

Boyd K. Rutherford
Lt. Governor

Larry Hogan
Governor

Sam Abed
Secretary

DATE: 3/10/2020
BILL NUMBER: SB 706 – Juvenile Law – Informal Adjustment
DJS POSTITION: Support with Amendment

The Department of Juvenile Services (DJS or department) supports SB 706 with amendments (attached).

SB 706 creates an additional pathway in Maryland’s Juvenile Justice System to support youth, families and the community by permitting the juvenile court to refer matters to DJS for informal pre-court supervision.

DJS Pre-Court Supervision Works

Pursuant to the 2019 Joint Chairmen’s Report, DJS submitted a report to the General Assembly to highlight pre-court supervision outcomes¹.

- ✓ 4 out every 5 youth successfully complete pre-court supervision
- ✓ **96%** of youth placed on pre-court supervision **DO NOT** have any new adjudicated offenses while under pre-court supervision
- ✓ **90%** of youth placed on pre-court supervision **DO NOT** have any new adjudicated offense during a one-year follow-up period

Overview of Current Law:

Currently, when a complaint is brought to the attention of the department an in-depth review is conducted to determine if the youth’s case should be²:

1. **Resolved** – no further action and the complaint is “closed;”
2. **Informally Adjusted for Pre-Court Supervision** – the youth is supervised in the community and agrees to certain conditions and interventions. DJS must get state’s attorney approval to proceed with pre-court supervision if the youth is charged with a felony or handgun violation; or
3. **Forwarded to the State’s Attorney for Formal Court Processing** –the state’s attorney office reviews the complaint and accompanying information to determine if the complaint should be petitioned to court for prosecution, dismissed, or returned to DJS for informal pre-court supervision.

SB 706 enhances current law by permitting the youth’s counsel and state’s attorney to request the court to return appropriate cases to DJS for informal pre-court supervision after the complaint is petitioned, but before adjudication.

Amendments:

DJS suggests an amendment to require that the parties, child’s counsel and the state’s attorney, consent to a motion to return a case to DJS for pre-court supervision. Additionally, DJS proposes that a report be produced to identify the utilization and outcomes of this process, and that the legislation become effective on July 1, 2020.

For these reasons, DJS urges a favorable report for SB 706 as amended.

¹ Alternatives to Detention and Informal Case Processing Outcomes Report, December 30, 2019, Department of Juvenile Services, https://djs.maryland.gov/Documents/publications/2019_p220-DJS-Juvenile-Services-ATD-Report.pdf

² Maryland Code, Courts and Judicial Proceedings, §3-8A-10