

# HOUSE BILL 814

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CF SB 744

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By: **The Speaker and Delegate Clippinger**

Introduced and read first time: January 31, 2024

Assigned to: Judiciary

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## A BILL ENTITLED

AN ACT concerning

### **Juvenile Law – Reform**

FOR the purpose of altering the jurisdiction of the juvenile court over a child of a certain age alleged to have committed a certain offense; altering certain procedures relating to juvenile intake, juvenile detention, and juvenile probation; repealing certain provisions relating to the State Advisory Board for Juvenile Services; altering certain provisions relating to the Juvenile Justice Monitoring Unit; altering certain provisions relating to the Commission on Juvenile Justice Reform and Emerging and Best Practices; altering a certain reporting requirement of the Department of Juvenile Services; requiring the Governor’s Office of Crime Prevention, Youth, and Victim Services to make a certain report; and generally relating to juvenile law.

BY repealing and reenacting, with amendments,

Article – Courts and Judicial Proceedings

Section 3–8A–03, 3–8A–10(c), 3–8A–14, 3–8A–15(b)(3) and (k), 3–8A–19.6, and 3–8A–27(b)(10)

Annotated Code of Maryland

(2020 Replacement Volume and 2023 Supplement)

BY repealing and reenacting, without amendments,

Article – Courts and Judicial Proceedings

Section 3–8A–19.7 and 3–8A–27(b)(1)

Annotated Code of Maryland

(2020 Replacement Volume and 2023 Supplement)

BY repealing and reenacting, with amendments,

Article – Criminal Procedure

Section 2–108

Annotated Code of Maryland

(2018 Replacement Volume and 2023 Supplement)

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



BY repealing and reenacting, with amendments,  
 Article – Human Services  
 Section 9–101  
 Annotated Code of Maryland  
 (2019 Replacement Volume and 2023 Supplement)

BY repealing  
 Article – Human Services  
 Section 9–211 through 9–215 and 9–230  
 Annotated Code of Maryland  
 (2019 Replacement Volume and 2023 Supplement)

BY repealing and reenacting, without amendments,  
 Article – State Government  
 Section 6–401(a) and (i) and 9–3501  
 Annotated Code of Maryland  
 (2021 Replacement Volume and 2023 Supplement)

BY repealing and reenacting, with amendments,  
 Article – State Government  
 Section 6–406 and 9–3502  
 Annotated Code of Maryland  
 (2021 Replacement Volume and 2023 Supplement)

BY repealing and reenacting, with amendments,  
 Chapter 42 of the Acts of the General Assembly of 2022  
 Section 2

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

**Article – Courts and Judicial Proceedings**

3–8A–03.

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

(1) A child:

(i) Who is at least 13 years old alleged to be delinquent; or

(ii) Except as provided in subsection (d) of this section, who is at least 10 years old alleged to have committed an act:

1. That, if committed by an adult, would constitute [a]:

A. A crime of violence, as defined in § 14–101 of the Criminal Law Article; [or]

B. A CRIME INVOLVING WEAPONS UNDER TITLE 4 OF THE CRIMINAL LAW ARTICLE;

C. A CRIME INVOLVING FIREARMS UNDER TITLE 5 OF THE PUBLIC SAFETY ARTICLE;

D. A CRIME INVOLVING ANIMALS UNDER TITLE 10, SUBTITLE 6 OF THE CRIMINAL LAW ARTICLE;

E. SEXUAL OFFENSE IN THE THIRD DEGREE UNDER § 3–307 OF THE CRIMINAL LAW ARTICLE; OR

F. THEFT OF A MOTOR VEHICLE UNDER § 7–105 OF THE CRIMINAL LAW ARTICLE; OR

2. Arising out of the same incident as an act listed in item 1 of this item;

(2) A child who is in need of supervision;

(3) A child who has received a citation for a violation;

(4) Except as provided in subsection (d)(6) of this section, a peace order proceeding in which the respondent is a child; and

(5) Proceedings arising under the Interstate Compact on Juveniles.

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

(c) (1) The jurisdiction of the court is concurrent with that of the District Court in any criminal case arising under the compulsory public school attendance laws of this State.

(2) The jurisdiction of the court is concurrent with that of a federal court sitting in the State over proceedings involving a violation of federal law committed by a child on a military installation of the U.S. Department of Defense if:

## HOUSE BILL 814

- (i) The federal court waives exclusive jurisdiction; and
- (ii) The violation of federal law is also a crime under State law.

(d) The court does not have jurisdiction over:

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

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

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

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

- (i) Abduction;
- (ii) Kidnapping;
- (iii) Second degree murder;
- (iv) Manslaughter, except involuntary manslaughter;
- (v) Second degree rape;
- (vi) Robbery under § 3–403 of the Criminal Law Article;
- (vii) Third degree sexual offense under § 3–307(a)(1) of the Criminal Law Article;

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

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

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

- (xi) Carjacking or armed carjacking under § 3–405 of the Criminal Law Article;
- (xii) Assault in the first degree under § 3–202 of the Criminal Law Article;
- (xiii) Attempted murder in the second degree under § 2–206 of the Criminal Law Article;
- (xiv) Attempted rape in the second degree under § 3–310 of the Criminal Law Article;
- (xv) Attempted robbery under § 3–403 of the Criminal Law Article; or
- (xvi) A violation of § 4–203, § 4–204, § 4–404, or § 4–405 of the Criminal Law Article;

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

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

(7) Except as provided in subsection (a)(1)(ii) of this section, a delinquency proceeding against a child who is under the age of 13 years.

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

(f) A child under the age of 13 years may not be charged with a crime.

3–8A–10.

(c) (1) Except as otherwise provided in this subsection, in considering the complaint, the intake officer shall make an inquiry within [25 days] **15 BUSINESS DAYS** as to whether the court has jurisdiction and whether judicial action is in the best interests of the public or the child.

(2) An inquiry need not include an interview of the child who is the subject of the complaint if the complaint alleges the commission of an act that would be a felony if committed by an adult or alleges a violation of § 4–203 or § 4–204 of the Criminal Law

Article **OR A VIOLATION OF § 5-133, § 5-134, § 5-136, § 5-138, § 5-139, § 5-141, § 5-142, OR § 5-703 OF THE PUBLIC SAFETY ARTICLE.**

(3) In accordance with this section, the intake officer [may,] **SHALL, IMMEDIATELY** after such inquiry [and within 25 days of receiving the complaint]:

- (i) Authorize the filing of a petition or a peace order request or both;
- (ii) Propose an informal adjustment of the matter; or
- (iii) Refuse authorization to file a petition or a peace order request or both.

(4) (i) [1. Except as provided in subsubparagraph 2 of this subparagraph, if] **IF** a complaint is filed that alleges the commission of an act which would be a felony if committed by an adult or alleges a violation of § 4-203 or § 4-204 of the Criminal Law Article **OR A VIOLATION OF § 5-133, § 5-134, § 5-136, § 5-138, § 5-139, § 5-141, § 5-142, OR § 5-703 OF THE PUBLIC SAFETY ARTICLE**, and if the intake officer denies authorization to file a petition or proposes an informal adjustment, the intake officer shall immediately:

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

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

[2. For a complaint that alleges the commission of an act that would be a felony if committed by an adult, the intake officer is not required to forward the complaint and copy of the intake case file to the State's Attorney if:

A. The intake officer proposes the matter for informal adjustment;

B. The act did not involve the intentional causing of, or attempt to cause, the death of or physical injury to another; and

C. The act would not be a crime of violence, as defined under § 14-101 of the Criminal Law Article, if committed by an adult.]

**(II) IF A COMPLAINT IS FILED THAT ALLEGES THE COMMISSION OF A DELINQUENT ACT BY A CHILD WHO WAS UNDER THE SUPERVISION OF THE DEPARTMENT OF JUVENILE SERVICES AT THE TIME OF THE ALLEGED DELINQUENT ACT, AND IF THE INTAKE OFFICER DENIES AUTHORIZATION TO FILE A PETITION OR PROPOSES INFORMAL ADJUSTMENT, THE INTAKE OFFICER SHALL IMMEDIATELY:**

**1. FORWARD THE COMPLAINT TO THE STATE'S ATTORNEY; AND**

**2. FORWARD A COPY OF THE ENTIRE INTAKE CASE FILE TO THE STATE'S ATTORNEY WITH INFORMATION AS TO ANY AND ALL PRIOR INTAKE INVOLVEMENT WITH THE CHILD.**

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

1. File a petition or a peace order request or both;
2. Refer the complaint to the Department of Juvenile Services for informal disposition; or
3. Dismiss the complaint.

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

**(5) IF A COMPLAINT IS FILED THAT ALLEGES THE COMMISSION OF AN ACT BY A CHILD UNDER THE AGE OF 13 YEARS THAT RESULTS IN THE DEATH OF A VICTIM, THE INTAKE OFFICER SHALL AUTHORIZE THE FILING OF A PETITION ALLEGING THAT THE CHILD IS EITHER DELINQUENT OR IN NEED OF SUPERVISION.**

3-8A-14.

(a) A child may be taken into custody under this subtitle by any of the following methods:

- (1) Pursuant to an order of the court;
- (2) By a law enforcement officer pursuant to the law of arrest;
- (3) By a law enforcement officer or other person authorized by the court if the officer or other person has reasonable grounds to believe that the child is in immediate danger from the child's surroundings and that the child's removal is necessary for the child's protection;
- (4) By a law enforcement officer or other person authorized by the court if the officer or other person has reasonable grounds to believe that the child has run away from the child's parents, guardian, or legal custodian; or

(5) In accordance with § 3–8A–14.1 of this subtitle.

(b) (1) (i) If a law enforcement officer takes a child into custody, the officer shall immediately notify, or cause to be notified, the child's parents, guardian, or custodian in a manner reasonably calculated to give actual notice of the action.

(ii) The notice required under subparagraph (i) of this paragraph shall:

1. Include the child's location;

2. Provide the reason for the child being taken into custody;

and

3. Instruct the parent, guardian, or custodian on how to make immediate in-person contact with the child.

(2) After making every reasonable effort to give actual notice to a child's parent, guardian, or custodian, the law enforcement officer shall with all reasonable speed:

(i) Release the child to the child's parents, guardian, or custodian or to any other person designated by the court, upon their written promise to bring the child before the court when requested by the court, and such security for the child's appearance as the court may reasonably require, unless the child's placement in detention or shelter care is permitted and appears required by § 3–8A–15 of this subtitle; or

(ii) Deliver the child to the court or a place of detention or shelter care designated by the court.

(c) If a parent, guardian, or custodian fails to bring the child before the court when requested, the court may:

(1) Issue a writ of attachment directing that the child be taken into custody and brought before the court; and

(2) Proceed against the parent, guardian, or custodian for contempt.

**(D) IF A CHILD IS TAKEN INTO CUSTODY UNDER THIS SUBTITLE BY A LAW ENFORCEMENT OFFICER PURSUANT TO THE LAW OF ARREST, THE LAW ENFORCEMENT OFFICER SHALL COMPLETE AND FORWARD A WRITTEN COMPLAINT OR CITATION TO THE DEPARTMENT OF JUVENILE SERVICES FOR PROCESSING UNDER § 3–8A–10 OF THIS SUBTITLE.**

[(d)] (E) (1) (i) In this subsection the following words have the meanings indicated.

(ii) “Qualifying offense” has the meaning stated in § 8–302 of the Criminal Procedure Article.

(iii) “Sex trafficking” has the meaning stated in § 5–701 of the Family Law Article.

(iv) “Victim of human trafficking” has the meaning stated in § 8–302 of the Criminal Procedure Article.

(2) In addition to the requirements for reporting child abuse and neglect under § 5–704 of the Family Law Article, if a law enforcement officer has reason to believe that a child who has been detained is a victim of sex trafficking or a victim of human trafficking, the law enforcement officer shall, as soon as practicable:

(i) Notify an appropriate regional navigator, as defined in § 5–704.4 of the Family Law Article, for the jurisdiction where the child was taken into custody or where the child is a resident that the child is a suspected victim of sex trafficking or a suspected victim of human trafficking so the regional navigator can coordinate a service response;

(ii) Report to the local child welfare agency that the child is a suspected victim of sex trafficking or a suspected victim of human trafficking; and

(iii) Release the child to the child’s parents, guardian, or custodian if it is safe and appropriate to do so, or to the local child welfare agency if there is reason to believe that the child’s safety will be at risk if the child is returned to the child’s parents, guardian, or custodian.

(3) A law enforcement officer who takes a child who is a suspected victim of sex trafficking or a suspected victim of human trafficking into custody under subsection (a)(3) of this section may not detain the child in a juvenile detention facility, as defined under § 9–237 of the Human Services Article, if the reason for detaining the child is a suspected commission of a qualifying offense or § 3–1102 of the Criminal Law Article.

**[(e)] (F)** The Supreme Court of Maryland may adopt rules concerning age-appropriate language to be used to advise a child who is taken into custody of the child’s rights.

3–8A–15.

(b) (3) A child alleged to have committed a delinquent act may not be placed in detention before a hearing if the most serious offense would be a misdemeanor if committed by an adult, unless:

(i) The act involved a handgun and would be a violation under the Criminal Law Article or the Public Safety Article if committed by an adult; **[or]**

(ii) The child has been adjudicated delinquent at least twice [in the preceding 12 months]; **OR**

**(III) 1. THE CHILD WAS UNDER THE SUPERVISION OF THE DEPARTMENT OF JUVENILE SERVICES WHEN THE ALLEGED ACT OCCURRED; AND**

**2. THE ALLEGED ACT, IF COMMITTED BY AN ADULT, WOULD BE SUBJECT TO A PENALTY OF IMPRISONMENT OF MORE THAN 90 DAYS.**

(k) **(1) [If] EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, IF** a child remains in a facility used for detention, the Department of Juvenile Services shall:

**[(1)] (I)** Within 14 days after the child's initial detention, appear at a hearing before the court with the child to explain the reasons for continued detention; and

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

**(2) A HEARING REQUIRED UNDER THIS SUBSECTION MAY BE WAIVED ONE TIME ON THE CONSENT OF THE COURT, THE STATE'S ATTORNEY, AND COUNSEL FOR THE CHILD.**

3-8A-19.6.

(a) In this section, "technical violation" means a violation of probation that does not involve:

(1) An arrest or a summons issued by a commissioner on a statement of charges filed by a law enforcement officer;

(2) A violation of a criminal prohibition, or an act that would be a violation of a criminal prohibition if committed by an adult, other than a minor traffic offense;

(3) A violation of a no-contact or stay-away order; [or]

(4) Absconding; **OR**

**(5) TWO OR MORE UNEXCUSED FAILURES TO APPEAR AT A TREATMENT PROGRAM ORDERED BY THE COURT.**

(b) This section does not apply to an offense committed by a child that, if committed by an adult, would be a felony and a crime of violence under § 14-101 of the Criminal Law Article.

(c) The court may not place a child on probation for a term exceeding that provided in this section.

(d) (1) Except as provided in paragraph (2) of this subsection, if the most serious offense committed by a child would be a misdemeanor if committed by an adult, the court may place the child on probation for a period not exceeding ~~[6 months]~~ **1 YEAR**.

(2) Subject to paragraph (3) of this subsection, the court may, after a hearing, extend the probation by periods not exceeding ~~[3]~~ **4** months if the court finds that:

(i) There is good cause to extend the probation; and

(ii) The purpose of extending the probation is to ensure that the child completes a treatment or rehabilitative program or service.

(3) The total period of the probation, including extensions of the probation, may not exceed ~~[1 year]~~ **2 YEARS**.

(e) (1) Except as provided in paragraph (2) of this subsection, if the most serious offense committed by a child would be a felony if committed by an adult, the court may place the child on probation for a period not exceeding ~~[1 year]~~ **2 YEARS**.

(2) (i) Subject to paragraph (3) of this subsection, the court may, after a hearing, extend the probation by periods not exceeding ~~[3]~~ **4** months if the court finds that:

1. There is good cause to extend the probation; and

2. The purpose of extending the probation is to ensure that the child completes a treatment or rehabilitative program or service.

(ii) Except as provided in paragraph (3) of this subsection, if the probation is extended under this paragraph, the total period of the probation may not exceed ~~[2]~~ **3** years.

(3) (i) Subject to subparagraph (ii) of this paragraph, the court may extend the period of the probation for a period of time greater than the period described in paragraph (2)(ii) of this subsection if, after a hearing, the court finds by clear and convincing evidence that:

1. There is good cause to extend the probation; and

2. Extending the probation is in the best interest of the child.

(ii) If the probation is extended under this paragraph, the total period of probation, including extensions under paragraph (2) of this subsection, may not exceed [3] 4 years.

(f) Notwithstanding any other provision of this section, if a child is found to have committed a violation of probation, except for a technical violation, a court may, after a hearing, place the child on a new term of probation for a period that is consistent with the period of probation that may be imposed under this section for the delinquent act for which the child was originally placed on probation.

3–8A–19.7.

(a) In this section, “technical violation” has the meaning stated in § 3–8A–19.6 of this subtitle.

(b) A child may not be placed in a facility used for detention for a technical violation.

3–8A–27.

(b) (1) A court record pertaining to a child is confidential and its contents may not be divulged, by subpoena or otherwise, except by order of the court upon good cause shown or as provided in §§ 7–303 and 22–309 of the Education Article.

(10) This subsection does not prohibit access to and confidential use of a court record by the [State Advisory Board for Juvenile Services] **COMMISSION ON JUVENILE JUSTICE REFORM AND EMERGING AND BEST PRACTICES** if the [Board] **COMMISSION** is performing the functions described under [§ 9–215(5) of the Human Services Article] **§ 9–3502 OF THE STATE GOVERNMENT ARTICLE.**

### Article – Criminal Procedure

2–108.

(a) A law enforcement officer who charges a minor with a criminal offense shall make a reasonable attempt to provide actual notice to the parent or guardian of the minor of the charge.

(b) If a law enforcement officer takes a minor into custody, the law enforcement officer or the officer’s designee shall make a reasonable attempt to notify the parent or guardian of the minor in accordance with the requirements of § 3–8A–14 of the Courts Article.

**(C) IF A LAW ENFORCEMENT OFFICER ALLEGES THE COMMISSION OF AN ACT BY A CHILD UNDER THE AGE OF 13 YEARS THAT RESULTS IN THE DEATH OF A**

**VICTIM, THE LAW ENFORCEMENT OFFICER SHALL FORWARD THE COMPLAINT TO THE DEPARTMENT OF JUVENILE SERVICES FOR APPROPRIATE ACTION.**

**Article – Human Services**

9–101.

- (a) In this title the following words have the meanings indicated.
- (b) “Department” means the Department of Juvenile Services.
- (c) “Secretary” means the Secretary of Juvenile Services.

[(d) “State Advisory Board” means the State Advisory Board for Juvenile Services.]

[9–211.

There is a State Advisory Board for Juvenile Services in the Department.]

[9–212.

(a) The State Advisory Board consists of the following members appointed by the Governor:

- (1) one representative of the Department;
- (2) one representative of the State Department of Education;
- (3) one representative of the Maryland Department of Health;
- (4) one representative of the Department of State Police;
- (5) one representative of the Social Services Administration of the Department of Human Services;
- (6) one representative of a private child welfare agency;
- (7) one representative of a youth services bureau;
- (8) three representatives of the State judiciary;
- (9) one representative of the General Assembly recommended by the President of the Senate;

(10) one representative of the General Assembly recommended by the Speaker of the House;

(11) one representative of the Maryland State's Attorneys' Association;

(12) one representative of the Maryland Office of the Public Defender; and

(13) nine members of the general public.

(b) Of the nine members from the general public:

(1) three shall be chosen on the basis of their interest in and experience with minors and juvenile problems;

(2) two shall:

(i) at the time of appointment to a first term, be at least 16 years old and under the age of 25 years; and

(ii) include at least one individual who has been under the jurisdiction of the Department;

(3) one shall be an individual who is a parent or guardian of a youth who has been under the jurisdiction of the Department;

(4) one shall be a victim advocate; and

(5) two shall be employees of the Department with different job titles, recommended by the President of the American Federation of State, County, and Municipal Employees, Council 3.

(c) (1) The term of a member is 3 years.

(2) The terms of the members are staggered as required by the terms provided for members of the State Advisory Board on October 1, 2007.

(3) At the end of a term, a member continues to serve until a successor is appointed and qualifies.

(4) A member who is appointed after a term has begun serves only for the rest of the term and until a successor is appointed and qualifies.

(5) A member who serves two consecutive full 3-year terms may not be reappointed for 3 years after completion of those terms.]

(a) From among the members of the State Advisory Board, the Governor shall appoint a chair.

(b) (1) From among the members of the State Advisory Board, the chair shall appoint a secretary.

(2) The secretary shall keep full and accurate minutes of each State Advisory Board meeting.]

[9-214.

(a) The State Advisory Board shall meet regularly at least six times a year on the call of its chair.

(b) A member of the State Advisory Board:

(1) may not receive compensation as a member of the State Advisory Board; but

(2) is entitled to reimbursement for expenses under the Standard State Travel Regulations, as provided in the State budget.

(c) A member of the State Advisory Board may not have a direct or indirect interest in any contract for building, repairing, equipping, or providing materials or supplies to the Department or have any other financial interest in a contract with the Department.]

[9-215.

In addition to its other duties specified in this title, the State Advisory Board shall:

(1) consult with and advise the Secretary on:

(i) each aspect of the juvenile services program in the State;

(ii) the educational programs and services of the Department;

(iii) programs designed to divert children from the juvenile justice system; and

(iv) the treatment and programming needs of females in the juvenile justice system;

(2) recommend to the Secretary policies and programs to improve juvenile services in the State;

(3) participate in interpreting for the public the objectives of the Department;

(4) participate in planning the development and use of available resources to meet the needs of the Department; and

(5) examine and review fatalities involving children under the supervision of the Department for the purpose of advising the Secretary on policies and programs to prevent fatalities, including:

(i) a death caused by a child under the supervision of the Department, if the child is convicted or adjudicated for the death; and

(ii) the death of a child under the supervision of the Department.]

[9–230.

(a) With the consent of the State Advisory Board, the Secretary may establish an advisory board for one or more facilities.

(b) Each board shall consist of individuals that the Secretary and the State Advisory Board consider to be helpful in matters that relate to the effective operation and improvement of the facility.

(c) A representative of the Juvenile Justice Monitoring Unit of the Office of the Attorney General established under Title 6, Subtitle 4 of the State Government Article shall be available to attend meetings of each advisory board.]

### Article – State Government

6–401.

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

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

6–406.

(a) The Unit shall report in a timely manner to the Deputy Director, the Secretary, **THE COMMISSION ON JUVENILE JUSTICE REFORM AND EMERGING AND BEST PRACTICES**, 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.

(b) (1) The Unit shall report [quarterly] **EVERY 6 MONTHS** to the Executive Director and the Secretary.

(2) A copy of the report shall be provided to the [State Advisory Board for Juvenile Services] **COMMISSION ON JUVENILE JUSTICE REFORM AND EMERGING AND BEST PRACTICES** and, in accordance with § 2–1257 of this article, the General Assembly.

(3) The report shall include:

(i) all activities of the Unit;

(ii) actions taken by the Department resulting from the findings and recommendations of the Unit, including the Department’s response; [and]

(iii) a summary of any violations of the standards and regulations of the Department that remained unabated for 30 days or more during the reporting period; **AND**

**(IV) 1. A SUMMARY OF SERVICES THAT ARE PROVIDED TO CHILDREN UNDER THE SUPERVISION OF THE DEPARTMENT; AND**

**2. A LIST OF ANY NECESSARY SERVICES THAT ARE NOT BEING PROVIDED TO CHILDREN UNDER THE SUPERVISION OF THE DEPARTMENT.**

(c) Beginning in 2006, on or before November 30 of each year, the Unit shall report to the Executive Director, the Secretary, [the advisory boards established under § 9–230 of the Human Services Article] **THE COMMISSION ON JUVENILE JUSTICE REFORM AND EMERGING AND BEST PRACTICES**, the Governor, and, in accordance with § 2–1257 of this article, the General Assembly, on all the activities of the Office and the actions taken by the Department in response to findings and recommendations of the Unit.

9–3501.

In this subtitle, “Commission” means the Commission on Juvenile Justice Reform and Emerging and Best Practices.

9–3502.

(a) There is a Commission on Juvenile Justice Reform and Emerging and Best Practices.

(b) **(1)** The Commission consists of the following members:

**[(1)] (I)** two members of the Senate of Maryland, appointed by the President of the Senate;

**[(2)] (II)** two members of the House of Delegates, appointed by the Speaker of the House;

**[(3)] (III)** the Secretary of Juvenile Services;

**[(4)] (IV)** the Secretary of Human Services; and

**[(5)] (V)** the following members, appointed by the Governor:

**[(i)] 1.** one representative of an institute for public policy that specializes in juvenile justice issues in the State;

**[(ii)] 2.** one representative of an institute operated by the University of Maryland specializing in providing evidence-based and culturally competent services for juveniles; [and]

**[(iii)] 3.** [three representatives] **ONE REPRESENTATIVE** with relevant education and experience;

**4. ONE REPRESENTATIVE OF THE STATE DEPARTMENT OF EDUCATION;**

**5. ONE REPRESENTATIVE OF THE MARYLAND DEPARTMENT OF HEALTH;**

**6. ONE REPRESENTATIVE OF THE DEPARTMENT OF STATE POLICE;**

**7. ONE REPRESENTATIVE OF A PRIVATE CHILD WELFARE AGENCY;**

**8. ONE REPRESENTATIVE OF A YOUTH SERVICES BUREAU;**

**9. ONE REPRESENTATIVE OF THE STATE JUDICIARY;**

10. ONE REPRESENTATIVE OF THE MARYLAND STATE'S ATTORNEYS' ASSOCIATION;

11. ONE REPRESENTATIVE OF THE MARYLAND OFFICE OF THE PUBLIC DEFENDER;

12. ONE REPRESENTATIVE OF EITHER THE MARYLAND CHIEFS OF POLICE ASSOCIATION OR THE MARYLAND SHERIFFS' ASSOCIATION; AND

13. FIVE MEMBERS OF THE GENERAL PUBLIC.

(2) OF THE FIVE MEMBERS FROM THE GENERAL PUBLIC:

(I) ONE SHALL BE CHOSEN ON THE BASIS OF THE MEMBER'S INTEREST IN AND EXPERIENCE WITH MINORS AND JUVENILE PROBLEMS;

(II) TWO SHALL:

1. AT THE TIME OF APPOINTMENT TO A FIRST TERM, BE AT LEAST 16 YEARS OLD AND UNDER THE AGE OF 30 YEARS; AND

2. INCLUDE AT LEAST ONE INDIVIDUAL WHO HAS BEEN UNDER THE JURISDICTION OF THE DEPARTMENT;

(III) ONE SHALL BE AN INDIVIDUAL WHO IS A PARENT OR GUARDIAN OF A YOUTH WHO HAS BEEN UNDER THE JURISDICTION OF THE DEPARTMENT; AND

(IV) ONE SHALL BE A VICTIM ADVOCATE.

(C) (1) THE TERM OF A MEMBER IS 3 YEARS.

(2) THE TERMS OF THE MEMBERS ARE STAGGERED AS REQUIRED BY THE TERMS PROVIDED FOR MEMBERS OF THE COMMISSION ON OCTOBER 1, 2024.

(3) AT THE END OF A TERM, A MEMBER CONTINUES TO SERVE UNTIL A SUCCESSOR IS APPOINTED AND QUALIFIES.

(4) A MEMBER WHO IS APPOINTED AFTER A TERM HAS BEGUN SERVES ONLY FOR THE REST OF THE TERM AND UNTIL A SUCCESSOR IS APPOINTED AND QUALIFIES.

**(5) A MEMBER WHO SERVES TWO CONSECUTIVE FULL 3-YEAR TERMS MAY NOT BE REAPPOINTED FOR 3 YEARS AFTER COMPLETION OF THOSE TERMS.**

**[(c)] (D) (1) [The Governor shall designate the chair of the Commission.] FROM AMONG THE MEMBERS OF THE COMMISSION, THE GOVERNOR SHALL APPOINT A CHAIR.**

**(2) (I) FROM AMONG THE MEMBERS OF THE COMMISSION, THE CHAIR SHALL APPOINT A SECRETARY.**

**(II) THE SECRETARY SHALL KEEP FULL AND ACCURATE MINUTES OF EACH COMMISSION MEETING.**

**[(d)] (E) The [Department of Juvenile Services and the Department of Human Services] GOVERNOR'S OFFICE OF CRIME PREVENTION, YOUTH, AND VICTIM SERVICES shall provide staff for the Commission.**

**[(e)] (F) (1) THE COMMISSION SHALL MEET REGULARLY AT LEAST SIX TIMES A YEAR ON THE CALL OF ITS CHAIR.**

**(2) A member of the Commission:**

**[(1)] (I) may not receive compensation as a member of the Commission;**  
but

**[(2)] (II) is entitled to reimbursement for expenses under the Standard State Travel Regulations, as provided in the State budget.**

**[(f)] (G) The Commission shall:**

**(1) REVIEW:**

**(I) EACH ASPECT OF THE JUVENILE SERVICES PROGRAM IN THE STATE;**

**(II) THE EDUCATIONAL PROGRAMS AND SERVICES OF THE DEPARTMENT;**

**(III) PROGRAMS DESIGNED TO DIVERT CHILDREN FROM THE JUVENILE JUSTICE SYSTEM; AND**

**(IV) THE TREATMENT AND PROGRAMMING NEEDS OF FEMALES IN THE JUVENILE JUSTICE SYSTEM;**

**[(1)] (2)** research culturally competent, evidence-based, research-based, and promising **PROGRAMS AND** practices relating to:

- (i) child welfare;
- (ii) juvenile rehabilitation;
- (iii) mental health services for children; and
- (iv) prevention and intervention services for juveniles;

**[(2)] (3)** evaluate the cost-effectiveness of **EXISTING AND PROMISING PROGRAMS AND** practices researched by the Commission;

**[(3)] (4)** identify means of evaluating the effectiveness of **PROGRAMS AND** practices researched by the Commission; **[and]**

**[(4)] (5)** giving special attention to organizations located in or serving historically underserved communities, identify strategies to enable community-based organizations that provide services for juveniles to evaluate and validate services and programming provided by those organizations;

**(6) REVIEW DATA RELATING TO ARRESTS, COMPLETION OF PROGRAMMING, AND RECIDIVISM FROM THE MARYLAND LONGITUDINAL DATA SYSTEM CENTER;**

**(7) IDENTIFY OPPORTUNITIES FOR GREATER COORDINATION BETWEEN THE DEPARTMENT OF JUVENILE SERVICES, THE OFFICE OF THE STATE'S ATTORNEY, LAW ENFORCEMENT, AND LOCAL ORGANIZATIONS THAT PROVIDE SERVICES TO JUVENILES;**

**(8) RECOMMEND POLICIES AND PROGRAMS TO IMPROVE JUVENILE SERVICES IN THE STATE;**

**(9) PARTICIPATE IN INTERPRETING FOR THE PUBLIC THE OBJECTIVES OF THE JUVENILE SERVICES IN THE STATE;**

**(10) PARTICIPATE IN PLANNING THE DEVELOPMENT AND USE OF AVAILABLE RESOURCES TO MEET THE NEEDS OF JUVENILES; AND**

**(11) EXAMINE AND REVIEW FATALITIES INVOLVING CHILDREN UNDER THE SUPERVISION OF THE DEPARTMENT OF JUVENILE SERVICES FOR THE PURPOSE OF PROVIDING RECOMMENDATIONS ON POLICIES AND PROGRAMS TO PREVENT FATALITIES, INCLUDING:**

**(I) A DEATH CAUSED BY A CHILD UNDER THE SUPERVISION OF THE DEPARTMENT OF JUVENILE SERVICES, IF THE CHILD IS CONVICTED OR ADJUDICATED FOR THE DEATH; AND**

**(II) THE DEATH OF A CHILD UNDER THE SUPERVISION OF THE DEPARTMENT OF JUVENILE SERVICES.**

**[(g)] (H)** On or before December 31, 2023, and on or before December 31 each year thereafter, the Commission shall report its findings to the Governor and, in accordance with § 2–1257 of this article, the General Assembly.

### **Chapter 42 of the Acts of 2022**

SECTION 2. AND BE IT FURTHER ENACTED, That, on or before April 15, **[2023] 2025**, the Department of Juvenile Services shall report to the General Assembly, in accordance with § 2–1257 of the State Government Article, on:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**(17) THE NUMBER OF CASES RESOLVED AT INTAKE AND THE NUMBER OF CASES REFERRED FOR INFORMAL ADJUSTMENT WITHIN THE PAST FISCAL YEAR.**

SECTION 2. AND BE IT FURTHER ENACTED, That, on or before December 31, 2024, and on or before December 31 each year thereafter, the Governor's Office of Crime Prevention, Youth, and Victim Services shall report to the General Assembly, in accordance with § 2-1257 of the State Government Article, on the number of children arrested and the number of times the arrest resulted in a complaint with the Department of Juvenile Services in each calendar year.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2024.