

# HOUSE BILL 1240

E3, F1

8lr2808

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By: **Delegate Frush**

Introduced and read first time: February 8, 2008

Assigned to: Judiciary

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Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 15, 2008

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 ~~Juvenile Justice – Disposition on Petition~~ Education – Student Discipline –  
3 Alternative Education Program

4 FOR the purpose of authorizing a ~~certain juvenile~~ certain juvenile court to order a certain child to  
5 attend a certain ~~Juvenile Justice Alternative Education Program or similar type~~  
6 ~~of school~~ juvenile justice alternative education program under certain  
7 circumstances ~~in making a disposition on a certain petition; and generally~~  
8 ~~relating to a disposition on a petition against a juvenile; providing for the~~  
9 termination of this Act; and generally relating to student discipline.

10 BY ~~repealing and reenacting, with amendments, adding to~~  
11 ~~Article – Courts and Judicial Proceedings~~ Education  
12 ~~Section 3-8A-19(d)~~ 7-305.1  
13 Annotated Code of Maryland  
14 (2006 Replacement Volume and 2007 Supplement)

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

17 Article – Education

18 7-305.1.

19 IN ANY COUNTY THAT HAS A JUVENILE JUSTICE ALTERNATIVE  
20 EDUCATION PROGRAM, THE JUVENILE COURT MAY ORDER A STUDENT WHO IS

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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 SUSPENDED, EXPELLED, OR IDENTIFIED AS A CANDIDATE FOR SUSPENSION OR  
 2 EXPULSION FROM SCHOOL TO ATTEND THAT SCHOOL.

3 ~~Article Courts and Judicial Proceedings~~

4 ~~§ 3A-19.~~

5 (d) (1) ~~In making a disposition on a petition under this subtitle, the court~~  
 6 ~~may:~~

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

10 (ii) ~~Subject to the provisions of paragraph (2) of this subsection,~~  
 11 ~~commit the child to the custody or under the guardianship of the Department of~~  
 12 ~~Juvenile Services, the Department of Health and Mental Hygiene, or a public or~~  
 13 ~~licensed private agency on terms that the court considers appropriate to meet the~~  
 14 ~~priorities set forth in § 3-8A-02 of this subtitle, including designation of the type of~~  
 15 ~~facility where the child is to be accommodated, until custody or guardianship is~~  
 16 ~~terminated with approval of the court or as required under § 3-8A-24 of this subtitle;~~  
 17 ~~[or]~~

18 (iii) ~~Order the child, parents, guardian, or custodian of the child~~  
 19 ~~to participate in rehabilitative services that are in the best interest of the child and~~  
 20 ~~the family; OR~~

21 (IV) ~~ORDER A CHILD WHO HAS BEEN SUSPENDED,~~  
 22 ~~EXPELLED, OR IDENTIFIED AS A CANDIDATE FOR SUSPENSION OR EXPULSION~~  
 23 ~~FROM SCHOOL TO ATTEND, IF AVAILABLE IN THE CHILD'S COUNTY OF~~  
 24 ~~RESIDENCE, EITHER:~~

25 1. ~~A JUVENILE JUSTICE ALTERNATIVE EDUCATION~~  
 26 ~~PROGRAM THAT WAS ESTABLISHED BY THE STATE BOARD OF EDUCATION AND~~  
 27 ~~THE STATE SUPERINTENDENT OF SCHOOLS AND THEN TRANSFERRED TO THE~~  
 28 ~~JURISDICTION OF A COUNTY BOARD OF EDUCATION; OR~~

29 2. ~~A SCHOOL WITH A SIMILAR TYPE OF PROGRAM AS~~  
 30 ~~DESCRIBED IN ITEM 1 OF THIS ITEM.~~

31 (2) ~~In addition to the provisions of paragraph (1) of this subsection, in~~  
 32 ~~making a disposition on a petition, the court may adopt a treatment service plan, as~~  
 33 ~~defined in § 3-8A-20.1 of this subtitle.~~

34 (3) ~~A child committed under paragraph (1)(ii) of this subsection may~~  
 35 ~~not be accommodated in a facility that has reached budgeted capacity if a bed is~~

1 ~~available in another comparable facility in the State, unless the placement to the~~  
2 ~~facility that has reached budgeted capacity has been recommended by the Department~~  
3 ~~of Juvenile Services.~~

4 ~~(4) The court shall consider any oral address made in accordance with~~  
5 ~~§ 11-403 of the Criminal Procedure Article or any victim impact statement, as~~  
6 ~~described in § 11-402 of the Criminal Procedure Article, in determining an~~  
7 ~~appropriate disposition on a petition.~~

8 ~~(5) (i) If the court finds that a child is in need of supervision and~~  
9 ~~commits the child to the custody or under the guardianship of the Department of~~  
10 ~~Juvenile Services, the court may notify the county superintendent, the supervisor of~~  
11 ~~pupil personnel, or any other official designated by the county superintendent of the~~  
12 ~~fact that the child has been found to be in need of supervision and has been committed~~  
13 ~~to the custody or under the guardianship of the Department of Juvenile Services.~~

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

16 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
17 July 1, 2008. It shall remain effective for a period of 3 years and, at the end of June 30,  
18 2011, with no further action required by the General Assembly, this Act shall be  
19 abrogated and of no further force and effect.

Approved:

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Governor.

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Speaker of the House of Delegates.

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President of the Senate.