

## Chapter 609

**(Senate Bill 323)**

AN ACT concerning

**Juvenile Court – Jurisdiction, Detention, and Confinement**  
**(Youth Charging Reform Act)**

FOR the purpose of altering the jurisdiction of the juvenile court by repealing provisions specifying that the juvenile court does not have jurisdiction over a child alleged to have committed certain acts; requiring an intake officer to authorize detention of a certain child; altering and establishing certain provisions relating to the detention, confinement, and transportation of certain children; and generally relating to the ~~jurisdiction of the~~ juvenile court.

BY repealing and reenacting, with amendments,  
 Article – Courts and Judicial Proceedings  
 Section ~~3–8A–03 and 3–8A–27(a)(2)(iii)~~, 3–8A–15(b), and 3–8A–16  
 Annotated Code of Maryland  
 (2020 Replacement Volume and 2025 Supplement)

BY repealing and reenacting, with amendments,  
 Article – Criminal Procedure  
 Section ~~4–202(b), (c), and (i), 4–202.2(a), 10–215(a)(20), and 10–216(d)~~ 4–202(h)  
 Annotated Code of Maryland  
 (2025 Replacement Volume)

~~BY repealing and reenacting, with amendments,  
 Article – Education  
 Section ~~7–303(a)(6)~~  
 Annotated Code of Maryland  
 (2025 Replacement Volume and 2025 Supplement)~~

BY repealing and reenacting, without amendments,  
 Article – Human Services  
 Section 9–201  
 Annotated Code of Maryland  
 (2019 Replacement Volume and 2025 Supplement)

BY repealing and reenacting, with amendments,  
 Article – Human Services  
 Section 9–224  
 Annotated Code of Maryland  
 (2019 Replacement Volume and 2025 Supplement)

BY repealing and reenacting, without amendments,

Article – State Government  
Section 9–3601  
Annotated Code of Maryland  
(2021 Replacement Volume and 2025 Supplement)

BY adding to

Article – State Government  
Section 9–3602(c)  
Annotated Code of Maryland  
(2021 Replacement Volume and 2025 Supplement)

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 crime of violence, as defined in § 14–101 of the Criminal Law Article;

B. A crime involving handguns under § 4–203 or § 4–204 of the Criminal Law Article;

C. A crime involving firearms under § 5–133, § 5–134, § 5–138, § 5–142, § 5–203, or § 5–703 of the Public Safety Article;

D. Aggravated cruelty to animals under § 10–606 of the Criminal Law Article; or

E. Sexual offense in the third degree under § 3–307 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)]-(D)(5)~~ 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:

- (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) ~~[(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)~~[(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)]-(2)~~ 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)] (3)~~ 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)]~~ (i) Abduction;

(ii) Kidnapping;~~]~~

~~(i)] (III)~~ **ANY CRIME PUNISHABLE BY LIFE IMPRISONMENT;**

[(iii)] ~~(II)] (IV)~~ Second degree murder;

[(iv)] ~~(III)] (V)~~ Manslaughter, except involuntary manslaughter;

[(v)] ~~(IV)] (VI)~~ Second degree rape;

~~[(vi)] (VII)~~ Robbery under § 3–403 of the Criminal Law Article;

~~[(vii)] (VIII)~~ Third degree sexual offense under § 3–307(a)(1) of the Criminal Law Article;

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

~~[(ix)] (X)~~ 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)] ~~(V)] (X)~~ 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)] ~~(VI)] (XI)~~ Attempted murder in the second degree under § 2–206 of the Criminal Law Article;

[(xiv)] ~~(VII)] (XII)~~ Attempted rape in the second degree under § 3–310 of the Criminal Law Article;

~~[(xv)] (XIII)~~ Attempted robbery under § 3–403 of the Criminal Law Article;~~]~~ or

~~[(xvi)]~~ ~~(VIII)~~ **(XIV)** A violation of [~~§ 4–203,~~] ~~§ 4–204,~~ § 4–404, or § 4–405] of the Criminal Law Article;

~~[(5)]~~ ~~(4)~~ 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)]~~ ~~(5)~~ 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)]~~ ~~(6)~~ 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–15.

(b) (1) Subject to paragraphs (2) [and], (3), AND (4) of this subsection, if a child is taken into custody under this subtitle, the child may be placed in detention or community detention prior to a hearing if:

(i) Such action is required to protect the child or others; or

(ii) The child is likely to leave the jurisdiction of the court.

(2) (i) In this paragraph, “risk scoring instrument” means a tool, a metric, an algorithm, or software that:

1. Is used to assist in determining the eligibility of a child for release before a hearing; and

2. Has been independently validated at least once in the preceding 5 years.

(ii) The court or an intake officer shall consider the results of a risk scoring instrument before placing a child in detention.

(3) (i) Subject to subparagraph (ii) of this paragraph, 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:

1. The act would be a violation of § 4-203 or § 4-204 of the Criminal Law Article or a violation of § 5-133, § 5-134, § 5-138, § 5-142, § 5-203, or § 5-703 of the Public Safety Article if committed by an adult;

2. The child has been adjudicated delinquent at least twice in the preceding 2 years; or

3. A. The child was under the supervision of the Department of Juvenile Services when the alleged act occurred; and

B. The alleged act, if committed by an adult, would be subject to a penalty of imprisonment of more than 2 years and would not constitute assault in the second degree under § 3-203 of the Criminal Law Article.

(ii) Except as provided in subsection (e) of this section, a child under the age of 13 may not be placed in detention if:

1. The act would be a violation of § 4-203 or § 4-204 of the Criminal Law Article or a violation of § 5-133, § 5-134, § 5-138, § 5-142, § 5-203, or § 5-703 of the Public Safety Article; and

2. The child has not previously been adjudicated delinquent for an act that would be a violation § 4-203 or § 4-204 of the Criminal Law Article or a violation of § 5-133, § 5-134, § 5-138, § 5-142, § 5-203, or § 5-703 of the Public Safety Article.

**(4) AN INTAKE OFFICER SHALL AUTHORIZE DETENTION FOR A CHILD IF THE CHILD IS:**

**(I) AT LEAST 16 YEARS OLD; AND**

**(II) ACCUSED OF AN ACT THAT, IF COMMITTED BY AN ADULT, WOULD BE:**

**1. A VIOLATION OF § 4-203 OF THE CRIMINAL LAW ARTICLE; OR**

**2. A CRIME OF VIOLENCE, AS DEFINED IN § 14-101 OF THE CRIMINAL LAW ARTICLE.**

~~(a) (2) This subsection does not prohibit:~~

~~(iii) A law enforcement agency of the State or of a political subdivision of the State, when necessary and for the sole purposes of facilitating apprehension of a child and ensuring public safety, from releasing to the public photographs and identifying information of a child who:~~

~~1. Has escaped from:~~

~~A. A detention center for juveniles;~~

~~B. A secure residential facility for juveniles; or~~

~~C. A correctional unit as defined in § 2-401 of the Correctional Services Article;~~

~~2. Is a missing child as defined in § 9-401 of the Family Law Article; or~~

~~3. The court does not have jurisdiction over pursuant to [§ 3-8A-03(d)(1), (4), or (5)] § 3-8A-03(D)(3) of this subtitle and who is subject to:~~

~~A. Arrest; or~~

~~B. An arrest warrant issued by a criminal court.~~

### ~~Article Criminal Procedure~~

~~4-202.~~

~~(b) Except as provided in subsection (c) of this section, a court exercising criminal jurisdiction in a case involving a child may transfer the case to the juvenile court before trial or before a plea is entered under Maryland Rule 4-242 if:~~

~~(1) the accused child was at least 14 but not 18 years of age when the alleged crime was committed;~~

~~(2) the alleged crime is excluded from the jurisdiction of the juvenile court under [§ 3-8A-03(d)(1), (4), or (5)] § 3-8A-03(D)(3) OR (4) of the Courts Article; and~~

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

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

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

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

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

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

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

~~(2) If a case is transferred to the juvenile court under this section:~~

~~(i) the provisions of § 3-8A-27 of the Courts Article relating to confidentiality of records continue to apply to all police and court records concerning the child; and~~

~~(ii) the criminal charge is subject to expungement under § 10-106 of this article.~~

~~4-202.2.~~

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

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

~~(2) (i) pretrial transfer was prohibited under § 4-202(e)(2) of this subtitle; or~~

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

~~10-215.~~

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

~~(20) an adjudication of a child as delinquent[;:~~

~~(i) if the child is at least 14 years old, for an act described in § 3 SA 03(d)(1) of the Courts Article; or~~

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

~~10-216.~~

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

~~(i) for an act described in § 3 SA 03(d)(1) of the Courts Article if the child is at least 14 years old; or~~

~~(ii) for an act described in [§ 3 SA 03(d)(4) or (5)] § 3 SA 03(D)(3) OR (4) of the Courts Article if the child is at least 16 years old.~~

~~(2) If a child has not been previously fingerprinted as a result of arrest for the delinquent act, the court that held the disposition hearing of the child adjudicated delinquent shall order the child to be fingerprinted by the appropriate and available law enforcement unit.~~

~~(3) If the child cannot be fingerprinted at the time of the disposition hearing held under paragraph (2) of this subsection, the court shall order the child to report to a designated law enforcement unit to be fingerprinted within 3 days after making a disposition on an adjudication of delinquency.~~

~~**Article Education**~~

~~7-303.~~

~~(a) (6) "Reportable offense" means an offense that:~~

~~(i) Occurred off school premises;~~

~~(ii) Did not occur at an event sponsored by the school; and~~

~~(iii) Involved any of the following:~~

~~1. A crime of violence, as defined in § 14-101 of the Criminal~~

~~Law Article;~~

- ~~2. Any of the offenses enumerated in [§ 3-8A-03(d)(4)] § 3-8A-03(D)(3) of the Courts Article;~~
- ~~3. A violation of § 4-101, § 4-102, § 4-203, or § 4-204 of the Criminal Law Article;~~
- ~~4. A violation of § 5-602, § 5-603, § 5-604, § 5-605, § 5-606, § 5-607, § 5-608, § 5-608.1, § 5-609, § 5-612, § 5-613, § 5-614, § 5-617, § 5-618, § 5-627, or § 5-628 of the Criminal Law Article;~~
- ~~5. A violation of § 4-503, § 9-504, or § 9-505 of the Criminal Law Article;~~
- ~~6. A violation of § 6-102, § 6-103, § 6-104, or § 6-105 of the Criminal Law Article;~~
- ~~7. A violation of § 9-802 or § 9-803 of the Criminal Law Article;~~
- ~~8. A violation of § 3-203 of the Criminal Law Article;~~
- ~~9. A violation of § 6-301 of the Criminal Law Article;~~
- ~~10. A violation of § 9-302, § 9-303, or § 9-305 of the Criminal Law Article;~~
- ~~11. A violation of § 7-105 of the Criminal Law Article;~~
- ~~12. A violation of § 6-202 of the Criminal Law Article; or~~
- ~~13. A violation of § 10-606 of the Criminal Law Article.~~

### Article – Human Services

#### 9-201.

There is a Department of Juvenile Services established as a principal department of State government.

#### 9-224.

(A) On or before October 1, 2025, and each October 1 thereafter, the Department shall report to the Senate Judicial Proceedings Committee and the House Judiciary Committee, in accordance with § 2-1257 of the State Government Article, on:

(1) efforts by the Department to promote predelinquent programs, including youth service bureaus;

(2) efforts by the Department to collaborate with and provide technical assistance to local governments regarding the establishment, use, and funding of youth service bureaus;

(3) an assessment of the programs and activities conducted by youth service bureaus; and

(4) any other efforts to prevent youth offenses.

**(B) ON OR BEFORE OCTOBER 1, 2027, AND EACH OCTOBER 1 THEREAFTER, THE DEPARTMENT, IN CONSULTATION WITH THE GOVERNOR'S OFFICE OF CRIME PREVENTION AND POLICY AND THE ADMINISTRATIVE OFFICE OF THE COURTS, SHALL REPORT TO THE COMMISSION ON JUVENILE JUSTICE AND EMERGING AND BEST PRACTICES AND, IN ACCORDANCE WITH § 2-1257 OF THE STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY ON:**

**(1) THE AVERAGE LENGTH OF STAY OF YOUTH AWAITING COMMITTED PLACEMENT IN A JUVENILE DETENTION FACILITY;**

**(2) (I) THE TOTAL NUMBER OF CASES IN WHICH THE JUVENILE COURT IS PETITIONED TO WAIVE ITS JURISDICTION UNDER § 3-8A-06 OF THE COURTS ARTICLE;**

**(II) THE TOTAL NUMBER OF CASES IN WHICH THE JUVENILE COURT WAIVES ITS JURISDICTION UNDER § 3-8A-06 OF THE COURTS ARTICLE; AND**

**(III) THE TOTAL NUMBER OF CASES IN WHICH THE JUVENILE COURT DECLINES TO WAIVE ITS JURISDICTION UNDER § 3-8A-06 OF THE COURTS ARTICLE;**

**(3) (I) THE TOTAL NUMBER OF CASES IN WHICH A COURT IS PETITIONED TO TRANSFER THE CASE TO JUVENILE COURT UNDER § 4-202 OF THE CRIMINAL PROCEDURE ARTICLE;**

**(II) THE TOTAL NUMBER OF CASES IN WHICH A COURT TRANSFERS THE CASE TO JUVENILE COURT UNDER § 4-202 OF THE CRIMINAL PROCEDURE ARTICLE; AND**

**(III) THE TOTAL NUMBER OF CASES IN WHICH A COURT DECLINES TO TRANSFER THE CASE TO JUVENILE COURT UNDER § 4-202 OF THE CRIMINAL PROCEDURE ARTICLE; AND**

**(4) THE AVERAGE LENGTH OF TIME A YOUTH SPENDS IN DETENTION, COMMUNITY DETENTION, OR SHELTER CARE AWAITING A DECISION UNDER § 3-8A-06 OF THE COURTS ARTICLE.**

**Article – State Government**

9-3601.

In this subtitle, “Office” means the Governor’s Office of Crime Prevention and Policy.

9-3602.

**(C) ON OR BEFORE OCTOBER 1, 2027, AND EACH OCTOBER 1 THEREAFTER, THE OFFICE SHALL REPORT TO THE COMMISSION ON JUVENILE JUSTICE REFORM AND EMERGING AND BEST PRACTICES AND, IN ACCORDANCE WITH § 2-1257 OF THIS ARTICLE, THE GENERAL ASSEMBLY ON:**

**(1) THE TOTAL NUMBER OF YOUTH HOUSED IN FACILITIES WITH ADULT OFFENDERS ON A MONTHLY BASIS;**

**(2) THE AVERAGE LENGTH OF STAY OF YOUTH HOUSED IN FACILITIES WITH ADULT OFFENDERS;**

**(3) THE TOTAL NUMBER OF YOUTH CHARGED AS ADULTS UNDER § 3-8A-03(D)(3) OF THE COURTS ARTICLE AND THE OFFENSES WITH WHICH THOSE YOUTH ARE CHARGED;**

**(4) THE TOTAL NUMBER OF YOUTH HELD IN RESTRICTIVE HOUSING IN FACILITIES WITH ADULT OFFENDERS; AND**

**(5) THE TOTAL NUMBER OF VIOLATIONS OF THE PROVISIONS OF TITLE 34 OF THE UNITED STATES CODE PROHIBITING YOUTH FROM HAVING SIGHT AND SOUND CONTACT WITH ADULT OFFENDERS.**

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed to apply only prospectively and may not be applied or interpreted to have any effect on or application to any criminal prosecution or delinquency proceeding for any act committed before the effective date of this Act.

SECTION 3. AND BE IT FURTHER ENACTED, That, on or before October 1, 2027, the Commission on Juvenile Justice Reform and Emerging and Best Practices shall, in accordance with § 2-1257 of the State Government Article, report to the General Assembly on:

- (1) the implementation of this Act;
- (2) the total number of behavioral incidents involving juveniles in the custody of the Department of Juvenile Services following the enactment of this Act; and
- (3) the ability of the Department of Juvenile Services to maintain staffing levels adequate to meet any increase in the number of juveniles in the custody of the Department resulting from this Act.

SECTION 4. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

**Article – Courts and Judicial Proceedings**

3-8A-16.

[(a) The official in charge of a jail or other facility for the detention of adult offenders or persons charged with crime shall inform the court or the intake officer immediately when a person, who is or appears to be under the age of 18 years, is received at the facility and shall deliver him to the court upon request or transfer him to the facility designated by the intake officer or the court, unless the court has waived its jurisdiction with respect to the person and he is being proceeded against as an adult.

(b) When a case is transferred to another court for criminal prosecution, the child shall promptly be transferred to the appropriate officer or adult detention facility in accordance with the law governing the detention of persons charged with crime.]

**(A) A CHILD, INCLUDING ONE SUBJECT TO ADULT CRIMINAL COURT JURISDICTION, WHO HAS BEEN ARRESTED, HAS BEEN CONVICTED, OR IS AWAITING TRIAL ON CRIMINAL CHARGES MAY NOT BE DETAINED OR CONFINED IN ANY INSTITUTION IN WHICH THE CHILD HAS CONTACT WITH OR COMES WITHIN SIGHT OR SOUND OF AN INCARCERATED ADULT.**

**(B) EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, A CHILD WHO HAS BEEN ARRESTED, HAS BEEN CONVICTED, OR IS AWAITING TRIAL FOR AN OFFENSE UNDER ADULT CRIMINAL COURT JURISDICTION MAY NOT BE HELD IN CUSTODY IN AN ADULT CORRECTIONAL FACILITY.**

**(C) A CHILD MAY BE TEMPORARILY HELD FOR PROCESSING IN AN ADULT JAIL OR A CORRECTIONAL OR DETENTION FACILITY THAT DOES NOT HAVE A SECURE JUVENILE DETENTION AREA IF THE CHILD IS:**

**(1) SEPARATED BY SIGHT AND SOUND FROM INCARCERATED ADULTS;**  
**AND**

**(2) HELD FOR A PERIOD NOT EXCEEDING 6 HOURS, INCLUDING TIME IN THE FACILITY AND IN TRANSPORT TO THE NEAREST JUVENILE FACILITY.**

**[(c)] (D)** A child may not be transported together with adults who have been charged with or convicted of a crime [unless the court has waived its jurisdiction and the child is being proceeded against as an adult].

**Article – Criminal Procedure**

4–202.

**(h) [(1)]** Pending a determination under this section to transfer its jurisdiction, the court shall order the child to be held in a secure juvenile facility unless[:

**(i)]** the child is released on bail, recognizance, or other conditions of pretrial release[:

**(ii)** there is not available capacity in a secure juvenile facility, as determined by the Department of Juvenile Services; or

**(iii)** the court finds that detention in a secure juvenile facility would pose a risk of harm to the child or others.

**(2)** If the court makes a finding under paragraph (1)(iii) of this subsection that detention in a secure juvenile facility would pose a risk of harm to the child or others, the court shall state the reasons for the finding on the record].

**SECTION 5. AND BE IT FURTHER ENACTED,** That Section 4 of this Act shall take effect October 1, 2029.

**SECTION ~~5~~ 6. AND BE IT FURTHER ENACTED,** That, except as provided in Section 5 of this Act, this Act shall take effect October 1, 2026.

**Approved by the Governor, May 26, 2026.**