

SENATE BILL 360

E3
HB 880/06 – JUD

71r0622

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

Committee Report: Favorable with amendments
Senate action: Adopted
Read second time: March 20, 2007

CHAPTER _____

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; authorizing the Attorney General to
8 transfer a certain position in a certain manner; making certain provisions of
9 this Act subject to a certain contingency; and generally relating to the Juvenile
10 Justice Monitoring Unit of the Office of the Attorney General.

11 BY repealing and reenacting, with amendments,
12 Article – State Government
13 Section 6–401 and 6–406
14 Annotated Code of Maryland
15 (2004 Replacement Volume and 2006 Supplement)

16 BY repealing and reenacting, without amendments,
17 Article – State Government
18 Section 6–402
19 Annotated Code of Maryland

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 (2004 Replacement Volume and 2006 Supplement)

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

4 **Article – State Government**

5 6–401.

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

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

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

10 (d) “Facility” means:

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

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

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

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

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

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

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

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

1 (i) "Unit" means the Juvenile Justice Monitoring Unit of the Office of the
2 Attorney General.

3 6-402.

4 (a) There is a Juvenile Justice Monitoring Unit of the Office of the Attorney
5 General.

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

10 6-406.

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

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

16 (2) findings, actions, and recommendations, related to the
17 investigations of disciplinary actions, grievances, incident reports, and alleged cases of
18 child abuse and neglect; and

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

21 (b) (1) The Unit shall report quarterly to the Special Secretary and the
22 Secretary.

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

26 (3) The report shall include:

27 (i) all activities of the Unit;

28 (ii) actions taken by the Department resulting from the findings
29 and recommendations of the Unit, including the Department's response; and

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

4 (c) Beginning in 2006, on or before November 30 of each year, the Unit shall
5 report to the Special Secretary, the Secretary, the advisory boards established under
6 Article 83C, § 2-119 of the Code, the Governor, and, in accordance with § 2-1246 of
7 [the State Government Article] **THIS ARTICLE**, the General Assembly, on all the
8 activities of the Office and the actions taken by the Department in response to findings
9 and recommendations of the Unit.

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

14 SECTION 2. AND BE IT FURTHER ENACTED, That the Governor may
15 transfer two regular positions and \$120,000 for those positions from the Department of
16 Juvenile Services to the Juvenile Justice Monitoring Unit of the Office of the Attorney
17 General. The Attorney General may transfer one regular position to the Juvenile
18 Justice Monitoring Unit of the Office of the Attorney General.

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

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