

HOUSE BILL 1325

E3

71r3211

By: **Delegates Conway, Barnes, Benson, DeBoy, Eckardt, Elmore, Frush, Glassman, Haddaway, Holmes, Hubbard, Impallaria, James, Jennings, Levi, McComas, McDonough, Niemann, Pena-Melnyk, Proctor, Riley, Ross, Rudolph, Shewell, Smigiel, Sossi, Stifler, Valderrama, Vallario, Vaughn, and Walkup**

Introduced and read first time: February 28, 2007

Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Juvenile Law – Truancy Reduction Pilot Programs**

3 FOR the purpose of authorizing the establishment of a Truancy Reduction Pilot
4 Program in Harford County and Prince George’s County; making certain
5 provisions relating to Truancy Reduction Pilot Programs in certain counties
6 applicable to Harford County and Prince George’s County; authorizing the Chief
7 Judge of the Court of Appeals to accept a gift or grant for certain purposes
8 under certain circumstances; authorizing the juvenile court to condition
9 marking a certain criminal charge stet on participation of the defendant in a
10 certain Truancy Reduction Pilot Program; authorizing the juvenile court to
11 forward a complaint to a Department of Juvenile Services intake officer for the
12 filing of a delinquency petition under certain circumstances; requiring an intake
13 officer and a State’s Attorney to take certain actions on receipt of a certain
14 complaint; requiring the Chief Judge of the Court of Appeals to submit a certain
15 report to the General Assembly by a certain date; making this Act subject to a
16 certain contingency; extending the termination date of certain provisions
17 relating to Truancy Reduction Pilot Programs; providing for the termination of
18 certain provisions of this Act; and generally relating to Truancy Reduction Pilot
19 Programs.

20 BY repealing and reenacting, without amendments,
21 Article – Courts and Judicial Proceedings

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Section 3–8A–10(b) and 3–8C–06(d)
2 Annotated Code of Maryland
3 (2006 Replacement Volume)

4 BY adding to
5 Article – Courts and Judicial Proceedings
6 Section 3–8A–10(c)(5) and 3–8C–06.1
7 Annotated Code of Maryland
8 (2006 Replacement Volume)

9 BY repealing and reenacting, with amendments,
10 Article – Courts and Judicial Proceedings
11 Section 3–8C–01, 3–8C–02, and 3–8C–04
12 Annotated Code of Maryland
13 (2006 Replacement Volume)

14 BY repealing and reenacting, with amendments,
15 Article – Education
16 Section 7–301(e–1)
17 Annotated Code of Maryland
18 (2006 Replacement Volume)

19 BY repealing and reenacting, with amendments,
20 Chapter 551 of the Acts of the General Assembly of 2004
21 Section 2, 3, and 4

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

24 **Article – Courts and Judicial Proceedings**

25 3–8A–10.

26 (b) An intake officer shall receive:

27 (1) Complaints from a person or agency having knowledge of facts
28 which may cause a person to be subject to the jurisdiction of the court under this
29 subtitle; and

30 (2) Citations issued by a police officer under § 3–8A–33 of this subtitle.

1 (c) (5) (I) NOTWITHSTANDING ANY OTHER PROVISION OF THIS
2 SECTION, IF THE COURT FORWARDS A COMPLAINT UNDER § 3-8C-06.1 OF THIS
3 TITLE ALLEGING THAT A CHILD HAS FAILED TO COMPLY WITH AN ORDER
4 ISSUED UNDER § 3-8C-06 OF THIS TITLE, AN INTAKE OFFICER IMMEDIATELY
5 SHALL FORWARD TO THE STATE'S ATTORNEY:

6 1. THE COMPLAINT; AND

7 2. A COPY OF THE ENTIRE INTAKE CASE FILE,
8 INCLUDING ANY PRIOR INTAKE INVOLVEMENT OF THE CHILD.

9 (II) WITHIN 30 DAYS AFTER RECEIPT OF A COMPLAINT
10 UNDER THIS PARAGRAPH, A STATE'S ATTORNEY:

11 1. SHALL REVIEW THE COMPLAINT PRELIMINARILY
12 TO DETERMINE WHETHER:

13 A. THE COURT HAS JURISDICTION; AND

14 B. THE FILING OF A DELINQUENCY PETITION IS IN
15 THE BEST INTERESTS OF THE CHILD AND THE PUBLIC; AND

16 2. UNLESS THE COURT EXTENDS THE TIME, SHALL:

17 A. FILE A DELINQUENCY PETITION; OR

18 B. DISMISS THE COMPLAINT.

19 3-8C-01.

20 This subtitle applies only in Dorchester County, **HARFORD COUNTY, PRINCE**
21 **GEORGE'S COUNTY**, Somerset County, Wicomico County, and Worcester County.

22 3-8C-02.

23 (A) (1) The Circuit Administrative Judge of the First Circuit may
24 establish a Truancy Reduction Pilot Program in one or more of the juvenile courts in
25 Dorchester County, Somerset County, Wicomico County, and Worcester County.

1 **(2) THE CIRCUIT ADMINISTRATIVE JUDGE OF THE THIRD**
2 **CIRCUIT MAY ESTABLISH A TRUANCY REDUCTION PILOT PROGRAM IN THE**
3 **JUVENILE COURT IN HARFORD COUNTY.**

4 **(3) THE CIRCUIT ADMINISTRATIVE JUDGE OF THE SEVENTH**
5 **CIRCUIT MAY ESTABLISH A TRUANCY REDUCTION PILOT PROGRAM IN THE**
6 **JUVENILE COURT IN PRINCE GEORGE'S COUNTY.**

7 **(B) AFTER CONSULTATION WITH THE ADMINISTRATIVE JUDGES OF THE**
8 **FIRST, THIRD, AND SEVENTH CIRCUITS, THE CHIEF JUDGE OF THE COURT OF**
9 **APPEALS MAY ACCEPT A GIFT OR GRANT TO IMPLEMENT THE PILOT PROGRAMS**
10 **IN EACH RESPECTIVE CIRCUIT.**

11 3-8C-04.

12 (a) An authorized school official may file with the juvenile court a petition
13 alleging a violation of this subtitle.

14 (b) If a child is under the age of 12 years, an authorized school official may
15 file a petition under this subtitle only if:

16 (1) A criminal charge was filed under § 7-301 of the Education Article
17 against the person with legal custody or care and control of the child at the time of the
18 alleged violation; and

19 (2) The court dismissed **OR STETTED** the charge in accordance with §
20 7-301(e-1) of the Education Article.

21 3-8C-06.

22 (d) In making a disposition on a petition filed under this subtitle, the court
23 may order the child to:

24 (1) Attend school;

25 (2) Perform community service;

26 (3) Attend counseling, including family counseling;

27 (4) Attend substance abuse evaluation and treatment;

28 (5) Attend mental health evaluation and treatment; or

1 (6) Keep a curfew with the hours set by the court.

2 **3-8C-06.1.**

3 **THE COURT MAY FORWARD A COMPLAINT TO AN INTAKE OFFICER UNDER**
4 **§ 3-8A-10(C)(5) OF THIS TITLE FOR THE FILING OF A DELINQUENCY PETITION**
5 **IF THE COURT FINDS:**

6 (1) **PROBABLE CAUSE TO BELIEVE THAT THE CHILD HAS FAILED**
7 **TO COMPLY WITH AN ORDER ISSUED UNDER § 3-8C-06 OF THIS SUBTITLE; AND**

8 (2) **THAT FAILURE TO COMPLY WITH THE ORDER, IF COMMITTED**
9 **BY AN ADULT, WOULD BE AN ACT OF CRIMINAL CONTEMPT.**

10 **Article - Education**

11 **7-301.**

12 (e-1) (1) This subsection applies only in Dorchester County, **HARFORD**
13 **COUNTY, PRINCE GEORGE'S COUNTY,** Somerset County, Wicomico County, and
14 Worcester County.

15 (2) A charge under this section may be filed in the juvenile court and
16 assigned to a truancy docket for disposition under Title 3, Subtitle 8C of the Courts
17 Article.

18 (3) (I) For a person with legal custody or care and control of a child
19 at the time of an alleged violation of this section, it is an affirmative defense to a
20 charge under this section that the person made reasonable and substantial efforts to
21 see that the child attended school as required by law but was unable to cause the child
22 to attend school.

23 [(4)] (II) If the court finds the affirmative defense is valid, the court
24 shall dismiss the charge under this section against the defendant.

25 (4) **THE COURT MAY CONDITION MARKING A CHARGE UNDER THIS**
26 **SECTION STET ON PARTICIPATION OF THE DEFENDANT IN THE APPROPRIATE**
27 **TRUANCY REDUCTION PILOT PROGRAM UNDER TITLE 3, SUBTITLE 8C OF THE**
28 **COURTS ARTICLE.**

Chapter 551 of the Acts of 2004

SECTION 2. AND BE IT FURTHER ENACTED, That on or before [May 31, 2007] **DECEMBER 1, 2010**, the [Circuit Administrative Judge for the First Circuit] **CHIEF JUDGE OF THE COURT OF APPEALS** shall submit a report to the General Assembly, in accordance with § 2-1246 of the State Government Article, that evaluates [the] **EACH** Truancy Reduction Pilot Program established under this Act.

SECTION 3. AND BE IT FURTHER ENACTED, That **DURING EACH FISCAL YEAR FROM FISCAL YEAR 2008 THROUGH FISCAL YEAR 2012**, this Act is contingent on funds, **EXCLUSIVE OF ANY GIFTS**, being included in [the 2005, 2006, and 2007] **THAT** fiscal year State [budgets] **BUDGET** for the Administrative Office of the Courts/Family Services Program to establish the Truancy Reduction Pilot [Program] **PROGRAMS** in one or more of the juvenile courts in Dorchester County, **HARFORD COUNTY, PRINCE GEORGE'S COUNTY**, Somerset County, Wicomico County, and Worcester County. If the funds are not included in the State budget for **A** fiscal [years 2005, 2006, or 2007] **YEAR**, this Act shall be null and void **AS TO THAT FISCAL YEAR** without the necessity for further action by the General Assembly.

SECTION 4. AND BE IT FURTHER ENACTED, That, subject to the provisions of Section 3 of this Act, this Act shall take effect July 1, 2004. It shall remain effective for a period of [3] **7** years and, at the end of [June 30, 2007] **JUNE 30, 2011**, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.

SECTION 2. AND BE IT FURTHER ENACTED, That, subject to the provisions of Section 3 of Chapter 551 of the Acts of the General Assembly of 2004 as amended by this Act, this Act shall take effect July 1, 2007. This Act shall remain effective until the taking effect of the termination provision specified in Section 4 of Chapter 551 of the Acts of the General Assembly of 2004 as amended by this Act. If that termination provision takes effect, this Act shall be abrogated and of no further force and effect.