

SB0134/343925/1

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 134
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike “**Senator Hettleman**” and substitute “**Senators Hettleman, Carter, Charles, Smith, Sydnor, Waldstreicher, and West**”.

AMENDMENT NO. 2

On page 1, in line 2, strike “**Attorney General –**”; in the same line, strike “**Unit**” and substitute “**– Establishment and Funding**”; in line 3, after the second “the” insert “**Office of the**”; in lines 3 and 4, strike “Unit in the Office of the Attorney General”; in line 4, after the semicolon insert “**authorizing the Justice Reinvestment Oversight Board to make a recommendation for the distribution of money from the Performance Incentive Grant Fund to the Office;**”; in lines 4, 7, and 11, in each instance, strike “Unit” and substitute “**Office**”; in line 6, after “Services” insert “**, the Department of Juvenile Services**”; in the same line, strike “the Department” and substitute “**either department**”; in line 9, after “Board,” insert “**transferring the Juvenile Justice Monitoring Unit of the Office of the Attorney General into the Office of the Correctional Ombudsman; authorizing the Unit to subpoena an individual to give sworn testimony or produce documentary evidence;**”; in line 10, after “Department” insert “**of Public Safety and Correctional Services or the Department of Juvenile Services**”; in line 12, after “the” insert “**Office of the**”; in the same line, strike “Unit”; after line 12, insert:

“**BY renumbering**

Article - State Government

Section 6-401 through 6-406 and the subtitle “Subtitle 4. Juvenile Justice Monitoring Unit”

to be Section 9-3811 through 9-3816, respectively, and the part “Part II. Juvenile Justice Monitoring Unit”

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Annotated Code of Maryland
(2021 Replacement Volume and 2023 Supplement)

BY repealing and reenacting, without amendments,

Article - State Government

Section 9-3201

Annotated Code of Maryland

(2021 Replacement Volume and 2023 Supplement)

BY repealing and reenacting, with amendments,

Article - State Government

Section 9-3207(b)

Annotated Code of Maryland

(2021 Replacement Volume and 2023 Supplement)”;

in line 15, strike “6–901 through 6–907” and substitute “9–3801 through 9–3808”; in the same line, strike “9.” and substitute “38. Office of the”; in line 16, strike “Unit” and substitute “” and the part “Part I. Established”; and after line 18, insert:

“BY repealing and reenacting, with amendments,

Article – State Government

Section 9-3811 through 9-3813 and 9–3815

Annotated Code of Maryland

(2021 Replacement Volume and 2023 Supplement)

(As enacted by Section 1 of this Act)

BY repealing and reenacting, without amendments,

Article – State Government

Section 9-3814 and 9–3816(a)

Annotated Code of Maryland

(2021 Replacement Volume and 2023 Supplement)

(As enacted by Section 1 of this Act)”.

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AMENDMENT NO. 3

On page 1, in line 25, after “That” insert “Section(s) 6-401 through 6-406 and the subtitle “Subtitle 4. Juvenile Justice Monitoring Unit” of Article – State Government of the Annotated Code of Maryland be renumbered to be Section(s) 9-3811 through 9-3816, respectively, and the part “Part II. Juvenile Justice Monitoring Unit”.”

SECTION 2. AND BE IT FURTHER ENACTED, That”;

and after line 26, insert:

“9–3201.

(a) In this subtitle the following words have the meanings indicated.

(b) “Board” means the Justice Reinvestment Oversight Board.

(c) “Executive Director” means the Executive Director of the Governor’s Office of Crime Prevention, Youth, and Victim Services.

(d) “Fund” means the Performance Incentive Grant Fund established in § 9–3209 of this subtitle.

9–3207.

(b) (1) In collaboration with the Department of Public Safety and Correctional Services, the Board shall determine the annual savings from the implementation of the recommendations of the Justice Reinvestment Coordinating Council based on the difference between the prison population as measured on October 1, 2017, the baseline day, and the prison population as measured on October 1, 2018, the comparison day, and the variable cost of incarceration.

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(2) If the prison population on the comparison day is less than the prison population on the baseline day, the Board shall determine a savings based on the difference in the prison population multiplied by the variable cost.

(3) The Board annually shall determine the difference between the prison population on October 1, 2017, and the prison population on October 1 of the current year and calculate any savings in accordance with paragraph (2) of this subsection.

(4) If a prison population decline causes a correctional unit, wing, or facility to close, the Board shall conduct an assessment to determine the savings from the closure and distribute the savings, realized annually, according to the schedule in paragraph (5) of this subsection.

(5) The Board annually shall recommend that the savings identified in paragraphs (2) through (4) of this subsection be distributed as follows:

(i) up to 50% of the savings shall be placed in the Performance Incentive Grant Fund for purposes established under § 9–3209(b)(1) of this subtitle; and

(ii) subject to paragraph (6) of this subsection, the remaining savings shall be used for additional services identified as reinvestment priorities in the Justice Reinvestment Coordinating Council’s Final Report.

(6) The Board may recommend that a portion of the remaining savings identified under paragraph (5)(ii) of this subsection be:

(I) used for the development and implementation of a post-secondary education and workforce training program for each correctional institution in the Division of Correction that provides inmates with the requisite training, certifications, and experience to obtain careers in in-demand job sectors; OR

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(II) DISTRIBUTED TO THE OFFICE OF THE CORRECTIONAL OMBUDSMAN.

On page 2, in line 1, strike “9.” and substitute “**38. OFFICE OF THE**”; in the same line, strike “UNIT”; after line 1, insert:

“PART I. ESTABLISHED.”;

in line 2, strike “6-901.” and substitute “**9-3801.**”; in lines 11, 13, 15, and 22, in each instance, after “SERVICES” insert “**OR THE DEPARTMENT OF JUVENILE SERVICES**”; and in lines 16 and 17, strike “THE DEPARTMENT” and substitute “**EITHER DEPARTMENT**”.

On page 3, in line 9, after “(E)” insert “**“OFFICE” MEANS THE OFFICE OF THE CORRECTIONAL OMBUDSMAN.**

(F);

strike in their entirety lines 12 through 14, inclusive; after line 14, insert “**9-3802.**”; in line 15, strike “A” and substitute “**AN OFFICE OF THE**”; in lines 15 and 16, strike “UNIT IN THE OFFICE OF THE ATTORNEY GENERAL” and substitute “**ESTABLISHED AS AN INDEPENDENT UNIT OF STATE GOVERNMENT**”; in line 17, strike “6-903.” and substitute “**9-3803.**”; in line 18, strike “UNIT” and substitute “**OFFICE**”; and in line 21, strike “ATTORNEY GENERAL” and substitute “**GOVERNOR**”.

On page 4, in line 1, strike “UNIT” and substitute “**OFFICE**”; strike in their entirety lines 2 through 6, inclusive; after line 6, insert “**9-3804.**”; and in line 7, strike “UNIT” and substitute “**OFFICE**”.

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On page 5, in lines 11, 14, 15, 24, 26, and 28, in each instance, strike “UNIT” and substitute “OFFICE”.

On page 6, in lines 2, 4, 6, 11, and 29, in each instance, strike “UNIT” and substitute “OFFICE”; in line 4, strike “(1)”; strike in their entirety lines 8 through 10, inclusive; strike beginning with “SUBPOENA” in line 19 down through “(6)” in line 22; in line 24, strike “(7)” and substitute “(6)”; after line 27, insert:

“(E) (1) THE OFFICE MAY SUBPOENA ANY INDIVIDUAL TO APPEAR TO GIVE SWORN TESTIMONY OR PRODUCE DOCUMENTARY EVIDENCE THAT IS REASONABLY NECESSARY TO CARRY OUT THE OFFICE’S DUTIES.

(2) IF AN INDIVIDUAL FAILS OR REFUSES TO COMPLY WITH A SUBPOENA ISSUED BY THE OFFICE, A COURT OF COMPETENT JURISDICTION, ON THE APPLICATION OF THE OFFICE, MAY ISSUE AN ATTACHMENT FOR THE INDIVIDUAL AND COMPEL THE INDIVIDUAL TO COMPLY WITH THE SUBPOENA, APPEAR BEFORE THE OFFICE, AND PRODUCE DOCUMENTARY EVIDENCE FOR EXAMINATION AND GIVE TESTIMONY.

(3) IF AN INDIVIDUAL DISOBEYS A SUBPOENA OR REFUSES TO TESTIFY, THE COURT MAY PUNISH THE INDIVIDUAL FOR CONTEMPT.”;

in line 28, strike “(E)” and substitute “(F)”; in line 29, strike “AND THE OFFICE OF THE ATTORNEY GENERAL”; and in line 32, strike “UNIT’S” and substitute “OFFICE’S”.

On page 7, in lines 3, 13, and 30, strike “6-905.”, “6-906.”, and “6-907.”, respectively, and substitute “9-3805.”, “9-3806.”, and “9-3807.”, respectively; in lines 4, 10, 14, 17, 19, 21, and 25, strike “UNIT” and substitute “OFFICE”; and in line 29, strike “UNIT’S” and substitute “OFFICE’S”.

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On page 8, in lines 5 and 18, in each instance, strike “UNIT” and substitute “OFFICE”; in lines 8 and 9, in each instance, strike “ATTORNEY GENERAL” and substitute “GOVERNOR”; after line 17, insert:

“(F) A MEMBER OF THE BOARD SERVES AT THE PLEASURE OF THE GOVERNOR.”;

in line 18, strike “(F)” and substitute “(G)”; and after line 18, insert:

“9-3808.

(A) THE OFFICE SHALL REVIEW POTENTIAL FEDERAL FUNDING SOURCES, INCLUDING GRANTS OFFERED UNDER THE JUSTICE REINVESTMENT INITIATIVE AND THE SECOND CHANCE ACT.

(B) THE OFFICE MAY APPLY FOR RELEVANT FUNDING SOURCES.

9-3809. Reserved.

9-3810. Reserved.

Part II. Juvenile Justice Monitoring Unit.

9-3811.

- (a) In this [subtitle] PART the following words have the meanings indicated.
- (b) “Department” means the Department of Juvenile Services.
- (c) “Disciplinary action” means any punitive action against a child that results in more security, additional obligations, or less personal freedom.

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(d) “Deputy Director” means the Deputy Director of the Division of Children and Youth of the Governor’s Office of Crime Prevention, Youth, and Victim Services.

(e) “Facility” means:

(1) a residential facility operated by the Department;

(2) a residential facility owned by the Department but privately operated; and

(3) a residential facility licensed by the Department.

(f) (1) “Grievance” means a complaint made by a child or on behalf of a child due to a circumstance or an action considered to be unjust.

(2) “Grievance” does not include an employee grievance, disciplinary appeal, or complaint.

(g) “Juvenile justice monitor” means an individual employed by the Office of the [Attorney General] CORRECTIONAL OMBUDSMAN to determine whether the needs of children under the jurisdiction of the Department are being met in compliance with State law, that their rights are being upheld, and that they are not being abused.

(h) “Secretary” means the Secretary of Juvenile Services.

(i) “Unit” means the Juvenile Justice Monitoring Unit of the Office [of the Attorney General].

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(a) There is a Juvenile Justice Monitoring Unit of the Office of the [Attorney General] CORRECTIONAL OMBUDSMAN.

(b) The function of the Unit is to investigate and determine whether the needs of children under the jurisdiction of the Department of Juvenile Services are being met in compliance with State law, that their rights are being upheld, and that they are not being abused.

9-3813.

(a) The Unit shall include:

(1) a full-time Director of Juvenile Justice Monitoring; and

(2) staff, including juvenile justice monitors, as provided in the State budget.

(b) Salaries of the Director and juvenile justice monitors and expenses for rent, equipment, supplies, and general operating expenses necessary for the work of the Unit shall be as provided in the State budget.

(c) In cooperation with the Secretary of Budget and Management, the [Attorney General] CORRECTIONAL OMBUDSMAN shall set minimum salaries, qualifications, and standards of training and experience for positions with the Unit.

9-3814.

The Unit shall:

(1) evaluate at each facility:

(i) the child advocacy grievance process;

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- (ii) the Department's monitoring process;
 - (iii) the treatment of and services to youth;
 - (iv) the physical conditions of the facility; and
 - (v) the adequacy of staffing;
- (2) review all reports of disciplinary actions, grievances, and grievance dispositions received from each facility and alterations in the status or placement of a child that result in more security, additional obligations, or less personal freedom;
- (3) receive copies of the grievances submitted to the Department;
 - (4) perform unannounced site visits and on-site inspections of facilities;
 - (5) receive and review all incident reports submitted to the Department from facilities;
 - (6) receive reports of the findings of child protective services investigations of allegations of abuse or neglect of a child in a facility;
 - (7) ensure that each facility is in compliance with the regulations applicable to residential facilities;
 - (8) monitor the implementation of educational programs at each residential facility;
 - (9) collaborate with the Department, the Department of Human Services, the Maryland Department of Health, and the Division of Children and Youth

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of the Governor's Office of Crime Prevention, Youth, and Victim Services in all matters related to the licensing and monitoring of children's residential facilities; and

(10) have a representative available to attend meetings of the advisory boards established under § 9-230 of the Human Services Article and meetings of the Juvenile Services Education Board established under § 9-502 of the Human Services Article.

9-3815.

(A) The Unit may:

(1) review relevant laws, policies, procedures, and juvenile justice records, including records relating to individual youth;

(2) on request, conduct interviews with staff, youth, and others;

(3) review investigative reports produced by the Department relating to youth in facilities; and

(4) participate, within the context of the local department of social services' multidisciplinary team process, in a child protective services investigation conducted under Title 5, Subtitle 7 of the Family Law Article concerning any allegation of abuse or neglect within any assigned facility.

(B) (1) THE UNIT MAY SUBPOENA ANY INDIVIDUAL TO APPEAR TO GIVE SWORN TESTIMONY OR PRODUCE DOCUMENTARY EVIDENCE THAT IS REASONABLY NECESSARY TO CARRY OUT THE UNIT'S DUTIES.

(2) IF AN INDIVIDUAL FAILS OR REFUSES TO COMPLY WITH A SUBPOENA ISSUED BY THE UNIT, A COURT OF COMPETENT JURISDICTION, ON

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THE APPLICATION OF THE UNIT, MAY ISSUE AN ATTACHMENT FOR THE INDIVIDUAL AND COMPEL THE INDIVIDUAL TO COMPLY WITH THE SUBPOENA, AND APPEAR BEFORE THE UNIT AND PRODUCE DOCUMENTARY EVIDENCE FOR EXAMINATION AND GIVE TESTIMONY.

(3) IF AN INDIVIDUAL DISOBEYS A SUBPOENA OR REFUSES TO TESTIFY, THE COURT MAY PUNISH THE INDIVIDUAL FOR CONTEMPT.

9-3816.

(a) The Unit shall report in a timely manner to the Deputy Director, the Secretary, and, in accordance with § 2-1257 of this article, the Speaker of the House of Delegates and the President of the Senate:

(1) knowledge of any problem regarding the care, supervision, and treatment of children in facilities;

(2) findings, actions, and recommendations, related to the investigations of disciplinary actions, grievances, incident reports, and alleged cases of child abuse and neglect; and

(3) all other findings and actions related to the monitoring required under this subtitle.”.

On page 9, in line 3, after the second “the” insert “OFFICE OF THE CORRECTIONAL OMBUDSMAN, INCLUDING THE”; in line 4, strike “§ 6-404(1)” and substitute “§ 9-3814”; in line 8, after “THE” insert “OFFICE OF THE”; in the same line, strike “UNIT”; in line 9, strike “UNIT’S” and substitute “OFFICE’S”; in the same line, strike “§ 6-904” and substitute “§ 9-3804”; after line 12, insert:

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“SECTION 3. AND BE IT FURTHER ENACTED, That the Governor shall transfer four positions and \$603,067 in general funds for the Juvenile Justice Monitoring Unit as of July 1, 2024, from C81C00.12 Office of the Attorney General – Juvenile Justice Monitoring Unit to the Office of the Correctional Ombudsman established under Section 2 of this Act.”;

in lines 13, 19, 24, and 29, and 33, strike “2.”, “3.”, “4.”, “5.”, and “6.”, respectively, and substitute “4.”, “5.”, “6.”, “7.”, and “8.”, respectively; in lines 16, 30, and 34, in each instance, after “the” insert “Office of the”; in lines 16, 20, 23, 26, 30, and 34, in each instance, strike “Unit”; in line 17, strike “Unit” and substitute “Office”; in line 20, after the first “the” insert “Office of the”; in line 22, after the second “the” insert “Office”; in the same line, strike “Correctional Ombudsman”; and in line 25, after the second “the” insert “Office of the”.

On page 10, in line 8, strike “7.” and substitute “9.”.

AMENDMENT NO. 4

On page 8, in line 15, strike “AND”; and in line 17, strike the period and substitute “;AND”

(6) INDIVIDUALS WITH BACKGROUNDS IN MENTAL HEALTH CARE AND SUBSTANCE ABUSE TREATMENT.”.