

Department of Legislative Services
Maryland General Assembly
2014 Session

FISCAL AND POLICY NOTE

Senate Bill 122

(Chair, Judicial Proceedings Committee)(By Request -
Departmental - Juvenile Services)

Judicial Proceedings

Judiciary

Juvenile Law - Detention - Community Detention Violation Hearings

This departmental bill requires an intake officer who authorizes detention of a child for a violation of community detention to immediately file a petition to authorize the child's continued detention. The juvenile court must hold a hearing on the petition no later than the next court day unless it extends the detention, for no more than five days, on a showing of good cause. The bill also requires reasonable notice, either oral or written, to be given to the child and, if they can be located, to the child's parents, guardian, or custodian.

Fiscal Summary

State Effect: The Department of Juvenile Services (DJS) and the Judiciary can handle the bill's requirements using existing resources.

Local Effect: The circuit courts can handle the bill's requirements using existing resources.

Small Business Effect: DJS has determined that this bill has minimal or no impact on small business (attached). The Department of Legislative Services concurs with this assessment.

Analysis

Current Law: "Detention" means the temporary care of children who, pending court disposition, require secure custody for the protection of themselves or the community, in physically restricting facilities. "Community detention" is a program monitored by DJS in which a delinquent child or a child alleged to be delinquent is placed in the home of a

parent, guardian, custodian, or other fit person, or in shelter care, as a condition of probation or as an alternative to detention. “Community detention” includes electronic monitoring.

If a child is taken into custody and not released, the intake officer or the official who authorized detention, community detention, or shelter care must immediately file a petition to authorize the continued detention, community detention, or shelter care. Detention or community detention may not be continued beyond emergency detention or community detention unless, upon court order and after a hearing, the court has found that such action is required to protect the child or others or the child is likely to leave the jurisdiction of the court.

If the court has not specifically prohibited community detention, DJS may release a child from detention into community detention and place the child in shelter care or the custody of a parent, guardian, or other person who can provide supervision and care for the child and return the child to court when required. If a child who has been released by DJS or the court into community detention violates the conditions of community detention, and it is necessary to protect the child or others, an intake officer may authorize the detention of the child. DJS must promptly notify the court when a child is either released from detention into community detention or returned to detention due to a violation.

Background: DJS advises that this bill stems from its work with the Juvenile Detention Alternative Initiative (JDAI) in Baltimore City. As part of JDAI, DJS recently completed a statewide detention utilization study, *Doors to Detention*, which examined the various “doors” that were leading youth into secure detention. One finding from the study was that nearly 25% of detention placements result from youth not adhering to the conditions of an alternative to detention program (such as community detention). Many youth who were initially court-ordered or intake-authorized into the programs were ultimately being detained following a supervision or program violation. Infractions included curfew violations, absences without leave, equipment tampering, and other actions not rising to the level of a new delinquent offense. One of the reforms implemented in some jurisdictions, including Baltimore City and Baltimore and Prince George’s counties, has been to ensure that youth who were placed in detention as a result of a community detention violation appear before the court the next day for a detention review. DJS advises that this practice has been successful and has resulted in promoting the JDAI goal of utilizing detention for those who are a public safety risk or at risk of not appearing in court. DJS indicates that the proposed legislation is necessary to extend this reform statewide, as not all jurisdictions require a hearing the next day after a youth has been admitted to detention for a community detention violation. The proposed legislation is intended to promote a consistent application of the State’s juvenile detention laws.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Judiciary (Administrative Office of the Courts), Department of Juvenile Services, Department of Legislative Services

Fiscal Note History: First Reader - January 7, 2014
jkb/kdm

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ANALYSIS OF ECONOMIC IMPACT ON SMALL BUSINESSES

TITLE OF BILL: Juvenile Law –Detention – Community Detention Violation Hearings

BILL NUMBER: SB 122

PREPARED BY: Department of Juvenile Services

PART A. ECONOMIC IMPACT RATING

This agency estimates that the proposed bill:

WILL HAVE MINIMAL OR NO ECONOMIC IMPACT ON MARYLAND SMALL BUSINESS

OR

WILL HAVE MEANINGFUL ECONOMIC IMPACT ON MARYLAND SMALL BUSINESSES

PART B. ECONOMIC IMPACT ANALYSIS