SENATE BILL 722

Unofficial Copy E3 HB 944/02 - JUD 2003 Regular Session 3lr2608

By: Senator Klausmeier

Introduced and read first time: February 24, 2003

Assigned to: Rules

A BILL ENTITLED

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7 77 4	1101	Concerning

- Juvenile Causes Facilities Used for Detention Accommodation of
 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
- facility used for detention; requiring the Department of Juvenile Justice to make
- a certain report; and generally relating to 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:

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Article - Courts and Judicial Proceedings

- 2 3-8A-01.
- 3 "Detention" means the temporary care of children who, pending court (m)
- disposition, require secure custody for the protection of themselves or the community,
- 5 in physically restricting facilities.
- 6 3-8A-15.
- 7 (K) EXCEPT AS PROVIDED IN PARAGRAPHS (2) AND (3) OF THIS (1)
- 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 MAKES A DISPOSITION ON
- 11 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.
- THE COURT MAY EXTEND THE PERIOD OF TIME SPECIFIED IN 18 (3)
- 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 3-8A-19.
- 22 (d) (1) In making a disposition on a petition under this subtitle, the court
- 23 may:
- 24 Place the child on probation or under supervision in his own
- 25 home or in the custody or under the guardianship of a relative or other fit person,
- 26 upon terms the court deems appropriate, including community detention;
- 27 (ii) Subject to the provisions of paragraph (2) of this subsection,
- 28 commit the child to the custody or under the guardianship of the Department of
- 29 Juvenile Justice, the Department of Health and Mental Hygiene, or a public or
- 30 licensed private agency on terms that the court considers appropriate to meet the
- 31 priorities set forth in § 3-8A-02 of this subtitle, including designation of the type of
- 32 facility where the child is to be accommodated, until custody or guardianship is
- 33 terminated with approval of the court or as required under § 3-8A-24 of this subtitle;
- 34 or
- 35 Order the child, parents, guardian, or custodian of the child to (iii)
- 36 participate in rehabilitative services that are in the best interest of the child and the
- 37 family.

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- 1 (2) In addition to the provisions of paragraph (1) of this subsection, in 2 making a disposition on a petition, the court may adopt a treatment service plan, as 3 defined in § 3-8A-20.1 of this subtitle. 4 (3) A child committed under paragraph (1)(ii) of this subsection may not: 5 [be] BE accommodated in a facility that has reached budgeted 6 capacity if a bed is available in another comparable facility in the State, unless the placement to the facility that has reached budgeted capacity has been recommended 8 by the Department of Juvenile Justice; OR 9 EXCEPT AS PROVIDED IN § 3-8A-15(K) OF THIS SUBTITLE, BE 10 ACCOMMODATED IN A FACILITY USED FOR DETENTION.
- 11 The court shall consider any oral address made in accordance with § 12 11-403 of the Criminal Procedure Article or any victim impact statement, as 13 described in § 11-402 of the Criminal Procedure Article, in determining an
- 14 appropriate disposition on a petition.
- 15 SECTION 2. AND BE IT FURTHER ENACTED, That the Department of
- 16 Juvenile Justice shall report to the General Assembly on or before July 1, 2004, in
- 17 accordance with § 2-1246 of the State Government Article, on the implementation of
- 18 this Act.
- 19 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
- 20 October 1, 2003.