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

Introduced and read first time: February 9, 2005

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Juvenile Services - Limitations on Place of Confinement**

3 FOR the purpose of providing that a person who is of a certain age or older who is
4 alleged to have committed a delinquent act while a child may not be detained in
5 a juvenile facility; requiring a person who is of a certain age or older who is
6 alleged to have committed a delinquent act while a child to be detained at
7 certain correctional facilities; and generally relating to the detention of certain
8 persons who are alleged to have committed a delinquent act as a child.

9 BY repealing and reenacting, with amendments,
10 Article - Courts and Judicial Proceedings
11 Section 3-8A-22
12 Annotated Code of Maryland
13 (2002 Replacement Volume and 2004 Supplement)

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

16 **Article - Courts and Judicial Proceedings**

17 3-8A-22.

18 (a) A child may not be detained at, or committed or transferred to, a
19 correctional facility, as defined in § 1-101 of the Correctional Services Article, except
20 in accordance with § 3-8A-16 of this subtitle.

21 (B) A PERSON 21 YEARS OF AGE OR OLDER WHO IS ALLEGED TO HAVE
22 COMMITTED A DELINQUENT ACT WHILE A CHILD:

23 (1) SHALL BE DETAINED AT OR COMMITTED OR TRANSFERRED TO A
24 CORRECTIONAL FACILITY, AS DEFINED IN § 1-101 OF THE CORRECTIONAL SERVICES
25 ARTICLE; AND

26 (2) MAY NOT BE DETAINED AT OR COMMITTED OR TRANSFERRED TO A
27 JUVENILE FACILITY.

1 [(b)] (C) A child who is not delinquent may not be committed or transferred to
2 a facility used for the confinement of delinquent children.

3 [(c)] (D) Unless an individualized treatment plan developed under § 10-706 of
4 the Health - General Article indicates otherwise:

5 (1) A child may not be committed or transferred to any public or private
6 facility or institution unless the child is placed in accommodations that are separate
7 from other persons 18 years of age or older who are confined to that facility or
8 institution; and

9 (2) The child may not be treated in any group with persons who are 18
10 years of age or older.

11 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take
12 effect October 1, 2005.