
By: **Delegate Bohanan**

Introduced and read first time: February 11, 2005

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Juvenile Delinquency Prevention and Diversion Programs**

3 FOR the purpose of establishing the Subcabinet Coordinating Council on Juvenile
4 Delinquency Prevention and Diversion Programs in the Office for Children,
5 Youth, and Families; providing for the membership of the Subcabinet
6 Coordinating Council; specifying that the Special Secretary for Children, Youth,
7 and Families is the chair of the Subcabinet Coordinating Council; requiring the
8 Office for Children, Youth, and Families to provide staff support for the
9 Subcabinet Coordinating Council; establishing the purposes and duties of the
10 Subcabinet Coordinating Council; specifying the requirements for juvenile
11 delinquency prevention and diversion programs; specifying the duties of a local
12 management board; specifying the duties of a local planning group; specifying
13 the membership of a local planning group; establishing the Juvenile
14 Delinquency Prevention and Diversion Program Fund; specifying the purpose of
15 the Fund; requiring the Special Secretary to administer the Fund; specifying
16 that the Fund is a special, nonlapsing fund; requiring the Treasurer to hold and
17 the Comptroller to account for the Fund; specifying the contents of the Fund;
18 requiring that the Fund be used only for certain purposes; requiring the
19 Treasurer to invest the money of the Fund in a certain manner; requiring any
20 investment earnings of the Fund to be credited to the General Fund of the State;
21 defining certain terms; requiring the Subcabinet Coordinating Council to report
22 to the General Assembly by a certain date each year; requiring the Subcabinet
23 Coordinating Council to develop and issue the first request for proposals by a
24 certain date; making this Act subject to a certain contingency; and generally
25 relating to juvenile delinquency prevention and diversion programs.

26 BY adding to

27 Article 49D - Office for Children, Youth, and Families
28 Section 51 through 54, inclusive, to be under the new subtitle "Juvenile
29 Delinquency Prevention and Diversion Programs"
30 Annotated Code of Maryland
31 (2003 Replacement Volume and 2004 Supplement)

Preamble

1
2 WHEREAS, In fiscal year 2003, 53,502 referrals of delinquent youth were made
3 to the Department of Juvenile Services; and

4 WHEREAS, The Department of Juvenile Services reported in its December 2004
5 Gap Analysis that "the most effective way to fight juvenile crime is to combine
6 vigorous delinquency prevention programs with a comprehensive system of graduated
7 responses"; and

8 WHEREAS, The experts hired to assist the Department of Juvenile Services in
9 developing a plan for transforming Maryland's juvenile justice system recommended
10 that the Department should reduce its reliance on expensive per diem placements,
11 and, to the extent practicable, begin to increase the funds available to enhance and
12 create community-based, nonresidential services; and

13 WHEREAS, The Gap Analysis has documented the State's lack of adequate
14 prevention and diversion services and instead decries the fact that Maryland relies
15 heavily on secure confinement and probation services; and

16 WHEREAS, The vast majority of youth are incarcerated for nonviolent offenses
17 on which the State spends extremely too much money; and

18 WHEREAS, More effective use of these funds would be made in programs that
19 provide prevention and diversion services to youth and an alternative to
20 incarceration; and

21 WHEREAS, The Subcabinet for Children, Youth, and Families and local
22 management boards have the infrastructure and mandate to plan for a continuum of
23 care and services that is family- and child-oriented and emphasizes prevention, early
24 intervention, and community-based services; now, therefore,

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

27 **Article 49D - Office for Children, Youth, and Families**

28 **JUVENILE DELINQUENCY PREVENTION AND DIVERSION PROGRAMS**

29 51.

30 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
31 INDICATED.

32 (B) "JUVENILE DELINQUENCY PREVENTION AND DIVERSION PROGRAM"
33 MEANS THE SERVICES PROVIDED TO SCHOOL-AGED YOUTH AND THEIR FAMILIES TO
34 PREVENT OR DIVERT YOUTH FROM ENTERING THE JUVENILE JUSTICE SYSTEM.

1 (C) "SUBCABINET COORDINATING COUNCIL" MEANS THE SUBCABINET
2 COORDINATING COUNCIL ON JUVENILE DELINQUENCY PREVENTION AND
3 DIVERSION PROGRAMS.

4 52.

5 (A) THERE IS A SUBCABINET COORDINATING COUNCIL ON JUVENILE
6 DELINQUENCY PREVENTION AND DIVERSION PROGRAMS IN THE OFFICE FOR
7 CHILDREN, YOUTH, AND FAMILIES.

8 (B) THE SUBCABINET COORDINATING COUNCIL CONSISTS OF THE
9 FOLLOWING MEMBERS:

10 (1) THE SPECIAL SECRETARY FOR CHILDREN, YOUTH, AND FAMILIES;

11 (2) THE SECRETARY OF JUVENILE SERVICES, OR THE SECRETARY'S
12 DESIGNEE;

13 (3) THE SECRETARY OF HUMAN RESOURCES, OR THE SECRETARY'S
14 DESIGNEE;

15 (4) THE SECRETARY OF HEALTH AND MENTAL HYGIENE, OR THE
16 SECRETARY'S DESIGNEE;

17 (5) THE STATE SUPERINTENDENT OF SCHOOLS, OR THE
18 SUPERINTENDENT'S DESIGNEE; AND

19 (6) THE EXECUTIVE DIRECTOR OF THE OFFICE OF CRIME CONTROL AND
20 PREVENTION, OR THE EXECUTIVE DIRECTOR'S DESIGNEE.

21 (C) THE SPECIAL SECRETARY FOR CHILDREN, YOUTH, AND FAMILIES SHALL
22 BE THE CHAIR OF THE SUBCABINET COORDINATING COUNCIL.

23 (D) THE OFFICE FOR CHILDREN, YOUTH, AND FAMILIES SHALL PROVIDE
24 STAFF SUPPORT FOR THE SUBCABINET COORDINATING COUNCIL.

25 (E) THE PURPOSE OF THE SUBCABINET COORDINATING COUNCIL IS TO:

26 (1) BUILD CAPACITY TO SERVE YOUTH IN THEIR COMMUNITIES AND AT
27 HOME;

28 (2) REDUCE RELIANCE ON INSTITUTIONS AS THE PRIMARY MODE OF
29 INTERVENTION FOR JUVENILE OFFENDERS;

30 (3) PROMOTE POSITIVE OUTCOMES FOR COURT-INVOLVED YOUTH; AND

31 (4) FUND PRACTICES THAT PREVENT JUVENILE CRIME AND
32 DELINQUENCY.

33 (F) THE SUBCABINET COORDINATING COUNCIL SHALL:

1 (1) SET STANDARDS FOR JUVENILE DELINQUENCY PREVENTION AND
2 DIVERSION PROGRAMS;

3 (2) DEVELOP REQUESTS FOR PROPOSALS FOR JUVENILE DELINQUENCY
4 PREVENTION AND DIVERSION PROGRAMS; AND

5 (3) AWARD GRANTS TO SELECTED JURISDICTIONS TO ESTABLISH
6 JUVENILE DELINQUENCY PREVENTION AND DIVERSION PROGRAMS.

7 53.

8 (A) JUVENILE DELINQUENCY PREVENTION AND DIVERSION PROGRAMS
9 SHALL BE:

10 (1) COMMUNITY-BASED;

11 (2) NONRESIDENTIAL;

12 (3) LOCATED IN AREAS OF THE STATE WITH THE GREATEST NEED; AND

13 (4) COORDINATED, MONITORED, AND SUPPORTED BY LOCAL
14 MANAGEMENT BOARDS.

15 (B) (1) A LOCAL MANAGEMENT BOARD SHALL APPLY TO THE SUBCABINET
16 COORDINATING COUNCIL FOR LOCAL JUVENILE DELINQUENCY PREVENTION AND
17 DIVERSION PROGRAM FUNDS.

18 (2) BEFORE SUBMITTING AN APPLICATION TO THE SUBCABINET
19 COORDINATING COUNCIL, THE LOCAL MANAGEMENT BOARD SHALL CONVENE A
20 LOCAL PLANNING GROUP.

21 (C) THE LOCAL PLANNING GROUP SHALL CONSIST OF:

22 (1) REPRESENTATIVES FROM:

23 (I) THE JUVENILE COURT;

24 (II) THE COUNTY BOARD OF EDUCATION;

25 (III) THE LOCAL LAW ENFORCEMENT AGENCY;

26 (IV) THE FAITH COMMUNITY;

27 (V) THE LOCAL HEALTH DEPARTMENT;

28 (VI) A LOCAL PUBLIC MENTAL HEALTH AGENCY;

29 (VII) A LOCAL PUBLIC SUBSTANCE ABUSE AGENCY; AND

30 (VIII) THE LOCAL DEPARTMENT OF SOCIAL SERVICES;

- 1 (2) PUBLIC AND PRIVATE SERVICE PROVIDERS;
- 2 (3) YOUTH ADVOCATES;
- 3 (4) PARENTS;
- 4 (5) YOUTH; AND
- 5 (6) OTHER APPROPRIATE REPRESENTATIVES, AS DETERMINED BY THE
- 6 LOCAL MANAGEMENT BOARD.

7 (D) THE LOCAL PLANNING GROUP SHALL:

8 (1) ASSESS THE ADEQUACY, AVAILABILITY, AND ACCESSIBILITY OF

9 CURRENT COMMUNITY-BASED SERVICES THAT:

10 (I) PREVENT AND DIVERT ENTRY AND RE-ENTRY INTO THE

11 JUVENILE SYSTEM;

12 (II) PROVIDE ALTERNATIVES TO INCARCERATION AND

13 INSTITUTIONALIZATION;

14 (III) PREVENT AND DIVERT CRIMINAL BEHAVIOR; AND

15 (IV) INCREASE PERSONAL RESPONSIBILITY AND

16 SELF-SUFFICIENCY;

17 (2) IDENTIFY UNSERVED NEIGHBORHOODS OR COMMUNITIES WITH

18 CRITICAL NEEDS AND SIGNIFICANT NUMBERS OF AT-RISK OR DELINQUENT YOUTH;

19 AND

20 (3) RECOMMEND PROGRAMS THAT CAN BE ESTABLISHED OR

21 ENHANCED TO ADDRESS THE UNMET NEEDS OF YOUTH AND THEIR FAMILIES.

22 (E) THE LOCAL MANAGEMENT BOARD SHALL:

23 (1) DEVELOP A REQUEST FOR FUNDS BASED ON THE

24 RECOMMENDATIONS OF THE LOCAL PLANNING GROUP;

25 (2) AWARD FUNDS TO LOCAL AGENCIES OR ORGANIZATIONS TO

26 PROVIDE DIRECT SERVICES;

27 (3) MONITOR AND EVALUATE JUVENILE DELINQUENCY PREVENTION

28 AND DIVERSION PROGRAM PERFORMANCE;

29 (4) PROVIDE TECHNICAL ASSISTANCE TO JUVENILE DELINQUENCY

30 PREVENTION AND DIVERSION PROGRAMS AS NEEDED;

31 (5) PROMOTE COST-EFFECTIVENESS STRATEGIES;

1 (6) MEASURE JUVENILE DELINQUENCY PREVENTION AND DIVERSION
2 PROGRAM OUTCOMES; AND

3 (7) PROVIDE QUARTERLY REPORTS TO THE OFFICE FOR CHILDREN,
4 YOUTH, AND FAMILIES.

5 54.

6 (A) IN THIS SECTION, "FUND" MEANS THE JUVENILE DELINQUENCY
7 PREVENTION AND DIVERSION PROGRAM FUND.

8 (B) THERE IS A JUVENILE DELINQUENCY PREVENTION AND DIVERSION
9 PROGRAM FUND.

10 (C) THE PURPOSE OF THE FUND IS TO SUPPORT JUVENILE DELINQUENCY
11 PREVENTION AND DIVERSION PROGRAMS.

12 (D) THE SPECIAL SECRETARY FOR CHILDREN, YOUTH, AND FAMILIES SHALL
13 ADMINISTER THE FUND.

14 (E) (1) THE FUND IS A SPECIAL, NONLAPSING FUND THAT IS NOT SUBJECT
15 TO § 7-302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

16 (2) THE TREASURER SHALL HOLD THE FUND SEPARATELY, AND THE
17 COMPTROLLER SHALL ACCOUNT FOR THE FUND.

18 (F) THE FUND CONSISTS OF:

19 (1) MONEY APPROPRIATED IN THE STATE BUDGET TO THE FUND; AND

20 (2) ANY OTHER MONEY FROM ANY OTHER SOURCE ACCEPTED FOR THE
21 BENEFIT OF THE FUND.

22 (G) THE FUND MAY BE USED ONLY TO SUPPORT JUVENILE DELINQUENCY
23 PREVENTION AND DIVERSION PROGRAMS.

24 (H) (1) THE TREASURER SHALL INVEST THE MONEY OF THE FUND IN THE
25 SAME MANNER AS OTHER STATE MONEY MAY BE INVESTED.

26 (2) ANY INVESTMENT EARNINGS OF THE FUND SHALL BE CREDITED TO
27 THE GENERAL FUND OF THE STATE.

28 SECTION 2. AND BE IT FURTHER ENACTED, That the Subcabinet
29 Coordinating Council shall report to the General Assembly on or before December 31
30 of each year, in accordance with § 2-1246 of the State Government Article, on the
31 implementation and effectiveness of juvenile delinquency prevention and diversion
32 programs.

33 SECTION 3. AND BE IT FURTHER ENACTED, That the Subcabinet
34 Coordinating Council shall develop and issue the first request for proposals by
35 January 1, 2006.

1 SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect
2 July 1, 2005, contingent on the Governor including \$10,000,000 in the fiscal year 2007
3 budget and \$20,000,000 in the fiscal year 2008 budget to implement the provisions of
4 this Act. If the Governor does not include \$10,000,000 in the fiscal year 2007 budget
5 and \$20,000,000 in the fiscal year 2008 budget to implement this Act, this Act shall be
6 null and void without the necessity of further action by the General Assembly.