

HOUSE BILL 1240

E3, F1

8lr2808

By: **Delegate Frush**

Introduced and read first time: February 8, 2008

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Juvenile Justice – Disposition on Petition – Alternative Education Program**

3 FOR the purpose of authorizing a certain court to order a certain child to attend a
4 certain Juvenile Justice Alternative Education Program or similar type of
5 school under certain circumstances in making a disposition on a certain
6 petition; and generally relating to a disposition on a petition against a juvenile.

7 BY repealing and reenacting, with amendments,
8 Article – Courts and Judicial Proceedings
9 Section 3–8A–19(d)
10 Annotated Code of Maryland
11 (2006 Replacement Volume and 2007 Supplement)

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

14 **Article – Courts and Judicial Proceedings**

15 3–8A–19.

16 (d) (1) In making a disposition on a petition under this subtitle, the court
17 may:

18 (i) Place the child on probation or under supervision in his own
19 home or in the custody or under the guardianship of a relative or other fit person,
20 upon terms the court deems appropriate, including community detention;

21 (ii) Subject to the provisions of paragraph (2) of this subsection,
22 commit the child to the custody or under the guardianship of the Department of
23 Juvenile Services, the Department of Health and Mental Hygiene, or a public or
24 licensed private agency on terms that the court considers appropriate to meet the

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 priorities set forth in § 3–8A–02 of this subtitle, including designation of the type of
2 facility where the child is to be accommodated, until custody or guardianship is
3 terminated with approval of the court or as required under § 3–8A–24 of this subtitle;
4 [or]

5 (iii) Order the child, parents, guardian, or custodian of the child
6 to participate in rehabilitative services that are in the best interest of the child and
7 the family; OR

8 (IV) ORDER A CHILD WHO HAS BEEN SUSPENDED,
9 EXPELLED, OR IDENTIFIED AS A CANDIDATE FOR SUSPENSION OR EXPULSION
10 FROM SCHOOL TO ATTEND, IF AVAILABLE IN THE CHILD’S COUNTY OF
11 RESIDENCE, EITHER:

12 1. A JUVENILE JUSTICE ALTERNATIVE EDUCATION
13 PROGRAM THAT WAS ESTABLISHED BY THE STATE BOARD OF EDUCATION AND
14 THE STATE SUPERINTENDENT OF SCHOOLS AND THEN TRANSFERRED TO THE
15 JURISDICTION OF A COUNTY BOARD OF EDUCATION; OR

16 2. A SCHOOL WITH A SIMILAR TYPE OF PROGRAM AS
17 DESCRIBED IN ITEM 1 OF THIS ITEM.

18 (2) In addition to the provisions of paragraph (1) of this subsection, in
19 making a disposition on a petition, the court may adopt a treatment service plan, as
20 defined in § 3–8A–20.1 of this subtitle.

21 (3) A child committed under paragraph (1)(ii) of this subsection may
22 not be accommodated in a facility that has reached budgeted capacity if a bed is
23 available in another comparable facility in the State, unless the placement to the
24 facility that has reached budgeted capacity has been recommended by the Department
25 of Juvenile Services.

26 (4) The court shall consider any oral address made in accordance with
27 § 11–403 of the Criminal Procedure Article or any victim impact statement, as
28 described in § 11–402 of the Criminal Procedure Article, in determining an
29 appropriate disposition on a petition.

30 (5) (i) If the court finds that a child is in need of supervision and
31 commits the child to the custody or under the guardianship of the Department of
32 Juvenile Services, the court may notify the county superintendent, the supervisor of
33 pupil personnel, or any other official designated by the county superintendent of the
34 fact that the child has been found to be in need of supervision and has been committed
35 to the custody or under the guardianship of the Department of Juvenile Services.

36 (ii) The notice may not include any order or pleading related to
37 the child in need of supervision case.

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
2 July 1, 2008.