

HOUSE BILL 1187

E3

11r2312
CF SB 853

By: **Delegate Clippinger**

Introduced and read first time: February 8, 2021

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Juvenile Law – Juvenile Justice Reform**

3 FOR the purpose of altering provisions of law relating to the jurisdiction of the juvenile
4 court; providing that a child who is under a certain age is not subject to the
5 jurisdiction of the juvenile court and may not be charged with a crime; establishing
6 an exception to the requirement that a certain intake officer forward a certain
7 complaint and copy of a certain intake case file to the State’s Attorney under certain
8 circumstances; altering provisions of law relating to the referral by an intake officer
9 of a complaint alleging the commission of a certain act by a juvenile under certain
10 circumstances; establishing a certain exception to the requirement that a certain
11 intake officer provide certain information to a victim; repealing the requirement that
12 a victim consent before a certain intake officer is authorized to proceed with an
13 informal adjustment of a certain matter; authorizing a court to hold a certain
14 proceeding in abeyance to allow for informal adjustment under certain
15 circumstances; requiring a court to dismiss a delinquency petition under certain
16 circumstances; requiring a court to resume certain proceedings against a child under
17 certain circumstances; requiring the juvenile court or an intake officer to consider
18 the results of a risk scoring instrument under certain circumstances; prohibiting a
19 certain child from being placed in detention before a hearing under certain
20 circumstances; altering a requirement that the Department of Juvenile Services
21 appear at a certain hearing before the juvenile court with a certain child to explain
22 the reasons for the child’s continued detention under certain circumstances;
23 requiring the Department of Juvenile Services to submit a certain plan to the
24 juvenile court within a certain number of days after a decision to detain a certain
25 child; altering a provision of law prohibiting a certain child from being committed to
26 the Department of Juvenile Services for out-of-home placement under certain
27 circumstances; providing for certain maximum periods of time that the juvenile court
28 is authorized to place a child on probation; authorizing the court to extend a certain
29 period of probation by certain periods of time under certain circumstances;
30 prohibiting a certain child from being placed in a facility used for detention for a
31 certain technical violation of probation; authorizing a certain law enforcement officer

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 to issue a citation to a child for an offense that would be a misdemeanor if committed
2 by an adult under certain circumstances and subject to a certain exception; requiring
3 the State Department of Education to develop and implement certain educational
4 programming; requiring the Governor's Office of Crime Prevention, Youth, and
5 Victim Services to request and analyze certain data; requiring the Governor's Office
6 of Crime Prevention, Youth, and Victim Services to annually report certain findings
7 to the Governor and the General Assembly; establishing the Commission on Juvenile
8 Justice Reform and Emerging and Best Practices; providing for the composition,
9 chair, and staffing of the Commission; prohibiting a member of the Commission from
10 receiving certain compensation but authorizing the reimbursement of certain
11 expenses; requiring the Commission to research and evaluate certain matters;
12 requiring the Commission to annually report its findings to the Governor and the
13 General Assembly; requiring the Juvenile Justice Reform Council to submit a
14 supplemental report on its findings and recommendations to the Governor and the
15 General Assembly on or before a certain date; altering the termination date for the
16 Council; requiring the Department of Juvenile Services to report on certain matters
17 to the General Assembly on or before a certain date; requiring the Governor's Office
18 of Crime Prevention, Youth, and Victim Services to develop a certain model policy,
19 study certain matters, and report its findings to the General Assembly on or before
20 a certain date; altering certain definitions; defining certain terms; correcting an
21 obsolete cross-reference; repealing an obsolete term; making conforming changes;
22 and generally relating to juvenile justice.

23 BY repealing and reenacting, without amendments,

24 Article – Courts and Judicial Proceedings

25 Section 3–8A–01(a)

26 Annotated Code of Maryland

27 (2020 Replacement Volume)

28 BY repealing and reenacting, with amendments,

29 Article – Courts and Judicial Proceedings

30 Section 3–8A–01(l) and (dd), 3–8A–03, 3–8A–10(c)(4) and (e), 3–8A–15(b) and (l),
31 3–8A–19(d)(1)(i) and (3)(i), and 3–8A–33(a)

32 Annotated Code of Maryland

33 (2020 Replacement Volume)

34 BY adding to

35 Article – Courts and Judicial Proceedings

36 Section 3–8A–10(n), 3–8A–15(m), 3–8A–19.6, and 3–8A–19.7

37 Annotated Code of Maryland

38 (2020 Replacement Volume)

39 BY repealing and reenacting, with amendments,

40 Article – Education

41 Section 22–303

42 Annotated Code of Maryland

43 (2018 Replacement Volume and 2020 Supplement)

1 BY adding to
2 Article – Public Safety
3 Section 3–523
4 Annotated Code of Maryland
5 (2018 Replacement Volume and 2020 Supplement)

6 BY adding to
7 Article – State Government
8 Section 9–3301 and 9–3302 to be under the new subtitle “Subtitle 33. Commission
9 on Juvenile Justice Reform and Emerging and Best Practices”
10 Annotated Code of Maryland
11 (2014 Replacement Volume and 2020 Supplement)

12 BY repealing and reenacting, with amendments,
13 Chapter 253 of the Acts of the General Assembly of 2019
14 Section 1(g)(2) and 2

15 BY adding to
16 Chapter 253 of the Acts of the General Assembly of 2019
17 Section 1(g)(3)

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

20 **Article – Courts and Judicial Proceedings**

21 3–8A–01.

22 (a) In this subtitle the following words have the meanings indicated, unless the
23 context of their use indicates otherwise.

24 (l) **(1)** “Delinquent act” means an act which would be a crime if committed by
25 an adult.

26 **(2) “DELINQUENT ACT” DOES NOT INCLUDE AN ACT THAT IS:**

27 **(I) COMMITTED IN A SCHOOL; AND**

28 **(II) TRADITIONALLY SUBJECT ONLY TO ADMINISTRATIVE**
29 **DISCIPLINE BY THE SCHOOL.**

30 (dd) “Violation” means a violation for which a citation is issued under:

31 (1) § 5–601 of the Criminal Law Article involving the use or possession of
32 less than 10 grams of marijuana;

1 (2) § 10–113, § 10–114, § 10–115, or § 10–116 of the Criminal Law Article;

2 (3) § 10–132 of the Criminal Law Article;

3 (4) § 10–136 of the Criminal Law Article; [or]

4 (5) § 26–103 of the Education Article; **OR**

5 **(6) § 3–8A–33(A)(2) OF THIS SUBTITLE.**

6 3–8A–03.

7 (a) **EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, A CHILD UNDER**
8 **THE AGE OF 13 YEARS:**

9 **(1) IS NOT SUBJECT TO THE JURISDICTION OF THE COURT UNDER**
10 **THIS SUBTITLE; AND**

11 **(2) MAY NOT BE CHARGED WITH A CRIME.**

12 **(B)** In addition to the jurisdiction specified in Subtitle 8 of this title, the court has
13 exclusive original jurisdiction over:

14 (1) A child who is [alleged] **AT LEAST 13 YEARS OLD:**

15 **(I) ALLEGED** to be delinquent or in need of supervision; or [who]

16 **(II) WHO** has received a citation for a violation;

17 (2) **EXCEPT AS PROVIDED IN SUBSECTION (E) OF THIS SECTION, A**
18 **CHILD WHO IS AT LEAST 10 YEARS OLD ALLEGED TO HAVE DONE AN ACT:**

19 **(I) THAT, IF COMMITTED BY AN ADULT, WOULD CONSTITUTE:**

20 **1. A CRIME PUNISHABLE BY LIFE IMPRISONMENT;**

21 **2. FIRST DEGREE CHILD ABUSE UNDER § 3–601 OF THE**
22 **CRIMINAL LAW ARTICLE;**

23 **3. SEXUAL ABUSE OF A MINOR UNDER § 3–602(B) OF THE**
24 **CRIMINAL LAW ARTICLE;**

1 4. **SECOND DEGREE MURDER UNDER § 2-204 OF THE**
2 **CRIMINAL LAW ARTICLE;**

3 5. **ARMED CARJACKING UNDER § 3-705 OF THE**
4 **CRIMINAL LAW ARTICLE;**

5 6. **SECOND DEGREE RAPE UNDER § 3-304 OF THE**
6 **CRIMINAL LAW ARTICLE;**

7 7. **CONTINUING COURSE OF CONDUCT WITH A CHILD**
8 **UNDER § 3-315 OF THE CRIMINAL LAW ARTICLE; OR**

9 8. **THIRD DEGREE SEXUAL OFFENSE UNDER § 3-307 OF**
10 **THE CRIMINAL LAW ARTICLE; OR**

11 **(II) ARISING OUT OF THE SAME INCIDENT AS AN ACT LISTED IN**
12 **ITEM (I)1 THROUGH 8 OF THIS ITEM;**

13 **(3)** Except as provided in subsection **[(d)(6)] (E)(6)** of this section, a peace
14 order proceeding in which the respondent is a child; and

15 **[(3)] (4)** Proceedings arising under the Interstate Compact on Juveniles.

16 **[(b)] (C)** The court has concurrent jurisdiction over proceedings against an adult
17 for the violation of § 3-8A-30 of this subtitle. However, the court may waive its jurisdiction
18 under this subsection upon its own motion or upon the motion of any party to the
19 proceeding, if charges against the adult arising from the same incident are pending in the
20 criminal court. Upon motion by either the State's Attorney or the adult charged under §
21 3-8A-30 of this subtitle, the court shall waive its jurisdiction, and the adult shall be tried
22 in the criminal court according to the usual criminal procedure.

23 **[(c)] (D)** The jurisdiction of the court is concurrent with that of the District Court
24 in any criminal case arising under the compulsory public school attendance laws of this
25 State.

26 **[(d)] (E)** The court does not have jurisdiction over:

27 (1) A child at least 14 years old alleged to have done an act that, if
28 committed by an adult, would be a crime punishable by life imprisonment, as well as all
29 other charges against the child arising out of the same incident, unless an order removing
30 the proceeding to the court has been filed under § 4-202 of the Criminal Procedure Article;

31 (2) A child at least 16 years old alleged to have done an act in violation of
32 any provision of the Transportation Article or other traffic law or ordinance, except an act
33 that prescribes a penalty of incarceration;

1 (3) A child at least 16 years old alleged to have done an act in violation of
2 any provision of law, rule, or regulation governing the use or operation of a boat, except an
3 act that prescribes a penalty of incarceration;

4 (4) A child at least 16 years old alleged to have committed any of the
5 following crimes, as well as all other charges against the child arising out of the same
6 incident, unless an order removing the proceeding to the court has been filed under §
7 4–202 of the Criminal Procedure Article:

8 (i) Abduction;

9 (ii) Kidnapping;

10 (iii) Second degree murder;

11 (iv) Manslaughter, except involuntary manslaughter;

12 (v) Second degree rape;

13 (vi) Robbery under § 3–403 of the Criminal Law Article;

14 (vii) Third degree sexual offense under § 3–307(a)(1) of the Criminal
15 Law Article;

16 (viii) A crime in violation of § 5–133, § 5–134, § 5–138, or § 5–203 of
17 the Public Safety Article;

18 (ix) Using, wearing, carrying, or transporting a firearm during and
19 in relation to a drug trafficking crime under § 5–621 of the Criminal Law Article;

20 (x) Use of a firearm under § 5–622 of the Criminal Law Article;

21 (xi) Carjacking or armed carjacking under § 3–405 of the Criminal
22 Law Article;

23 (xii) Assault in the first degree under § 3–202 of the Criminal Law
24 Article;

25 (xiii) Attempted murder in the second degree under § 2–206 of the
26 Criminal Law Article;

27 (xiv) Attempted rape in the second degree under § 3–310 of the
28 Criminal Law Article;

29 (xv) Attempted robbery under § 3–403 of the Criminal Law Article; or

1 (xvi) A violation of § 4-203, § 4-204, § 4-404, or § 4-405 of the
2 Criminal Law Article;

3 (5) A child who previously has been convicted as an adult of a felony and is
4 subsequently alleged to have committed an act that would be a felony if committed by an
5 adult, unless an order removing the proceeding to the court has been filed under § 4-202 of
6 the Criminal Procedure Article; or

7 (6) A peace order proceeding in which the victim, as defined in §
8 3-8A-01(cc)(1)(ii) of this subtitle, is a person eligible for relief, as defined in § 4-501 of the
9 Family Law Article.

10 **[(e)] (F)** If the child is charged with two or more violations of the Maryland
11 Vehicle Law, another traffic law or ordinance, or the State Boat Act, allegedly arising out
12 of the same incident and which would result in the child being brought before both the court
13 and a court exercising criminal jurisdiction, the court has exclusive jurisdiction over all of
14 the charges.

15 3-8A-10.

16 (c) (4) (i) **1. [If] EXCEPT AS PROVIDED IN SUBSUBPARAGRAPH 2**
17 **OF THIS SUBPARAGRAPH, IF** a complaint is filed that alleges the commission of an act
18 which would be a felony if committed by an adult or alleges a violation of § 4-203 or §
19 4-204 of the Criminal Law Article, and if the intake officer denies authorization to file a
20 petition or proposes an informal adjustment, the intake officer shall immediately:

21 **[1.] A.** Forward the complaint to the State's Attorney; and

22 **[2.] B.** Forward a copy of the entire intake case file to the
23 State's Attorney with information as to any and all prior intake involvement with the child.

24 **2. FOR A COMPLAINT THAT ALLEGES THE COMMISSION**
25 **OF AN ACT THAT WOULD BE A FELONY IF COMMITTED BY AN ADULT, THE INTAKE**
26 **OFFICER IS NOT REQUIRED TO FORWARD THE COMPLAINT AND COPY OF THE INTAKE**
27 **CASE FILE TO THE STATE'S ATTORNEY IF:**

28 **A. THE INTAKE OFFICER PROPOSES THE MATTER FOR**
29 **INFORMAL ADJUSTMENT;**

30 **B. THE ACT DID NOT INVOLVE THE INTENTIONAL**
31 **CAUSING OF, OR ATTEMPT TO CAUSE, THE DEATH OF OR PHYSICAL INJURY TO**
32 **ANOTHER; AND**

1 **C. THE ACT WOULD NOT BE A CRIME OF VIOLENCE, AS**
2 **DEFINED UNDER § 14-101 OF THE CRIMINAL LAW ARTICLE, IF COMMITTED BY AN**
3 **ADULT.**

4 (ii) The State's Attorney shall make a preliminary review as to
5 whether the court has jurisdiction and whether judicial action is in the best interests of the
6 public or the child. The need for restitution may be considered as one factor in the public
7 interest. After the preliminary review the State's Attorney shall, within 30 days of the
8 receipt of the complaint by the State's Attorney, unless the court extends the time:

9 1. File a petition or a peace order request or both;

10 2. Refer the complaint to the Department of Juvenile
11 Services for informal disposition; or

12 3. Dismiss the complaint.

13 (iii) This subsection may not be construed or interpreted to limit the
14 authority of the State's Attorney to seek a waiver under § 3-8A-06 of this subtitle.

15 (e) (1) **(I) [The] SUBJECT TO SUBPARAGRAPH (II) OF THIS**
16 **PARAGRAPH, THE** intake officer [may propose an informal adjustment of the matter if],
17 based on the complaint and the [inquiry, the intake officer concludes] **INQUIRY, AND**
18 **AFTER CONCLUDING** that the court has jurisdiction [but that], **MAY PROPOSE AN**
19 **INFORMAL ADJUSTMENT OF THE MATTER IF THE INTAKE OFFICER CONCLUDES**
20 **THAT** an informal adjustment, rather than judicial action, is in the best interests of the
21 public and the child.

22 **(II) THE INTAKE OFFICER SHALL PROPOSE AN INFORMAL**
23 **ADJUSTMENT OF THE MATTER IF:**

24 1. **THE CHILD WHO IS THE SUBJECT OF THE COMPLAINT**
25 **HAS NOT BEEN PREVIOUSLY ADJUDICATED DELINQUENT;**

26 2. **A. THE COMPLAINT ALLEGES THAT THE CHILD**
27 **COMMITTED AN ACT THAT WOULD BE A MISDEMEANOR IF COMMITTED BY AN ADULT;**
28 **OR**

29 **B. IF THE COMPLAINT ALLEGES THAT THE CHILD**
30 **COMMITTED AN ACT THAT WOULD BE A FELONY IF COMMITTED BY AN ADULT, THE**
31 **ACT DID NOT INVOLVE THE INTENTIONAL CAUSING OF, OR ATTEMPT TO CAUSE, THE**
32 **DEATH OF OR PHYSICAL INJURY TO ANOTHER AND WOULD NOT BE A CRIME OF**
33 **VIOLENCE, AS DEFINED UNDER § 14-101 OF THE CRIMINAL LAW ARTICLE, IF**
34 **COMMITTED BY AN ADULT; AND**

1 **3. THE COMPLAINT DOES NOT ALLEGE AN ACT**
2 **INVOLVING THE USE OR POSSESSION OF A FIREARM.**

3 (2) (I) **[The] EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS**
4 **PARAGRAPH, THE** intake officer shall propose an informal adjustment by informing the
5 victim, the child, and the child's parent or guardian of the nature of the complaint, the
6 objectives of the adjustment process, and the conditions and procedures under which it will
7 be conducted.

8 (II) **EXCEPT AS OTHERWISE PROVIDED IN THIS SUBSECTION,**
9 **THE INTAKE OFFICER MAY PROCEED WITH AN INFORMAL ADJUSTMENT WITHOUT**
10 **INFORMING THE VICTIM AS REQUIRED BY SUBPARAGRAPH (I) OF THIS PARAGRAPH**
11 **IF THE INTAKE OFFICER HAS MADE REASONABLE EFFORTS TO CONTACT THE VICTIM**
12 **FOR THE PURPOSE OF INFORMING THE VICTIM UNDER SUBPARAGRAPH (I) OF THIS**
13 **PARAGRAPH.**

14 (3) The intake officer may not proceed with an informal adjustment unless
15 the [victim,] the child[,] and the child's parent or guardian consent to the informal
16 adjustment procedure.

17 (N) (1) **SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, AT ANY TIME**
18 **BEFORE AN ADJUDICATORY HEARING, THE COURT MAY HOLD THE PROCEEDINGS IN**
19 **ABEYANCE FOR INFORMAL ADJUSTMENT IF CONSENTED TO BY:**

20 (I) **THE STATE'S ATTORNEY;**

21 (II) **THE CHILD WHO IS THE SUBJECT OF THE PETITION AND THE**
22 **CHILD'S COUNSEL; AND**

23 (III) **THE COURT.**

24 (2) (I) **IF THE CHILD SUCCESSFULLY COMPLETES THE INFORMAL**
25 **ADJUSTMENT, THE COURT SHALL DISMISS THE DELINQUENCY PETITION.**

26 (II) **IF THE CHILD DOES NOT SUCCESSFULLY COMPLETE THE**
27 **INFORMAL ADJUSTMENT, THE COURT SHALL RESUME PROCEEDINGS UNDER THIS**
28 **SUBTITLE AGAINST THE CHILD.**

29 3-8A-15.

30 (b) (1) **[If] SUBJECT TO PARAGRAPHS (2) AND (3) OF THIS SUBSECTION,**
31 **IF** a child is taken into custody under this subtitle, the child may be placed in detention or
32 community detention prior to a hearing if:

1 [(1)] (I) Such action is required to protect the child or others; or

2 [(2)] (II) The child is likely to leave the jurisdiction of the court.

3 (2) (I) **IN THIS PARAGRAPH, “RISK SCORING INSTRUMENT” MEANS**
4 **A TOOL, A METRIC, AN ALGORITHM, OR SOFTWARE THAT:**

5 1. **IS USED TO ASSIST IN DETERMINING THE ELIGIBILITY**
6 **OF A CHILD FOR RELEASE BEFORE A HEARING; AND**

7 2. **HAS BEEN INDEPENDENTLY VALIDATED AT LEAST**
8 **ONCE IN THE PRECEDING 5 YEARS.**

9 (II) **THE COURT OR AN INTAKE OFFICER SHALL CONSIDER THE**
10 **RESULTS OF A RISK SCORING INSTRUMENT BEFORE PLACING A CHILD IN**
11 **DETENTION.**

12 (3) **A CHILD ALLEGED TO HAVE COMMITTED A DELINQUENT ACT MAY**
13 **NOT BE PLACED IN DETENTION BEFORE A HEARING IF THE MOST SERIOUS OFFENSE**
14 **WOULD BE A MISDEMEANOR IF COMMITTED BY AN ADULT, UNLESS:**

15 (I) **THE ACT INVOLVED A HANDGUN AND WOULD BE A**
16 **VIOLATION UNDER THE CRIMINAL LAW ARTICLE OR THE PUBLIC SAFETY ARTICLE**
17 **IF COMMITTED BY AN ADULT; OR**

18 (II) **THE CHILD HAS BEEN ADJUDICATED DELINQUENT AT**
19 **LEAST TWICE IN THE PRECEDING 12 MONTHS.**

20 (l) If a child remains in a facility used for detention [for the specific act for which
21 the child has been adjudicated delinquent for more than 25 days after the court has made
22 a disposition on a petition under § 3–8A–19 of this subtitle], the Department of Juvenile
23 Services shall:

24 (1) **[On the first available court date after the 25th day that the child**
25 **remains in a facility used for detention,] WITHIN 14 DAYS AFTER THE CHILD’S INITIAL**
26 **DETENTION, appear at a hearing before the court with the child to explain the reasons for**
27 **continued detention; and**

28 (2) Every [25] 14 days thereafter, appear at another hearing before the
29 court with the child to explain the reasons for continued detention.

30 (M) **WITHIN 10 DAYS AFTER A DECISION TO DETAIN A CHILD UNDER THIS**
31 **SUBTITLE IN A FACILITY USED FOR DETENTION, THE DEPARTMENT OF JUVENILE**

1 SERVICES SHALL SUBMIT A PLAN TO THE COURT FOR RELEASING THE CHILD INTO
2 THE COMMUNITY.

3 3–8A–19.

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

5 (i) [Place] **SUBJECT TO § 3–8A–19.6 OF THIS SUBTITLE, PLACE**
6 the child on probation or under supervision in his own home or in the custody or under the
7 guardianship of a relative or other fit person, upon terms the court deems appropriate,
8 including community detention;

9 (3) (i) Except as provided in subparagraph (ii) or (iii) of this paragraph,
10 a child may not be committed to the Department of Juvenile Services for out-of-home
11 placement if the most serious offense is:

12 1. Possession of marijuana under § 5–601(c)(2)(ii) of the
13 Criminal Law Article;

14 2. [Possession or purchase of a noncontrolled substance
15 under § 5–618 of the Criminal Law Article;

16 3. Disturbing the peace or disorderly conduct under § 10–201
17 of the Criminal Law Article;

18 4. Malicious destruction of property under § 6–301 of the
19 Criminal Law Article;

20 5. An offense involving inhalants under § 5–708 of the
21 Criminal Law Article;

22 6. An offense involving prostitution under § 11–303, §
23 11–306, or § 11–307 of the Criminal Law Article;

24 7. Theft under § 7–104(g)(2) or (3) of the Criminal Law
25 Article; or

26 8. Trespass under § 6–402(b)(1) or § 6–403(c)(1) of the
27 Criminal Law Article] **AN OFFENSE THAT WOULD BE A MISDEMEANOR IF COMMITTED**
28 **BY AN ADULT, UNLESS:**

29 **A. THE OFFENSE INVOLVES A FIREARM; AND**

30 **B. THE CHILD HAS BEEN ADJUDICATED DELINQUENT ON**
31 **A PRIOR OCCASION FOR AN OFFENSE INVOLVING A FIREARM; OR**

1 **3. A TECHNICAL VIOLATION, AS DEFINED IN § 3-8A-19.7**
2 **OF THIS SUBTITLE.**

3 **3-8A-19.6.**

4 **(A) THE COURT MAY NOT PLACE A CHILD ON PROBATION FOR A TERM**
5 **EXCEEDING THAT PROVIDED IN THIS SECTION.**

6 **(B) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, IF**
7 **THE MOST SERIOUS OFFENSE COMMITTED BY A CHILD WOULD BE A MISDEMEANOR**
8 **IF COMMITTED BY AN ADULT, THE COURT MAY PLACE THE CHILD ON PROBATION**
9 **FOR A PERIOD NOT EXCEEDING 6 MONTHS.**

10 **(2) SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION, THE COURT**
11 **MAY, AFTER A HEARING, EXTEND THE PROBATION BY PERIODS NOT EXCEEDING 3**
12 **MONTHS IF THE COURT FINDS THAT:**

13 **(I) THERE IS GOOD CAUSE TO EXTEND THE PROBATION; AND**

14 **(II) THE PURPOSE OF EXTENDING THE PROBATION IS TO**
15 **ENSURE THAT THE CHILD COMPLETES A TREATMENT OR REHABILITATIVE**
16 **PROGRAM OR SERVICE.**

17 **(3) THE TOTAL PERIOD OF THE PROBATION, INCLUDING EXTENSIONS**
18 **OF THE PROBATION, MAY NOT EXCEED 1 YEAR.**

19 **(C) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION**
20 **AND SUBSECTION (D) OF THIS SECTION, IF THE MOST SERIOUS OFFENSE COMMITTED**
21 **BY A CHILD WOULD BE A FELONY IF COMMITTED BY AN ADULT, THE COURT MAY**
22 **PLACE THE CHILD ON PROBATION FOR A PERIOD NOT EXCEEDING 1 YEAR.**

23 **(2) (I) SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION, THE**
24 **COURT MAY, AFTER A HEARING, EXTEND THE PROBATION BY PERIODS NOT**
25 **EXCEEDING 3 MONTHS IF THE COURT FINDS THAT:**

26 **1. THERE IS GOOD CAUSE TO EXTEND THE PROBATION;**
27 **AND**

28 **2. THE PURPOSE OF EXTENDING THE PROBATION IS TO**
29 **ENSURE THAT THE CHILD COMPLETES A TREATMENT OR REHABILITATIVE**
30 **PROGRAM OR SERVICE.**

1 **(II) EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS**
2 **SUBSECTION, IF THE PROBATION IS EXTENDED UNDER THIS PARAGRAPH, THE**
3 **TOTAL PERIOD OF THE PROBATION MAY NOT EXCEED 2 YEARS.**

4 **(3) (I) SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, THE**
5 **COURT MAY EXTEND THE PERIOD OF THE PROBATION FOR A PERIOD OF TIME**
6 **GREATER THAN THE PERIOD DESCRIBED IN PARAGRAPH (2)(II) OF THIS**
7 **SUBSECTION IF, AFTER A HEARING, THE COURT FINDS BY CLEAR AND CONVINCING**
8 **EVIDENCE THAT:**

9 **1. THERE IS GOOD CAUSE TO EXTEND THE PROBATION;**
10 **AND**

11 **2. EXTENDING THE PROBATION IS IN THE BEST**
12 **INTEREST OF THE CHILD.**

13 **(II) IF THE PROBATION IS EXTENDED UNDER THIS PARAGRAPH,**
14 **THE TOTAL PERIOD OF PROBATION, INCLUDING EXTENSIONS UNDER PARAGRAPH**
15 **(2) OF THIS SUBSECTION, MAY NOT EXCEED 3 YEARS.**

16 **(D) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, IF**
17 **THE MOST SERIOUS OFFENSE COMMITTED BY A CHILD WOULD BE A CRIME THAT, IF**
18 **COMMITTED BY AN ADULT, WOULD BE PUNISHABLE BY LIFE IMPRISONMENT, THE**
19 **COURT MAY PLACE THE CHILD ON PROBATION FOR A PERIOD NOT EXCEEDING 2**
20 **YEARS.**

21 **(2) THE COURT MAY, AFTER A HEARING, EXTEND THE PROBATION BY**
22 **PERIODS NOT EXCEEDING 3 MONTHS IF THE COURT FINDS THAT:**

23 **(I) THERE IS GOOD CAUSE TO EXTEND THE PROBATION; AND**

24 **(II) THE PURPOSE OF EXTENDING THE PROBATION IS TO**
25 **ENSURE THAT THE CHILD COMPLETES A TREATMENT OR REHABILITATIVE**
26 **PROGRAM OR SERVICE.**

27 **3-8A-19.7.**

28 **(A) IN THIS SECTION, “TECHNICAL VIOLATION” MEANS A VIOLATION OF**
29 **PROBATION THAT DOES NOT INVOLVE:**

30 **(1) AN ARREST OR A SUMMONS ISSUED BY A COMMISSIONER ON A**
31 **STATEMENT OF CHARGES FILED BY A LAW ENFORCEMENT OFFICER;**

1 (I) BE COMPREHENSIVE; AND

2 (II) INCLUDE OPTIONAL PROGRAMS IN TECHNICAL AND
3 VOCATIONAL EDUCATION AND TRAINING THAT INCLUDE:

4 1. INSTRUCTION BY HIGHLY QUALIFIED TEACHERS; AND

5 2. ON-THE-JOB TRAINING.

6 (b) This section does not prohibit the Department from contracting with a private
7 party to provide educational services for students with special needs under the control and
8 general management of the Department.

9 Article – Public Safety

10 3–523.

11 (A) THE GOVERNOR’S OFFICE OF CRIME PREVENTION, YOUTH, AND
12 VICTIM SERVICES SHALL REQUEST AND ANALYZE DATA RELATING TO JUVENILES
13 WHO ARE CHARGED, CONVICTED, AND SENTENCED AS ADULTS IN THE STATE,
14 INCLUDING DATA FROM:

15 (1) LAW ENFORCEMENT AGENCIES IN THE STATE;

16 (2) THE ADMINISTRATIVE OFFICE OF THE COURTS;

17 (3) LOCAL CORRECTIONAL FACILITIES IN THE STATE; AND

18 (4) THE DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL
19 SERVICES.

20 (B) THE INFORMATION COLLECTED AND ANALYZED UNDER SUBSECTION (A)
21 OF THIS SECTION SHALL INCLUDE:

22 (1) THE NUMBER OF JUVENILES CHARGED, CONVICTED, AND
23 SENTENCED AS ADULTS;

24 (2) THE OUTCOMES OF CASES INVOLVING JUVENILES CHARGED AS
25 ADULTS, INCLUDING WHETHER THE CASE RESULTED IN CONVICTION, DISMISSAL, OR
26 TRANSFER TO THE JUVENILE COURT UNDER § 4–202, § 4–202.1, OR § 4–202.2 OF THE
27 CRIMINAL PROCEDURE ARTICLE;

1 (C) THE GOVERNOR SHALL DESIGNATE THE CHAIR OF THE COMMISSION.

2 (D) THE DEPARTMENT OF JUVENILE SERVICES AND THE DEPARTMENT OF
3 HUMAN SERVICES SHALL PROVIDE STAFF FOR THE COMMISSION.

4 (E) A MEMBER OF THE COMMISSION:

5 (1) MAY NOT RECEIVE COMPENSATION AS A MEMBER OF THE
6 COMMISSION; BUT

7 (2) IS ENTITLED TO REIMBURSEMENT FOR EXPENSES UNDER THE
8 STANDARD STATE TRAVEL REGULATIONS, AS PROVIDED IN THE STATE BUDGET.

9 (F) THE COMMISSION SHALL:

10 (1) RESEARCH CULTURALLY COMPETENT, EVIDENCE-BASED,
11 RESEARCH-BASED, AND PROMISING PRACTICES RELATING TO:

12 (I) CHILD WELFARE;

13 (II) JUVENILE REHABILITATION;

14 (III) MENTAL HEALTH SERVICES FOR CHILDREN; AND

15 (IV) PREVENTION AND INTERVENTION SERVICES FOR
16 JUVENILES;

17 (2) EVALUATE THE COST-EFFECTIVENESS OF PRACTICES
18 RESEARCHED BY THE COMMISSION;

19 (3) IDENTIFY MEANS OF EVALUATING THE EFFECTIVENESS OF
20 PRACTICES RESEARCHED BY THE COMMISSION; AND

21 (4) GIVING SPECIAL ATTENTION TO ORGANIZATIONS LOCATED IN OR
22 SERVING HISTORICALLY UNDERSERVED COMMUNITIES, IDENTIFY STRATEGIES TO
23 ENABLE COMMUNITY-BASED ORGANIZATIONS THAT PROVIDE SERVICES FOR
24 JUVENILES TO EVALUATE AND VALIDATE SERVICES AND PROGRAMMING PROVIDED
25 BY THOSE ORGANIZATIONS.

26 (G) ON OR BEFORE DECEMBER 31, 2022, AND ON OR BEFORE DECEMBER
27 31 EACH YEAR THEREAFTER, THE COMMISSION SHALL REPORT ITS FINDINGS TO

1 THE GOVERNOR AND, IN ACCORDANCE WITH § 2-1257 OF THIS ARTICLE, THE
2 GENERAL ASSEMBLY.

3 Chapter 253 of the Acts of 2019

4 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
5 That:

6 (g) (2) On or before December 1, 2020, the Council shall submit a final report
7 on its findings and recommendations to the Governor and, in accordance with [§ 2-1246] §
8 2-1257 of the State Government Article, the General Assembly.

9 (3) ON OR BEFORE OCTOBER 1, 2021, THE COUNCIL SHALL SUBMIT A
10 SUPPLEMENTAL REPORT ON ITS FINDINGS AND RECOMMENDATIONS TO THE
11 GOVERNOR AND, IN ACCORDANCE WITH § 2-1257 OF THE STATE GOVERNMENT
12 ARTICLE, THE GENERAL ASSEMBLY.

13 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June
14 1, 2019. It shall remain effective for a period of [2 years] 3 YEARS and 1 month and, at the
15 end of [June 30, 2021,] JUNE 30, 2022, this Act, with no further action required by the
16 General Assembly, shall be abrogated and of no further force and effect.

17 SECTION 2. AND BE IT FURTHER ENACTED, That, on or before April 15, 2022,
18 the Department of Juvenile Services shall report to the General Assembly, in accordance
19 with § 2-1257 of the State Government Article, on:

20 (1) plans to publish an annual report by the Department of Juvenile
21 Services, in consultation with the Maryland Department of Health, on the length of stay
22 for juveniles in secure facilities while undergoing competency evaluations and receiving
23 services;

24 (2) plans for the inclusion of information and data relating to use of a risk
25 assessment tool in the Department of Juvenile Services' Data Resource Guide;

26 (3) the use of community detention for juveniles in the care and custody of
27 the Department of Juvenile Services;

28 (4) the Department of Juvenile Services' development of forms for
29 community detention that do not include information relating to house arrests;

30 (5) the effect of a requirement that the Department of Juvenile Services
31 provide a robust continuum of community-based alternatives to detention in all
32 jurisdictions of the State and recommendations for establishing the requirement;

33 (6) access to mental health services for all juveniles served by the
34 Department of Juvenile Services;

1 (7) the feasibility of and any plans for providing quality, evidence-based
2 programming for juveniles detained in secure juvenile facilities, including educational
3 programming, structured weekend activities, and activities involving family members of
4 detained juveniles;

5 (8) the use of community detention, including electronic monitoring, for
6 juveniles placed on probation;

7 (9) plans to increase the number of shelter beds available in juvenile
8 facilities, particularly beds for girls;

9 (10) plans to track and report data on the number of days juveniles ordered
10 to shelter care placements remain in secure juvenile facilities;

11 (11) minimum training standards for staff at juvenile facilities;

12 (12) surveillance systems at juvenile facilities, including whether all
13 juvenile facilities are equipped with functioning surveillance cameras capable of monitoring
14 all areas of juvenile facilities;

15 (13) minimum standards for facilitating family engagement for juveniles at
16 juvenile facilities, including standards for facilitating daily contact between juveniles and
17 their family members;

18 (14) standards for attorneys to access their clients within all juvenile
19 facilities in the State;

20 (15) plans to adopt cognitive behavioral therapy training and restorative
21 justice training for staff at all juvenile facilities in the State; and

22 (16) plans to transition from the current slate of secure juvenile facilities to
23 ensure access to both nonresidential and residential facilities that use culturally
24 competent, evidence-based programming in all jurisdictions of the State.

25 SECTION 3. AND BE IT FURTHER ENACTED, That, on or before December 31,
26 2022, the Governor's Office of Crime Prevention, Youth, and Victim Services shall:

27 (1) (i) develop a model policy for diversion of juveniles from the juvenile
28 justice system and criminal justice system;

29 (ii) identify funding opportunities to support diversion programs for
30 juveniles in the State, including local programs; and

31 (iii) collect and evaluate data related to the implementation and
32 effectiveness of diversion programs for juveniles in the State; and

1 (2) report its findings to the General Assembly, in accordance with §
2 2–1257 of the State Government Article.

3 SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect June
4 1, 2021.