

HOUSE BILL 1141

D3, F1

11r2750

By: **Delegate James**

Introduced and read first time: February 14, 2011

Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Juvenile Court – Truancy Court – Petition**

3 FOR the purpose of repealing a certain requirement that a certain criminal charge
4 against a certain person must be filed and dismissed or stetted before filing a
5 truancy petition in certain judicial circuits that have established Truancy
6 Reduction Pilot Programs; repealing certain requirements relating to criminal
7 charges being filed against a certain person with legal custody of a child in
8 certain jurisdictions that have established a Truancy Reduction Pilot Program;
9 and generally relating to a petition filed in truancy court.

10 BY repealing and reenacting, with amendments,
11 Article – Courts and Judicial Proceedings
12 Section 3–8C–04
13 Annotated Code of Maryland
14 (2006 Replacement Volume and 2010 Supplement)

15 BY repealing and reenacting, without amendments,
16 Article – Education
17 Section 7–301(e)
18 Annotated Code of Maryland
19 (2008 Replacement Volume and 2010 Supplement)

20 BY repealing
21 Article – Education
22 Section 7–301(e–1)
23 Annotated Code of Maryland
24 (2008 Replacement Volume and 2010 Supplement)

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



Article – Courts and Judicial Proceedings

3–8C–04.

[(a)] An authorized school official may file with the juvenile court a petition alleging a violation of this subtitle.

[(b)] If a child is under the age of 12 years, an authorized school official may file a petition under this subtitle only if:

(1) A criminal charge was filed under § 7–301 of the Education Article against the person with legal custody or care and control of the child at the time of the alleged violation; and

(2) The court dismissed or stетted the charge in accordance with § 7–301(e–1) of the Education Article.]

Article – Education

7–301.

(e) (1) Any person who induces or attempts to induce a child to absent himself unlawfully from school or employs or harbors any child who is absent unlawfully from school while school is in session is guilty of a misdemeanor and on conviction is subject to a fine not to exceed \$500 or imprisonment not to exceed 30 days, or both.

(2) Any person who has legal custody or care and control of a child who is 5 years old or older and under 16 who fails to see that the child attends school or receives instruction under this section is guilty of a misdemeanor and:

(i) For a first conviction is subject to a fine not to exceed \$50 per day of unlawful absence or imprisonment not to exceed 10 days, or both; and

(ii) For a second or subsequent conviction is subject to a fine not to exceed \$100 per day of unlawful absence or imprisonment not to exceed 30 days, or both.

(3) As to any sentence imposed under this section, the court may suspend the fine or the prison sentence and establish terms and conditions which would promote the child’s attendance. The suspension authority provided for in this subsection is in addition to and not in limitation of the suspension authority under § 6–221 of the Criminal Procedure Article.

[(e–1) (1) This subsection applies only:

1 (i) In a county in which the circuit administrative judge has
2 established a Truancy Reduction Pilot Program under § 3–8C–02 of the Courts Article;
3 and

4 (ii) To the extent that funds are provided in an annual State
5 budget for a Truancy Reduction Pilot Program.

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

9 (3) (i) For a person with legal custody or care and control of a child
10 at the time of an alleged violation of this section, it is an affirmative defense to a
11 charge under this section that the person made reasonable and substantial efforts to
12 see that the child attended school as required by law but was unable to cause the child
13 to attend school.

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

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

19 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
20 October 1, 2011.