E3 8lr2094

By: Senators Klausmeier and Stone

Introduced and read first time: February 1, 2008

Assigned to: Judicial Proceedings

AN ACT concerning

A BILL ENTITLED

2	Juvenile Law - Truancy Reduction Pilot Program - Baltimore County
3	FOR the purpose of adding Baltimore County to a certain Truancy Reduction Pilot
4	Program; making certain provisions relating to Truancy Reduction Pilot
5	Programs in certain counties applicable to Baltimore County; providing for the
6	termination of this Act subject to a certain contingency; and generally relating
7	to Truancy Reduction Pilot Programs.
8	BY repealing and reenacting, with amendments,
9	Article – Courts and Judicial Proceedings
10	Section 3–8C–01 and 3–8C–02
11	Annotated Code of Maryland
12	(2006 Replacement Volume and 2007 Supplement)

- 13 BY repealing and reenacting, with amendments,
- 14 Article - Education
- 15 Section 7-301(e-1)
- Annotated Code of Maryland 16
- 17 (2006 Replacement Volume and 2007 Supplement)
- BY repealing and reenacting, with amendments, 18
- Chapter 551 of the Acts of the General Assembly of 2004, as amended by 19 20 Chapter 648 of the Acts of the General Assembly of 2007
- 21Section 3

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- 22BY repealing and reenacting, without amendments,
- 23 Chapter 551 of the Acts of the General Assembly of 2004, as amended by 24
- Chapter 648 of the Acts of the General Assembly of 2007
- 25 Section 4

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

Article - Courts and Judicial Proceedings

- 4 3-8C-01.
- 5 This subtitle applies only in **BALTIMORE COUNTY**, Dorchester County,
- 6 Harford County, Prince George's County, Somerset County, Wicomico County, and
- 7 Worcester County.
- 8 3–8C–02.
- 9 (a) (1) The Circuit Administrative Judge of the First Circuit may
- 10 establish a Truancy Reduction Pilot Program in one or more of the juvenile courts in
- 11 Dorchester County, Somerset County, Wicomico County, and Worcester County.
- 12 (2) The Circuit Administrative Judge of the Third Circuit may
- 13 establish a Truancy Reduction Pilot Program in the juvenile court in BALTIMORE
- 14 **COUNTY AND** Harford County.
- 15 (3) The Circuit Administrative Judge of the Seventh Circuit may
- establish a Truancy Reduction Pilot Program in the juvenile court in Prince George's
- 17 County.
- 18 (b) After consultation with the administrative judges of the first, third, and
- 19 seventh circuits, the Chief Judge of the Court of Appeals may accept a gift or grant to
- 20 implement the pilot programs in each respective circuit.

21 Article - Education

- 22 7–301.
- 23 (e-1) (1) This subsection applies only in **BALTIMORE COUNTY**, Dorchester
- 24 County, Harford County, Prince George's County, Somerset County, Wicomico County,
- 25 and Worcester County.
- 26 (2) A charge under this section may be filed in the juvenile court and
- 27 assigned to a truancy docket for disposition under Title 3, Subtitle 8C of the Courts
- 28 Article.
- 29 (3) (i) For a person with legal custody or care and control of a child
- 30 at the time of an alleged violation of this section, it is an affirmative defense to a
- 31 charge under this section that the person made reasonable and substantial efforts to
- 32 see that the child attended school as required by law but was unable to cause the child
- 33 to attend school.

If the court finds the affirmative defense is valid, the court 1 (ii) shall dismiss the charge under this section against the defendant.

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(4) The court may condition marking a charge under this section stet on participation of the defendant in the appropriate Truancy Reduction Pilot Program under Title 3, Subtitle 8C of the Courts Article.

Chapter 551 of the Acts of 2004, as amended by Chapter 648 of the Acts of 2007

SECTION 3. AND BE IT FURTHER ENACTED, That during each of fiscal years 2008 and 2009, this Act is contingent on funds, exclusive of any gifts, being included in that fiscal year State budget for the Administrative Office of the Courts/Family Services Program to establish the Truancy Reduction Pilot Programs in one or more of the juvenile courts in BALTIMORE COUNTY, Dorchester County, Harford County, Prince George's Country, Somerset County, Wicomico County, and Worcester County. If the funds are not included in the State Budget for a fiscal 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 5 years and, at the end of June 30, 2009, 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 Chapter 648 of the Acts of the General Assembly of 2007, this Act shall take effect July 1, 2008. 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 Chapter 648 of the Acts of the General Assembly of 2007. If that termination provision takes effect, this Act shall be abrogated and of no further force and effect.