

HOUSE BILL 389

E3, E4

6lr1967
CF SB 296

By: **Delegate Bartlett**

Introduced and read first time: January 21, 2026

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Juveniles – Detention and Confinement – Limitations on Juvenile Contact With**
3 **Incarcerated Adults**

4 FOR the purpose of altering and establishing certain provisions relating to the detention,
5 confinement, and transportation of certain children; and generally relating to the
6 detention, confinement, and transportation of juveniles.

7 BY repealing and reenacting, with amendments,
8 Article – Courts and Judicial Proceedings
9 Section 3–8A–16
10 Annotated Code of Maryland
11 (2020 Replacement Volume and 2025 Supplement)

12 BY repealing and reenacting, with amendments,
13 Article – Criminal Procedure
14 Section 4–202(h)
15 Annotated Code of Maryland
16 (2025 Replacement Volume)

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–16.

21 [(a) The official in charge of a jail or other facility for the detention of adult
22 offenders or persons charged with crime shall inform the court or the intake officer
23 immediately when a person, who is or appears to be under the age of 18 years, is received
24 at the facility and shall deliver him to the court upon request or transfer him to the facility

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

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

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

6 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
7 October 1, 2028.