER~~
10 ~~REPORT TO THE COURT ON THE RECORD EXPLAINING THE REASONS FOR~~
11 ~~CONTINUED DETENTION.~~

12 ~~3-8A-19.~~

13 (d) (1) ~~In making a disposition on a petition under this subtitle, the court~~
14 ~~may:~~

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

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

26 (iii) ~~Order the child, parents, guardian, or custodian of the child to~~
27 ~~participate in rehabilitative services that are in the best interest of the child and the~~
28 ~~family.~~

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

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

33 (i) ~~[be] BE accommodated in a facility that has reached budgeted~~
34 ~~capacity if a bed is available in another comparable facility in the State, unless the~~
35 ~~placement to the facility that has reached budgeted capacity has been recommended~~
36 ~~by the Department of Juvenile Justice; OR~~

37 (ii) ~~EXCEPT AS PROVIDED IN § 3-8A-15(K) OF THIS SUBTITLE, BE~~
38 ~~ACCOMMODATED IN A FACILITY USED FOR DETENTION.~~

1 (4) The court shall consider any oral address made in accordance with §
2 ~~11-403 of the Criminal Procedure Article or any victim impact statement, as~~
3 ~~described in § 11-402 of the Criminal Procedure Article, in determining an~~
4 ~~appropriate disposition on a petition.~~

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

9 ~~SECTION 3- 2.~~ AND BE IT FURTHER ENACTED, That this Act shall take
10 effect October 1, 2003.