

SENATE BILL 360

E3
HB 880/06 – JUD

71r0622

By: **Senator Zirkin**
Introduced and read first time: February 1, 2007
Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Juvenile Justice Monitoring Unit – Expansion of Jurisdiction**

3 FOR the purpose of expanding the jurisdiction of the Juvenile Justice Monitoring Unit
4 of the Office of the Attorney General to include the monitoring of any facility
5 licensed by the Department of Juvenile Services; altering a certain definition;
6 making certain stylistic changes; authorizing the Governor to transfer certain
7 positions and funds in a certain manner; making certain provisions of this Act
8 subject to a certain contingency; and generally relating to the Juvenile Justice
9 Monitoring Unit of the Office of the Attorney General.

10 BY repealing and reenacting, with amendments,
11 Article – State Government
12 Section 6–401 and 6–406
13 Annotated Code of Maryland
14 (2004 Replacement Volume and 2006 Supplement)

15 BY repealing and reenacting, without amendments,
16 Article – State Government
17 Section 6–402
18 Annotated Code of Maryland
19 (2004 Replacement Volume and 2006 Supplement)

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

22 **Article – State Government**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 6-401.

2 (a) In this subtitle the following words have the meanings indicated.

3 (b) “Department” means the Department of Juvenile Services.

4 (c) “Disciplinary action” means any punitive action against a child that
5 results in more security, additional obligations, or less personal freedom.

6 (d) “Facility” means:

7 (1) a residential facility operated by the Department; [and]

8 (2) a residential facility owned by the Department but privately
9 operated; **OR**

10 **(3) A RESIDENTIAL FACILITY LICENSED BY THE DEPARTMENT.**

11 (e) (1) “Grievance” means a complaint made by a child or on behalf of a
12 child due to a circumstance or an action considered to be unjust.

13 (2) “Grievance” does not include an employee grievance, disciplinary
14 appeal, or complaint.

15 (f) “Juvenile justice monitor” means an individual employed by the Office of
16 the Attorney General to determine whether the needs of children under the
17 jurisdiction of the Department are being met in compliance with State law, that their
18 rights are being upheld, and that they are not being abused.

19 (g) “Secretary” means the Secretary of Juvenile Services.

20 (h) “Special Secretary” means the Special Secretary for Children, Youth, and
21 Families.

22 (i) “Unit” means the Juvenile Justice Monitoring Unit of the Office of the
23 Attorney General.

24 6-402.

25 (a) There is a Juvenile Justice Monitoring Unit of the Office of the Attorney
26 General.

1 (b) The function of the Unit is to investigate and determine whether the
2 needs of children under the jurisdiction of the Department of Juvenile Services are
3 being met in compliance with State law, that their rights are being upheld, and that
4 they are not being abused.

5 6–406.

6 (a) The Unit shall report in a timely manner to the Special Secretary, the
7 Secretary, and, in accordance with § 2–1246 of [the State Government Article] **THIS**
8 **ARTICLE**, the Speaker of the House of Delegates and the President of the Senate:

9 (1) knowledge of any problem regarding the care, supervision, and
10 treatment of children in facilities;

11 (2) findings, actions, and recommendations, related to the
12 investigations of disciplinary actions, grievances, incident reports, and alleged cases of
13 child abuse and neglect; and

14 (3) all other findings and actions related to the monitoring required
15 under this subtitle.

16 (b) (1) The Unit shall report quarterly to the Special Secretary and the
17 Secretary.

18 (2) A copy of the report shall be provided to the State Advisory Board
19 for Juvenile Services and, in accordance with § 2–1246 of [the State Government
20 Article] **THIS ARTICLE**, the General Assembly.

21 (3) The report shall include:

22 (i) all activities of the Unit;

23 (ii) actions taken by the Department resulting from the findings
24 and recommendations of the Unit, including the Department’s response; and

25 (iii) a summary of any violations of the standards and
26 regulations of the Department that remained unabated for 30 days or more during the
27 reporting period.

28 (c) Beginning in 2006, on or before November 30 of each year, the Unit shall
29 report to the Special Secretary, the Secretary, the advisory boards established under

1 Article 83C, § 2–119 of the Code, the Governor, and, in accordance with § 2–1246 of
2 [the State Government Article] **THIS ARTICLE**, the General Assembly, on all the
3 activities of the Office and the actions taken by the Department in response to findings
4 and recommendations of the Unit.

5 SECTION 2. AND BE IT FURTHER ENACTED, That the Governor shall
6 transfer 5 regular positions and \$300,000 for those positions from the Department of
7 Juvenile Services to the Juvenile Justice Monitoring Unit of the Office of the Attorney
8 General.

9 SECTION 3. AND BE IT FURTHER ENACTED, That Section 1 of this Act shall
10 take effect October 1, 2007, contingent on the transfer of positions and funds under
11 Section 2 of this Act. If the positions and funds are not transferred in accordance with
12 Section 2 of this Act on or before October 1, 2007, this Act, with no further action of
13 the General Assembly, shall be null and void and of no force and effect. The Juvenile
14 Justice Monitoring Unit of the Office of the Attorney General, within 5 days of
15 receiving a transfer under Section 2 of this Act, shall forward notice of the transfer to
16 the Department of Legislative Services, 90 State Circle, Annapolis, Maryland 21401.

17 SECTION 4. AND BE IT FURTHER ENACTED, That, except as provided in
18 Section 3 of this Act, this Act shall take effect June 1, 2007.