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By: **Senators Lawlah, Kasemeyer, McFadden, Middleton, and Ruben**

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Assigned to: Finance

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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; requiring the Governor to appropriate certain funds to implement  
25 this Act; and generally relating to juvenile delinquency prevention and diversion  
26 programs.

27 BY adding to

28 Article 49D - Office for Children, Youth, and Families  
29 Section 51 through 54, inclusive, to be under the new subtitle "Juvenile  
30 Delinquency Prevention and Diversion Programs"  
31 Annotated Code of Maryland  
32 (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, non-residential 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) NON-RESIDENTIAL;

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 the Governor shall  
2 include \$10,000,000 in the fiscal year 2007 budget and \$20,000,000 in the fiscal year  
3 2008 budget to implement this Act.

4 SECTION 5. AND BE IT FURTHER ENACTED, That this Act shall take effect  
5 July 1, 2005.