

HB0552/903923/1

BY: Government, Labor, and Elections Committee

AMENDMENTS TO HOUSE BILL 552

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike “**and Young**” and substitute “**Young, Fair, Kerr, Lehman, Ruth, Solomon, and Terrasa**”; at the top of the page, strike “EMERGENCY BILL”; in line 2, strike “**Independent Investigation of**” and substitute “**Commission on**”; in line 3, after “**Children**” insert “**- Establishment**”; in line 4, strike “Independent Investigation of” and substitute “**Commission on**”; in lines 5 and 6, strike “Independent Investigation of” and substitute “**Commission on**”; and after line 6, insert:

“BY adding to

Article – State Government

Section 6–1001 to be under the new subtitle “Subtitle 10. The Commission on the House of Reformation and Instruction for Colored Children”

Annotated Code of Maryland

(2021 Replacement Volume and 2025 Supplement)”.

AMENDMENT NO. 2

On page 2, in line 4, after “That” insert “the Laws of Maryland read as follows”; and after line 4, insert:

“Article – State Government

SUBTITLE 10. THE COMMISSION ON THE HOUSE OF REFORMATION AND INSTRUCTION FOR COLORED CHILDREN.

6–1001.”

**HB0552/903923/01 Government, Labor, and Elections Committee
Amendments to HB 552
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On pages 2 through 5, strike in their entirety the lines beginning with line 5 on page 2 through line 15 on page 5, inclusive, and substitute:

“(A) THERE IS A COMMISSION ON THE HOUSE OF REFORMATION AND INSTRUCTION FOR COLORED CHILDREN.

(B) THE PURPOSE OF THE COMMISSION IS TO:

(1) RESEARCH THE HISTORY, OPERATIONS, AND RESIDENT DEATHS AT THE HOUSE OF REFORMATION AND INSTRUCTION FOR COLORED CHILDREN;

(2) PROVIDE A COMPLETE AND PUBLIC ACCOUNTING OF THE CHILDREN WHO DIED AND WERE BURIED ON THE GROUNDS OF THE HOUSE OF REFORMATION AND INSTRUCTION FOR COLORED CHILDREN;

(3) PROMOTE HEALING AND RECONCILIATION THROUGH TRUTH-TELLING, ACKNOWLEDGMENT, AND RECOMMENDATIONS FOR SYSTEMIC REFORM; AND

(4) ENSURE DESCENDANT AND COMMUNITY VOICE THROUGHOUT THE INVESTIGATION AND RECONCILIATION PROCESS.

(C) THE COMMISSION CONSISTS OF:

(1) ONE MEMBER APPOINTED BY THE PRESIDENT OF THE SENATE;

(2) ONE MEMBER APPOINTED BY THE SPEAKER OF THE HOUSE;

**(3) THE ATTORNEY GENERAL, OR THE ATTORNEY GENERAL'S
DESIGNEE;**

**(4) THE DIRECTOR OF THE MARYLAND HISTORICAL TRUST, OR
THE DIRECTOR'S DESIGNEE;**

**(5) THE SECRETARY OF VETERANS AND MILITARY FAMILIES, OR
THE SECRETARY'S DESIGNEE;**

**(6) THE CHAIR OF THE PRINCE GEORGE'S COUNTY PLANNING
BOARD OF THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING
COMMISSION, OR THE CHAIR'S DESIGNEE;**

**(7) THE SECRETARY OF JUVENILE SERVICES, OR THE
SECRETARY'S DESIGNEE;**

**(8) THE CHIEF ARCHAEOLOGIST OF THE MARYLAND
DEPARTMENT OF TRANSPORTATION'S STATE HIGHWAY ADMINISTRATION, OR
THE CHIEF ARCHAEOLOGIST'S DESIGNEE;**

**(9) THE STATE ARCHIVIST, OR THE STATE ARCHIVIST'S
DESIGNEE;**

**(10) THE SECRETARY OF GENERAL SERVICES, OR THE
SECRETARY'S DESIGNEE;**

**(11) THE CHAIR OF THE MARYLAND COMMISSION ON AFRICAN
AMERICAN HISTORY AND CULTURE, OR THE CHAIR'S DESIGNEE;**

(12) THE EXECUTIVE DIRECTOR OF THE GIBSON-BANKS CENTER FOR RACE AND LAW AT THE UNIVERSITY OF MARYLAND FRANCIS KING CAREY SCHOOL OF LAW, OR THE EXECUTIVE DIRECTOR'S DESIGNEE;

(13) THE PRINCE GEORGE'S COUNTY EXECUTIVE, OR THE COUNTY EXECUTIVE'S DESIGNEE; AND

(14) UP TO SIX MEMBERS OF THE GENERAL PUBLIC APPOINTED BY THE ATTORNEY GENERAL THAT SHALL INCLUDE:

(I) AT LEAST ONE DESCENDANT OF A CHILD BURIED AT THE SITE, A FORMER RESIDENT OF THE HOUSE OF REFORMATION, OR A FORMER JUSTICE-INVOLVED YOUTH;

(II) AT LEAST ONE ACADEMIC EXPERT IN FORENSIC ANTHROPOLOGY, ARCHAEOLOGY, AFRICAN AMERICAN HISTORY, OR OTHER RELATED DISCIPLINES;

(III) AT LEAST ONE REPRESENTATIVE FROM A HISTORICALLY BLACK COLLEGE OR UNIVERSITY IN THE STATE;

(IV) AT LEAST ONE REPRESENTATIVE FROM A CIVIL RIGHTS ORGANIZATION; AND

(V) ANY OTHER COMMUNITY LEADER, ADVOCATE, OR EXPERT THE ATTORNEY GENERAL DETERMINES APPROPRIATE.

(D) (1) THE ATTORNEY GENERAL SHALL SERVE AS CHAIR OF THE COMMISSION.

(2) THE COMMISSION SHALL ELECT A VICE CHAIR FROM AMONG ITS MEMBERS.

(E) MEMBERS APPOINTED BY THE ATTORNEY GENERAL SHALL SERVE AT THE PLEASURE OF THE ATTORNEY GENERAL.

(F) (1) A MEMBER OF THE COMMISSION:

(I) MAY NOT RECEIVE COMPENSATION AS A MEMBER OF THE COMMISSION; BUT

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

(2) THE OFFICE OF THE ATTORNEY GENERAL MAY PROVIDE STIPENDS TO DESCENDANT, FORMER RESIDENT, AND COMMUNITY MEMBERS TO SUPPORT THE PARTICIPATION IN THE COMMISSION, SUBJECT TO AVAILABLE FUNDS.

(G) THE OFFICE OF THE ATTORNEY GENERAL SHALL PROVIDE STAFF FOR THE COMMISSION.

(H) THE COMMISSION SHALL:

(1) DIRECT AND OVERSEE THE INVESTIGATION OF THE HOUSE OF REFORMATION AND INSTRUCTION FOR COLORED CHILDREN BY CONTRACTING

(Over)

WITH QUALIFIED PROFESSIONAL EXPERTS, INCLUDING UNIVERSITIES, RESEARCH INSTITUTIONS, AND INDEPENDENT PRACTITIONERS, TO CONDUCT:

(I) FORENSIC ANTHROPOLOGY, ARCHAEOLOGICAL SURVEYS, AND HISTORICAL RESEARCH TO THE HIGHEST ETHICAL AND PROFESSIONAL STANDARDS;

(II) LOCATION AND DOCUMENTATION OF ALL GRAVES USING MODERN ARCHAEOLOGICAL AND FORENSIC METHODS;

(III) IDENTIFICATION OF INDIVIDUALS BURIED AT THE SITE THROUGH HISTORICAL RECORDS, FORENSIC ANALYSIS, DNA TESTING, AND GENEALOGICAL RESEARCH;

(IV) RECONSTRUCTION OF INSTITUTIONAL CONDITIONS, POLICIES, AND PRACTICES THROUGHOUT THE FACILITY'S HISTORY;

(V) DOCUMENTATION OF DEATHS, INCLUDING CIRCUMSTANCES, CAUSES, AND STATE RESPONSES; AND

(VI) ANALYSIS OF SYSTEMIC FAILURES THAT ALLOWED HARMS TO OCCUR;

(2) REVIEW AND APPROVE RESEARCH METHODOLOGIES, WORK PLANS, AND FINDINGS PRODUCED BY CONTRACTED EXPERTS;

(3) WHEN APPROPRIATE AND APPROVED BY THE COMMISSION, AUTHORIZE CONTRACTED EXPERTS TO CONDUCT EXHUMATION AND FORENSIC

ANALYSIS OF REMAINS IN ACCORDANCE WITH BEST PRACTICES IN FORENSIC ANTHROPOLOGY AND BIOETHICS;

(4) DIRECT CONTRACTED EXPERTS TO ESTABLISH A DNA DATABASE FOR DESCENDANT MATCHING AND PURSUE GENEALOGICAL RESEARCH TO LOCATE AND NOTIFY DESCENDANTS;

(5) FACILITATE MEANINGFUL ENGAGEMENT WITH DESCENDANTS, AFRICAN AMERICAN COMMUNITIES, AND OTHERS WITH HISTORICAL, FAMILIAL, OR CULTURAL CONNECTIONS TO THOSE INTERRED AT THE SITE;

(6) PROVIDE OPPORTUNITIES FOR DESCENDANTS, SURVIVORS, FORMER RESIDENTS, AND COMMUNITY MEMBERS TO SHARE TESTIMONY AND PARTICIPATE IN PUBLIC ACKNOWLEDGMENT;

(7) ESTABLISH PROTOCOLS FOR DESCENDANT NOTIFICATION, REBURIAL, AND CULTURALLY APPROPRIATE TREATMENT OF HUMAN REMAINS IN CONSULTATION WITH CONTRACTED EXPERTS AND COMMUNITY STAKEHOLDERS;

(8) OVERSEE CONTRACTED WORK FOR RESTORATION AND PRESERVATION OF THE CEMETERY GROUNDS;

(9) RECOMMEND THE DESIGN AND THE IMPLEMENTATION OF A PERMANENT MEMORIAL AT THE SITE;

(10) ENSURE LONG-TERM MAINTENANCE AND ACCESSIBILITY OF THE PERMANENT MEMORIAL DESCRIBED UNDER ITEM (9) OF THIS SUBSECTION;

(11) RECOMMEND EDUCATIONAL INITIATIVES TO INCORPORATE THE HISTORY OF THE HOUSE OF REFORMATION AND INSTRUCTION FOR COLORED CHILDREN INTO THE STATE'S CURRICULUM;

(12) DOCUMENT AND DISSEMINATE LESSONS LEARNED FOR EDUCATIONAL PURPOSES AND TO INFORM FUTURE STATE-LED RESTORATIVE HISTORY INITIATIVES;

(13) MAKE FINDINGS REGARDING INSTITUTIONAL FAILURES AND STATE ACCOUNTABILITY BASED ON RESEARCH CONDUCTED BY CONTRACTED EXPERTS UNDER THIS SECTION;

(14) DEVELOP RECOMMENDATIONS FOR SYSTEMIC REFORM, WHICH MAY INCLUDE:

(I) OFFICIAL STATE ACKNOWLEDGMENT AND FORMAL APOLOGY;

(II) REPARATIVE MEASURES FOR DESCENDANTS AND SURVIVORS;

(III) REFORMS TO PREVENT FUTURE DEATHS IN CUSTODY AND IMPROVE CURRENT JUVENILE JUSTICE POLICIES;

(IV) ONGOING COMMEMORATION AND EDUCATION INITIATIVES; AND

(V) ANY OTHER MEASURE THE COMMISSION DEEMS APPROPRIATE TO PROMOTE HEALING AND RECONCILIATION; AND

(15) PERFORM OTHER DUTIES AND RESPONSIBILITIES NECESSARY TO ACCOMPLISH THE COMMISSION'S PURPOSES.

(I) (1) THE OFFICE OF THE ATTORNEY GENERAL MAY PROCURE GOODS AND SERVICES ON BEHALF OF THE COMMISSION.

(2) THE EXECUTION OF A MAJOR CONTRACT REQUIRES APPROVAL BY VOTE OF THE COMMISSION.

(J) (1) ALL STATE AGENCIES, UNITS OF STATE GOVERNMENT, AND POLITICAL SUBDIVISIONS OF THE STATE SHALL COOPERATE AND COMPLY WITH INFORMATION REQUESTS FROM THE COMMISSION AND ITS CONTRACTED RESEARCHERS AND SHALL PROVIDE ACCESS TO FACILITIES, RECORDS, AND LOGISTICAL SUPPORT NECESSARY TO CONDUCT THE INVESTIGATION.

(2) THE COMMISSION, THROUGH THE ATTORNEY GENERAL, MAY ISSUE SUBPOENAS FOR DOCUMENTS AND TESTIMONY RELEVANT TO THE INVESTIGATION.

(K) (1) (I) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THE COMMISSION AND ITS CONTRACTORS ARE AUTHORIZED TO CONDUCT ARCHAEOLOGICAL SURVEYS AND TEST EXCAVATIONS AND CARRY OUT THE DISINTERMENT OF HUMAN REMAINS ON THE GROUNDS OF THE HOUSE OF REFORMATION AND INSTRUCTION FOR COLORED CHILDREN WITHOUT SEPARATE AGENCY PERMITS.

(II) THE COMMISSION SHALL CONSULT WITH THE MARYLAND HISTORICAL TRUST AND THE MARYLAND DEPARTMENT OF HEALTH

(Over)

REGARDING METHODS AND SAFETY FOR ACTIONS AUTHORIZED UNDER
SUBPARAGRAPH (I) OF THIS PARAGRAPH.

(2) TITLE 17 OF THE CRIMINAL PROCEDURE ARTICLE REQUIRING
JUDICIAL AUTHORIZATION AND A SWORN AFFIDAVIT REGARDING A SUSPECTED
HOMICIDE DOES NOT APPLY TO A FORENSIC GENETIC GENEALOGICAL DNA
ANALYSIS AND A SEARCH CONDUCTED BY THE PRINCIPAL INDEPENDENT
INVESTIGATOR, IF:

(I) THE SEARCH IS CONDUCTED EXCLUSIVELY FOR THE
HUMANITARIAN PURPOSE OF IDENTIFYING THE DECEASED AND NOTIFYING
DESCENDANTS;

(II) BIOLOGICAL SAMPLES ARE NOT USED TO SCREEN FOR
MEDICAL CONDITIONS OR TRAITS; AND

(III) ALL DNA DATA IS DESTROYED ON THE CONCLUSION OF
THE INVESTIGATION.

(3) (I) NOTWITHSTANDING § 3-8A-27 OF THE COURTS
ARTICLE OR THE MARYLAND PUBLIC INFORMATION ACT, THE COMMISSION AND
THE COMMISSION'S CONTRACTORS ACTING IN FURTHERANCE OF THE DUTIES
SPECIFIED UNDER THIS SECTION SHALL HAVE FULL, UNRESTRICTED ACCESS TO
ALL SEALED OR OTHERWISE CONFIDENTIAL JUVENILE RECORDS, MEDICAL
RECORDS, AND ADMINISTRATIVE FILES RELATED TO THE HOUSE OF
REFORMATION AND INSTRUCTION FOR COLORED CHILDREN.

(II) 1. SUBJECT TO SUBSUBPARAGRAPH 2 OF THIS
SUBPARAGRAPH, THE COMMISSION SHALL MAINTAIN THE CONFIDENTIALITY OF

ANY LIVING INDIVIDUAL MENTIONED IN THE RECORDS UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH.

2. THE COMMISSION MAY DISCLOSE THE NAMES AND CIRCUMSTANCES OF DECEASED INDIVIDUALS FOR THE PURPOSES OF REPORTS AND MEMORIALIZATION.

(4) THE EXEMPTIONS TO GENERAL LAWS GRANTED IN THIS SECTION ARE DETERMINED BY THE GENERAL ASSEMBLY TO BE NECESSARY DUE TO THE UNIQUE HISTORICAL NATURE OF THE SITE FOR WHICH GENERAL LAWS ARE INAPPLICABLE.

(L) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, FUNDING FOR THE COMMISSION SHALL BE AS PROVIDED IN THE STATE BUDGET.

(2) THE ATTORNEY GENERAL MAY PURSUE FEDERAL GRANTS AND OTHER FUNDING SOURCES TO SUPPLEMENT STATE APPROPRIATIONS, SUBJECT TO COMMISSION APPROVAL OF GRANT APPLICATIONS.

(3) THE ATTORNEY GENERAL SHALL ADMINISTER FUNDING FOR THE COMMISSION, INCLUDING STATE APPROPRIATIONS, FEDERAL GRANTS, AND PRIVATE DONATIONS DESIGNATED FOR THIS PURPOSE.

(M) (1) ON OR BEFORE DECEMBER 31, 2027, THE COMMISSION SHALL SUBMIT AN INITIAL REPORT DOCUMENTING THE PROGRESS OF THE INVESTIGATION AND INCLUDING ANY PRELIMINARY RECOMMENDATIONS TO THE GOVERNOR AND, IN ACCORDANCE WITH § 2-1257 OF THIS ARTICLE, THE GENERAL ASSEMBLY.

(Over)

(2) ON OR BEFORE DECEMBER 31, 2029, THE COMMISSION SHALL SUBMIT A FINAL REPORT TO THE GOVERNOR AND, IN ACCORDANCE WITH § 2-1257 OF THIS ARTICLE, THE GENERAL ASSEMBLY ON:

(I) THE COMPLETE FINDINGS OF THE COMMISSION’S RESEARCH;

(II) ALL IDENTIFIED INDIVIDUALS AND THE CIRCUMSTANCES OF THEIR DEATHS;

(III) HISTORICAL ANALYSIS OF INSTITUTIONAL POLICIES AND PRACTICES;

(IV) RECOMMENDATIONS FOR ACKNOWLEDGMENT, MEMORIAL, REBURIAL, REPARATIVE MEASURES, AND POLICY REFORMS; AND

(V) AN ACCOUNTING OF THE COMMISSION’S EXPENDITURES.”.

On page 5, strike beginning with “is” in line 16 down through “enacted” in line 20 and substitute “shall take effect July 1, 2026”; in line 20, strike “through July 1, 2029,” and substitute “for a period of 4 years”; and in the same line, strike the second “2029” and substitute “2030”.