

SENATE BILL 572

E3

8lr2094

By: **Senators Klausmeier and Stone**

Introduced and read first time: February 1, 2008

Assigned to: Judicial Proceedings

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 19, 2008

CHAPTER _____

1 AN ACT concerning

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)
16 Annotated Code of Maryland
17 (2006 Replacement Volume and 2007 Supplement)

18 BY repealing and reenacting, with amendments,
19 Chapter 551 of the Acts of the General Assembly of 2004, as amended by
20 Chapter 648 of the Acts of the General Assembly of 2007
21 Section 3

22 BY repealing and reenacting, without amendments,

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 Chapter 551 of the Acts of the General Assembly of 2004, as amended by
2 Chapter 648 of the Acts of the General Assembly of 2007
3 Section 4

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

6 **Article – Courts and Judicial Proceedings**

7 3–8C–01.

8 This subtitle applies only in **BALTIMORE COUNTY**, Dorchester County,
9 Harford County, Prince George’s County, Somerset County, Wicomico County, and
10 Worcester County.

11 3–8C–02.

12 (a) (1) The Circuit Administrative Judge of the First Circuit may
13 establish a Truancy Reduction Pilot Program in one or more of the juvenile courts in
14 Dorchester County, Somerset County, Wicomico County, and Worcester County.

15 (2) The Circuit Administrative Judge of the Third Circuit may
16 establish a Truancy Reduction Pilot Program in the juvenile court in **BALTIMORE**
17 **COUNTY AND** Harford County.

18 (3) The Circuit Administrative Judge of the Seventh Circuit may
19 establish a Truancy Reduction Pilot Program in the juvenile court in Prince George’s
20 County.

21 (b) After consultation with the administrative judges of the first, third, and
22 seventh circuits, the Chief Judge of the Court of Appeals may accept a gift or grant to
23 implement the pilot programs in each respective circuit.

24 **Article – Education**

25 7–301.

26 (e–1) (1) This subsection applies only in **BALTIMORE COUNTY**, Dorchester
27 County, Harford County, Prince George’s County, Somerset County, Wicomico County,
28 and Worcester County.

29 (2) A charge under this section may be filed in the juvenile court and
30 assigned to a truancy docket for disposition under Title 3, Subtitle 8C of the Courts
31 Article.

32 (3) (i) For a person with legal custody or care and control of a child
33 at the time of an alleged violation of this section, it is an affirmative defense to a

1 charge under this section that the person made reasonable and substantial efforts to
2 see that the child attended school as required by law but was unable to cause the child
3 to attend school.

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

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

9 **Chapter 551 of the Acts of 2004, as amended by Chapter 648 of the Acts of**
10 **2007**

11 SECTION 3. AND BE IT FURTHER ENACTED, That during each of fiscal
12 years 2008 and 2009, this Act is contingent on funds, exclusive of any gifts, being
13 included in that fiscal year State budget for the Administrative Office of the
14 Courts/Family Services Program to establish the Truancy Reduction Pilot Programs in
15 one or more of the juvenile courts in **BALTIMORE COUNTY**, Dorchester County,
16 Harford County, Prince George's County, Somerset County, Wicomico County, and
17 Worcester County. If the funds are not included in the State ~~Budget~~ **BUDGET, OR THE**
18 **BUDGET OF THE COUNTY IN WHICH THE COURT IS LOCATED**, for a fiscal year, this
19 Act shall be null and void as to that fiscal year without the necessity for further action
20 by the General Assembly.

21 SECTION 4. AND BE IT FURTHER ENACTED, That, subject to the provisions
22 of Section 3 of this Act, this Act shall take effect July 1, 2004. It shall remain effective
23 for a period of 5 years and, at the end of June 30, 2009, with no further action required
24 by the General Assembly, this Act shall be abrogated and of no further force and
25 effect.

26 SECTION 2. AND BE IT FURTHER ENACTED, That, subject to the provisions
27 of Section 3 of Chapter 551 of the Acts of the General Assembly of 2004 as amended by
28 Chapter 648 of the Acts of the General Assembly of 2007, this Act shall take effect
29 July 1, 2008. This Act shall remain effective until the taking effect of the termination
30 provision specified in Section 4 of Chapter 551 of the Acts of the General Assembly of
31 2004 as amended by Chapter 648 of the Acts of the General Assembly of 2007. If that
32 termination provision takes effect, this Act shall be abrogated and of no further force
33 and effect.