

HOUSE BILL 459

E3

2lr1704

By: **Delegate Clippinger**

Introduced and read first time: January 20, 2022

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Juvenile Justice Reform**

3 FOR the purpose of altering provisions of law relating to the jurisdiction of the juvenile
4 court, the juvenile intake process, and the placement of a certain child in detention
5 or community detention; altering provisions of law relating to the authority of the
6 juvenile court in making a disposition on a certain petition; specifying the authority
7 of the juvenile court to place a child on probation under certain circumstances;
8 requiring the Governor's Office of Crime Prevention, Youth, and Victim Services to
9 request and analyze certain data, develop a model policy for diversion of juveniles
10 from the juvenile and criminal justice systems, and submit certain reports;
11 establishing the Commission on Juvenile Justice Reform and Emerging and Best
12 Practices; requiring the Department of Juvenile Services to provide a certain report
13 to the General Assembly; and generally relating to juvenile justice.

14 BY repealing and reenacting, with amendments,
15 Article – Courts and Judicial Proceedings
16 Section 3–8A–03, 3–8A–10(c)(4) and (e), 3–8A–15(b) and (f) through (l),
17 3–8A–19(d)(1)(i) and (3), and 3–8A–27(a)(2)(iv)
18 Annotated Code of Maryland
19 (2020 Replacement Volume and 2021 Supplement)

20 BY adding to
21 Article – Courts and Judicial Proceedings
22 Section 3–8A–10(n), 3–8A–15(l), 3–8A–19.6, and 3–8A–19.7
23 Annotated Code of Maryland
24 (2020 Replacement Volume and 2021 Supplement)

25 BY repealing
26 Article – Courts and Judicial Proceedings
27 Section 3–8A–15(e)
28 Annotated Code of Maryland

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (2020 Replacement Volume and 2021 Supplement)

2 BY repealing and reenacting, with amendments,
3 Article – Criminal Procedure
4 Section 4–202(b), (c), and (i)(1), 4–202.2(a), 10–215(a)(20), and 10–216(d)(1)
5 Annotated Code of Maryland
6 (2018 Replacement Volume and 2021 Supplement)

7 BY repealing and reenacting, with amendments,
8 Article – Education
9 Section 7–303(a)(6)(ii)
10 Annotated Code of Maryland
11 (2018 Replacement Volume and 2021 Supplement)

12 BY adding to
13 Article – Public Safety
14 Section 3–530
15 Annotated Code of Maryland
16 (2018 Replacement Volume and 2021 Supplement)

17 BY adding to
18 Article – State Government
19 Section 9–3501 and 9–3502 to be under the new subtitle “Subtitle 35. Commission
20 on Juvenile Justice Reform and Emerging and Best Practices”
21 Annotated Code of Maryland
22 (2021 Replacement Volume)

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

25 **Article – Courts and Judicial Proceedings**

26 3–8A–03.

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

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

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

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

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

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

2 (II) WHO has received a citation for a violation;

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

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

6 1. A CRIME PUNISHABLE BY LIFE IMPRISONMENT;

7 2. FIRST DEGREE CHILD ABUSE UNDER § 3-601 OF THE
8 CRIMINAL LAW ARTICLE;

9 3. SEXUAL ABUSE OF A MINOR UNDER § 3-602(B) OF THE
10 CRIMINAL LAW ARTICLE;

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

13 5. ARMED CARJACKING UNDER § 3-405 OF THE
14 CRIMINAL LAW ARTICLE;

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

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

19 8. THIRD DEGREE SEXUAL OFFENSE UNDER § 3-307 OF
20 THE CRIMINAL LAW ARTICLE; OR

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

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

25 [(3)] (4) Proceedings arising under the Interstate Compact on Juveniles.

26 [(b)] (C) The court has concurrent jurisdiction over proceedings against an adult
27 for the violation of § 3-8A-30 of this subtitle. However, the court may waive its jurisdiction
28 under this subsection upon its own motion or upon the motion of any party to the
29 proceeding, if charges against the adult arising from the same incident are pending in the

1 criminal court. Upon motion by either the State's Attorney or the adult charged under §
2 3-8A-30 of this subtitle, the court shall waive its jurisdiction, and the adult shall be tried
3 in the criminal court according to the usual criminal procedure.

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

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

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

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

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

18 (4) A child at least 16 years old alleged to have committed any of the
19 following crimes, as well as all other charges against the child arising out of the same
20 incident, unless an order removing the proceeding to the court has been filed under §
21 4-202 of the Criminal Procedure Article:

22 (i) Abduction;

23 (ii) Kidnapping;

24 (iii) Second degree murder;

25 (iv) Manslaughter, except involuntary manslaughter;

26 (v) Second degree rape;

27 (vi) Robbery under § 3-403 of the Criminal Law Article;

28 (vii) Third degree sexual offense under § 3-307(a)(1) of the Criminal
29 Law Article;

30 (viii) A crime in violation of § 5-133, § 5-134, § 5-138, or § 5-203 of
31 the Public Safety Article;

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

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

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

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

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

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

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

13 (xvi) A violation of § 4–203, § 4–204, § 4–404, or § 4–405 of the
14 Criminal Law Article;

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

19 (6) A peace order proceeding in which the victim, as defined in §
20 3–8A–01(cc)(1)(ii) of this subtitle, is a person eligible for relief, as defined in § 4–501 of the
21 Family Law Article.

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

27 3–8A–10.

28 (c) (4) (i) **1. [If] EXCEPT AS PROVIDED IN SUBSUBPARAGRAPH 2**
29 **OF THIS SUBPARAGRAPH, IF** a complaint is filed that alleges the commission of an act
30 which would be a felony if committed by an adult or alleges a violation of § 4–203 or §
31 4–204 of the Criminal Law Article, and if the intake officer denies authorization to file a
32 petition or proposes an informal adjustment, the intake officer shall immediately:

33 **[1.] A.** Forward the complaint to the State’s Attorney; and

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

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

7 **A. THE INTAKE OFFICER PROPOSES THE MATTER FOR**
8 **INFORMAL ADJUSTMENT;**

9 **B. THE ACT DID NOT INVOLVE THE INTENTIONAL**
10 **CAUSING OF, OR ATTEMPT TO CAUSE, THE DEATH OF OR PHYSICAL INJURY TO**
11 **ANOTHER; AND**

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

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

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

21 2. Refer the complaint to the Department of Juvenile
22 Services for informal disposition; or

23 3. Dismiss the complaint.

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

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

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

1 **1. THE CHILD WHO IS THE SUBJECT OF THE COMPLAINT**
2 **HAS NOT BEEN PREVIOUSLY:**

3 **A. ADJUDICATED DELINQUENT; OR**

4 **B. REFERRED FOR AN INFORMAL ADJUSTMENT;**

5 **2. A. THE COMPLAINT ALLEGES THAT THE CHILD**
6 **COMMITTED AN ACT THAT WOULD BE A MISDEMEANOR IF COMMITTED BY AN ADULT;**
7 **OR**

8 **B. IF THE COMPLAINT ALLEGES THAT THE CHILD**
9 **COMMITTED AN ACT THAT WOULD BE A FELONY IF COMMITTED BY AN ADULT, THE**
10 **ACT DID NOT INVOLVE THE INTENTIONAL CAUSING OF, OR ATTEMPT TO CAUSE, THE**
11 **DEATH OF OR PHYSICAL INJURY TO ANOTHER AND WOULD NOT BE A CRIME OF**
12 **VIOLENCE, AS DEFINED UNDER § 14-101 OF THE CRIMINAL LAW ARTICLE, IF**
13 **COMMITTED BY AN ADULT; AND**

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

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

21 (II) **EXCEPT AS OTHERWISE PROVIDED IN THIS SUBSECTION,**
22 **THE INTAKE OFFICER MAY PROCEED WITH AN INFORMAL ADJUSTMENT WITHOUT**
23 **INFORMING THE VICTIM AS REQUIRED BY SUBPARAGRAPH (I) OF THIS PARAGRAPH**
24 **IF THE INTAKE OFFICER HAS MADE REASONABLE EFFORTS TO CONTACT THE VICTIM**
25 **FOR THE PURPOSE OF INFORMING THE VICTIM UNDER SUBPARAGRAPH (I) OF THIS**
26 **PARAGRAPH.**

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

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

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

1 **(II) THE CHILD WHO IS THE SUBJECT OF THE PETITION AND THE**
2 **CHILD’S COUNSEL; AND**

3 **(III) THE COURT.**

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

6 **(II) IF THE CHILD DOES NOT SUCCESSFULLY COMPLETE THE**
7 **INFORMAL ADJUSTMENT, THE COURT SHALL RESUME PROCEEDINGS UNDER THIS**
8 **SUBTITLE AGAINST THE CHILD.**

9 3–8A–15.

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

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

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

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

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

19 **2. HAS BEEN INDEPENDENTLY VALIDATED AT LEAST**
20 **ONCE IN THE PRECEDING 5 YEARS.**

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

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

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

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

3 [(e) Notwithstanding any other provision of this section, detention may not be
4 continued beyond emergency detention for a child under the age of 12 years unless:

5 (1) The child is alleged to have committed an act that, if committed by an
6 adult, would be a crime of violence as defined under § 14–101 of the Criminal Law Article;
7 or

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

9 **[(f) (E)** (1) Detention or community detention may not be continued beyond
10 emergency detention or community detention unless, upon an order of court after a hearing,
11 the court has found that one or more of the circumstances stated in subsection (b) of this
12 section exist.

13 (2) A court order under this paragraph shall:

14 (i) Contain a written determination of whether or not the criteria
15 contained in subsection (c)(1) and (2) of this section have been met; and

16 (ii) Specify which of the circumstances stated in subsection (b) of this
17 section exist.

18 (3) (i) If the court has not specifically prohibited community detention,
19 the Department of Juvenile Services may release the child from detention into community
20 detention and place the child in:

21 1. Shelter care; or

22 2. The custody of the child's parent, guardian, custodian, or
23 other person able to provide supervision and care for the child and to return the child to
24 court when required.

25 (ii) If a child who has been released by the Department of Juvenile
26 Services or the court into community detention violates the conditions of community
27 detention, and it is necessary to protect the child or others, an intake officer may authorize
28 the detention of the child.

29 (iii) The Department of Juvenile Services shall promptly notify the
30 court of:

31 1. The release of a child from detention under subparagraph
32 (i) of this paragraph; or

1 (iii) A shelter care facility that is not operating in compliance with
2 applicable State licensing laws.

3 (2) Subject to paragraph (1)(iii) of this subsection, a child alleged to be in
4 need of supervision may be placed in shelter care facilities maintained or approved by the
5 Social Services Administration or the Department of Juvenile Services or in a private home
6 or shelter care facility approved by the court.

7 (3) The Secretary of Human Services and the Secretary of Juvenile
8 Services together, when appropriate, with the Secretary of Health shall jointly adopt
9 regulations to ensure that any child placed in shelter care pursuant to a petition filed under
10 subsection (d) of this section be provided appropriate services, including:

11 (i) Health care services;

12 (ii) Counseling services;

13 (iii) Education services;

14 (iv) Social work services; and

15 (v) Drug and alcohol abuse assessment or treatment services.

16 (4) In addition to any other provision, the regulations shall require:

17 (i) The Department of Juvenile Services to develop a plan within 45
18 days of placement of a child in a shelter care facility to assess the child's treatment needs;
19 and

20 (ii) The plan to be submitted to all parties to the petition and their
21 counsel.

22 **[(j)] (I)** The intake officer or the official who authorized detention, community
23 detention, or shelter care under this subtitle shall immediately give written notice of the
24 authorization for detention, community detention, or shelter care to the child's parent,
25 guardian, or custodian and to the court. The notice shall be accompanied by a statement of
26 the reasons for taking the child into custody and placing him in detention, community
27 detention, or shelter care. This notice may be combined with the notice required under
28 subsection (d) of this section.

29 **[(k)] (J)** (1) If a child is alleged to have committed a delinquent act, the court
30 or a juvenile intake officer shall consider including, as a condition of releasing the child
31 pending an adjudicatory or disposition hearing, reasonable protections for the safety of the
32 alleged victim.

33 (2) If a victim has requested reasonable protections for safety, the court or
34 juvenile intake officer shall consider including, as a condition of releasing the child pending

1 an adjudicatory or disposition hearing, provisions regarding no contact with the alleged
2 victim or the alleged victim's premises or place of employment.

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

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

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

13 **(L) WITHIN 10 DAYS AFTER A DECISION TO DETAIN A CHILD UNDER THIS**
14 **SUBTITLE IN A FACILITY USED FOR DETENTION, THE DEPARTMENT OF JUVENILE**
15 **SERVICES SHALL SUBMIT A PLAN TO THE COURT FOR RELEASING THE CHILD INTO**
16 **THE COMMUNITY.**

17 3–8A–19.

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

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

23 (3) (i) [Except as provided in subparagraph (ii) or (iii) of this
24 paragraph, a] **A** child may not be committed to the Department of Juvenile Services for
25 out-of-home placement if the most serious offense is:

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

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

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

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

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

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

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

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

11 **(II) THE PURPOSE OF EXTENDING THE PROBATION IS TO**
12 **ENSURE THAT THE CHILD COMPLETES A TREATMENT OR REHABILITATIVE**
13 **PROGRAM OR SERVICE.**

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

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

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

23 **1. THERE IS GOOD CAUSE TO EXTEND THE PROBATION;**

24 **AND**

25 **2. THE PURPOSE OF EXTENDING THE PROBATION IS TO**
26 **ENSURE THAT THE CHILD COMPLETES A TREATMENT OR REHABILITATIVE**
27 **PROGRAM OR SERVICE.**

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

31 **(3) (I) SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, THE**
32 **COURT MAY EXTEND THE PERIOD OF THE PROBATION FOR A PERIOD OF TIME**
33 **GREATER THAN THE PERIOD DESCRIBED IN PARAGRAPH (2)(II) OF THIS**

1 SUBSECTION IF, AFTER A HEARING, THE COURT FINDS BY CLEAR AND CONVINCING
2 EVIDENCE THAT:

3 1. THERE IS GOOD CAUSE TO EXTEND THE PROBATION;
4 AND

5 2. EXTENDING THE PROBATION IS IN THE BEST
6 INTEREST OF THE CHILD.

7 (II) IF THE PROBATION IS EXTENDED UNDER THIS PARAGRAPH,
8 THE TOTAL PERIOD OF PROBATION, INCLUDING EXTENSIONS UNDER PARAGRAPH
9 (2) OF THIS SUBSECTION, MAY NOT EXCEED 3 YEARS.

10 (D) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, IF
11 THE MOST SERIOUS OFFENSE COMMITTED BY A CHILD WOULD BE A CRIME THAT, IF
12 COMMITTED BY AN ADULT, WOULD BE PUNISHABLE BY LIFE IMPRISONMENT, THE
13 COURT MAY PLACE THE CHILD ON PROBATION FOR A PERIOD NOT EXCEEDING 2
14 YEARS.

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

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

18 (II) THE PURPOSE OF EXTENDING THE PROBATION IS TO
19 ENSURE THAT THE CHILD COMPLETES A TREATMENT OR REHABILITATIVE
20 PROGRAM OR SERVICE.

21 3-8A-19.7.

22 (A) IN THIS SECTION, "TECHNICAL VIOLATION" MEANS A VIOLATION OF
23 PROBATION THAT DOES NOT INVOLVE:

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

26 (2) A VIOLATION OF A CRIMINAL PROHIBITION, OR AN ACT THAT
27 WOULD BE A VIOLATION OF A CRIMINAL PROHIBITION IF COMMITTED BY AN ADULT,
28 OTHER THAN A MINOR TRAFFIC OFFENSE;

29 (3) A VIOLATION OF A NO-CONTACT OR STAY-AWAY ORDER; OR

30 (4) ABSCONDING.

1 (3) the court determines by a preponderance of the evidence that a transfer
2 of its jurisdiction is in the interest of the child or society.

3 (c) The court may not transfer a case to the juvenile court under subsection (b) of
4 this section if:

5 (1) the child was convicted in an unrelated case excluded from the
6 jurisdiction of the juvenile court under [§ 3-8A-03(d)(1) or (4)] **§ 3-8A-03(E)(1) OR (4)** of
7 the Courts Article; or

8 (2) the alleged crime is murder in the first degree and the accused child
9 was 16 or 17 years of age when the alleged crime was committed.

10 (i) (1) The provisions of § 3-8A-27 of the Courts Article relating to
11 confidentiality of records apply to all police records and court records concerning the child
12 excluded from the jurisdiction of the juvenile court under [§ 3-8A-03(d)(1), (4), or (5)] **§**
13 **3-8A-03(E)(1), (4), OR (5)** of the Courts Article from the time of the child's arrest until:

14 (i) the time for filing of a motion to transfer to juvenile court under
15 the Maryland Rules has expired and no such motion has been filed; or

16 (ii) a motion to transfer to juvenile court has been denied.

17 4-202.2.

18 (a) At sentencing, a court exercising criminal jurisdiction in a case involving a
19 child shall determine whether to transfer jurisdiction to the juvenile court if:

20 (1) as a result of trial or a plea entered under Maryland Rule 4-242, all
21 charges that excluded jurisdiction from the juvenile court under [§ 3-8A-03(d)(1) or (4)] **§**
22 **3-8A-03(E)(1) OR (4)** of the Courts Article do not result in a finding of guilty; and

23 (2) (i) pretrial transfer was prohibited under § 4-202(c)(2) of this
24 subtitle; or

25 (ii) the court did not transfer jurisdiction after a hearing under §
26 4-202(b) of this subtitle.

27 10-215.

28 (a) The following events are reportable events under this subtitle that must be
29 reported to the Central Repository in accordance with § 10-214 of this subtitle:

30 (20) an adjudication of a child as delinquent:

1 (i) if the child is at least 14 years old, for an act described in [§
2 3-8A-03(d)(1)] **§ 3-8A-03(E)(1)** of the Courts Article; or

3 (ii) if the child is at least 16 years old, for an act described in [§
4 3-8A-03(d)(4) or (5)] **§ 3-8A-03(E)(4) OR (5)** of the Courts Article;

5 10-216.

6 (d) (1) This subsection only applies to an adjudication of delinquency of a child:

7 (i) for an act described in [§ 3-8A-03(d)(1)] **§ 3-8A-03(E)(1)** of the
8 Courts Article if the child is at least 14 years old; or

9 (ii) for an act described in [§ 3-8A-03(d)(4) or (5)] **§ 3-8A-03(E)(4)**
10 **OR (5)** of the Courts Article if the child is at least 16 years old.

11 **Article – Education**

12 7-303.

13 (a) (6) “Reportable offense” means:

14 (ii) Any of the offenses enumerated in [§ 3-8A-03(d)(4)] **§**
15 **3-8A-03(E)(4)** of the Courts Article;

16 **Article – Public Safety**

17 **3-530.**

18 (A) **THE GOVERNOR’S OFFICE OF CRIME PREVENTION, YOUTH, AND**
19 **VICTIM SERVICES SHALL REQUEST AND ANALYZE DATA RELATING TO JUVENILES**
20 **WHO ARE CHARGED, CONVICTED, AND SENTENCED AS ADULTS IN THE STATE,**
21 **INCLUDING DATA FROM:**

22 (1) **LAW ENFORCEMENT AGENCIES IN THE STATE;**

23 (2) **THE ADMINISTRATIVE OFFICE OF THE COURTS;**

24 (3) **LOCAL CORRECTIONAL FACILITIES IN THE STATE; AND**

25 (4) **THE DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL**
26 **SERVICES.**

27 (B) **THE INFORMATION COLLECTED AND ANALYZED UNDER SUBSECTION (A)**
28 **OF THIS SECTION SHALL INCLUDE:**

1 **(3) THE SECRETARY OF JUVENILE SERVICES;**

2 **(4) THE SECRETARY OF HUMAN SERVICES; AND**

3 **(5) THE FOLLOWING MEMBERS, APPOINTED BY THE GOVERNOR:**

4 **(I) ONE REPRESENTATIVE OF AN INSTITUTE FOR PUBLIC**
5 **POLICY THAT SPECIALIZES IN JUVENILE JUSTICE ISSUES IN THE STATE;**

6 **(II) ONE REPRESENTATIVE OF AN INSTITUTE OPERATED BY THE**
7 **UNIVERSITY OF MARYLAND SPECIALIZING IN PROVIDING EVIDENCE-BASED AND**
8 **CULTURALLY COMPETENT SERVICES FOR JUVENILES; AND**

9 **(III) THREE REPRESENTATIVES WITH RELEVANT EDUCATION**
10 **AND EXPERIENCE.**

11 **(C) THE GOVERNOR SHALL DESIGNATE THE CHAIR OF THE COMMISSION.**

12 **(D) THE DEPARTMENT OF JUVENILE SERVICES AND THE DEPARTMENT OF**
13 **HUMAN SERVICES SHALL PROVIDE STAFF FOR THE COMMISSION.**

14 **(E) A MEMBER OF THE COMMISSION:**

15 **(1) MAY NOT RECEIVE COMPENSATION AS A MEMBER OF THE**
16 **COMMISSION; BUT**

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

19 **(F) THE COMMISSION SHALL:**

20 **(1) RESEARCH CULTURALLY COMPETENT, EVIDENCE-BASED,**
21 **RESEARCH-BASED, AND PROMISING PRACTICES RELATING TO:**

22 **(I) CHILD WELFARE;**

23 **(II) JUVENILE REHABILITATION;**

24 **(III) MENTAL HEALTH SERVICES FOR CHILDREN; AND**

25 **(IV) PREVENTION AND INTERVENTION SERVICES FOR**
26 **JUVENILES;**

27 **(2) EVALUATE THE COST-EFFECTIVENESS OF PRACTICES**
28 **RESEARCHED BY THE COMMISSION;**

1 **(3) IDENTIFY MEANS OF EVALUATING THE EFFECTIVENESS OF**
2 **PRACTICES RESEARCHED BY THE COMMISSION; AND**

3 **(4) GIVING SPECIAL ATTENTION TO ORGANIZATIONS LOCATED IN OR**
4 **SERVING HISTORICALLY UNDERSERVED COMMUNITIES, IDENTIFY STRATEGIES TO**
5 **ENABLE COMMUNITY-BASED ORGANIZATIONS THAT PROVIDE SERVICES FOR**
6 **JUVENILES TO EVALUATE AND VALIDATE SERVICES AND PROGRAMMING PROVIDED**
7 **BY THOSE ORGANIZATIONS.**

8 **(G) ON OR BEFORE DECEMBER 31, 2023, AND ON OR BEFORE DECEMBER**
9 **31 EACH YEAR THEREAFTER, THE COMMISSION SHALL REPORT ITS FINDINGS TO**
10 **THE GOVERNOR AND, IN ACCORDANCE WITH § 2-1257 OF THIS ARTICLE, THE**
11 **GENERAL ASSEMBLY.**

12 SECTION 2. AND BE IT FURTHER ENACTED, That, on or before April 15, 2023,
13 the Department of Juvenile Services shall report to the General Assembly, in accordance
14 with § 2-1257 of the State Government Article, on:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

21 SECTION 3. AND BE IT FURTHER ENACTED, That, on or before December 31,
22 2023, the Governor's Office of Crime Prevention, Youth, and Victim Services shall:

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

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

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

29 (2) report its findings to the General Assembly, in accordance with §
30 2-1257 of the State Government Article.

31 SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect June
32 1, 2022.

