

HOUSE BILL 556

E3

4lr2149

By: **Delegate Attar**

Introduced and read first time: January 24, 2024

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Juvenile Law – Violations of Electronic Monitoring – Notification**

3 FOR the purpose of requiring the Department of Juvenile Services to notify the juvenile
4 court, the State’s Attorney, and the defense counsel within 24 hours after a child’s
5 violation of an electronic monitoring agreement under certain circumstances; and
6 generally relating to juveniles and electronic monitoring.

7 BY repealing and reenacting, without amendments,
8 Article – Courts and Judicial Proceedings
9 Section 3–8A–01(h)
10 Annotated Code of Maryland
11 (2020 Replacement Volume and 2023 Supplement)

12 BY repealing and reenacting, with amendments,
13 Article – Courts and Judicial Proceedings
14 Section 3–8A–19(d)
15 Annotated Code of Maryland
16 (2020 Replacement Volume and 2023 Supplement)

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

19 **Article – Courts and Judicial Proceedings**

20 3–8A–01.

21 (h) (1) “Community detention” means a program monitored by the
22 Department of Juvenile Services in which a delinquent child or a child alleged to be
23 delinquent is placed in the home of a parent, guardian, custodian, or other fit person, or in
24 shelter care, as a condition of probation or as an alternative to detention.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (2) "Community detention" includes electronic monitoring.

2 3-8A-19.

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

4 (i) Subject to § 3-8A-19.6 of this subtitle, place the child on
5 probation or under supervision in his own home or in the custody or under the guardianship
6 of a relative or other fit person, upon terms the court deems appropriate, including
7 community detention;

8 (ii) Subject to the provisions of paragraphs (2) and (3) of this
9 subsection, commit the child to the custody or under the guardianship of the Department
10 of Juvenile Services, the Maryland Department of Health, or a public or licensed private
11 agency on terms that the court considers appropriate to meet the priorities set forth in §
12 3-8A-02 of this subtitle, including designation of the type of facility where the child is to
13 be accommodated, until custody or guardianship is terminated with approval of the court
14 or as required under § 3-8A-24 of this subtitle; or

15 (iii) Order the child, parents, guardian, or custodian of the child to
16 participate in rehabilitative services that are in the best interest of the child and the family.

17 (2) In addition to the provisions of paragraph (1) of this subsection, in
18 making a disposition on a petition, the court may adopt a treatment service plan, as defined
19 in § 3-8A-20.1 of this subtitle.

20 (3) (i) A child may not be committed to the Department of Juvenile
21 Services for out-of-home placement if the most serious offense is:

22 1. Possession of cannabis under § 5-601(c)(2)(ii) of the
23 Criminal Law Article;

24 2. An offense that would be a misdemeanor if committed by
25 an adult, unless the offense involves a firearm;

26 3. A technical violation, as defined in § 3-8A-19.6 of this
27 subtitle; or

28 4. A first-time violation for making a false statement, report,
29 or complaint of an emergency or a crime under § 9-501.1 of the Criminal Law Article.

30 (ii) This paragraph may not be construed to prohibit the court from
31 committing the child to another appropriate agency.

32 (4) A child committed under paragraph (1)(ii) of this subsection may not be
33 accommodated in a facility that has reached budgeted capacity if a bed is available in
34 another comparable facility in the State, unless the placement to the facility that has

1 reached budgeted capacity has been recommended by the Department of Juvenile Services.

2 (5) The court shall consider any oral address made in accordance with §
3 11–403 of the Criminal Procedure Article or any victim impact statement, as described in
4 § 11–402 of the Criminal Procedure Article, in determining an appropriate disposition on a
5 petition.

6 (6) (i) If the court finds that a child enrolled in a public elementary or
7 secondary school is delinquent or in need of supervision and commits the child to the
8 custody or under the guardianship of the Department of Juvenile Services, the court may
9 notify the county superintendent, the supervisor of pupil personnel, or any other official
10 designated by the county superintendent of the fact that the child has been found to be
11 delinquent or in need of supervision and has been committed to the custody or under the
12 guardianship of the Department of Juvenile Services.

13 (ii) If the court rescinds the commitment order for a child enrolled in
14 a public elementary or secondary school, the court may notify the county superintendent,
15 the supervisor of pupil personnel, or any other official designated by the county
16 superintendent of the fact that the child is no longer committed to the custody of the
17 Department of Juvenile Services.

18 (iii) The notice authorized under subparagraphs (i) and (ii) of this
19 paragraph may not include any order or pleading related to the delinquency or child in need
20 of supervision case.

21 **(7) IF A CHILD PLACED IN COMMUNITY DETENTION UNDER AN**
22 **ELECTRONIC MONITORING AGREEMENT UNDER THIS SUBSECTION VIOLATES THE**
23 **AGREEMENT, THE DEPARTMENT OF JUVENILE SERVICES SHALL NOTIFY WITHIN 24**
24 **HOURS AFTER THE VIOLATION:**

25 **(I) THE JUVENILE COURT;**

26 **(II) THE OFFICE OF THE STATE’S ATTORNEY; AND**

27 **(III) THE CHILD’S DEFENSE ATTORNEY.**

28 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
29 October 1, 2024.