

2023-02-22 SB 703 (Support).pdf

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February 22, 2023

TO: The Honorable William C. Smith Jr.
Chair, Judicial Proceedings Committee

FROM: Hannibal G. Williams II Kemerer
Chief Counsel, Legislative Affairs, Office of the Attorney General

RE: SB0703 – Juvenile Law – Community Detention (Support)

The Office of Attorney General urges a favorable report on Senate Bill 703, Chairman Smith's legislation to permit children over whom a court exercises criminal jurisdiction the opportunity to be "placed in the home of a parent, guardian, custodian, or other fit person, or in shelter care, as a condition of probation or as an alternative to detention." See Sec. 3-8A-01. (h)(1), as amended by SB 703. As noted in our Juvenile Justice Monitoring Unit's numerous successive reports,¹ community detention leads to much more favorable outcomes for juveniles than shipping them off, far away from their families.

For the foregoing reason, we urge a favorable report on SB 703.

cc: Committee Members

¹ See generally, Juvenile Justice Monitoring Unit Reports from 2010 – 2022 online here:
<https://www.marylandattorneygeneral.gov/Pages/JJM/Reports.aspx>.

This bill letter is a statement of the Office of Attorney General's policy position on the referenced pending legislation. For a legal or constitutional analysis of the bill, Members of the House and Senate should consult with the Counsel to the General Assembly, Sandy Brantley. She can be reached at 410-946-5600 or sbrantley@oag.state.md.us

DJS - SB703 - Support.pdf

Uploaded by: Karalyn Aanenson

Position: FAV

Aruna Miller
Lt. Governor

Wes Moore
Governor

Vincent Schiraldi
Acting Secretary

Date: February, 23 2023
Bill # / Title: SB 703 -Juvenile Law – Community Detention
Committee: Judicial Proceedings Committee
Position: Support

The Department of Juvenile Services (DJS) supports SB 703.

SB 703 clarifies that judges hearing bail reviews for youth in the adult criminal justice system may utilize existing and effective DJS community detention and electronic monitoring options as an alternative to private home detention or county-based systems in appropriate cases. By expanding community detention as a pre-trial release option for courts, low risk young people may remain in the community with supervision and supports.

DJS currently operates a statewide, 24-hour system of community detention.

The program includes electronic monitoring, home detention and GPS monitoring. This program allows judges and magistrates to order that youth who are eligible to be released from detention to the custody of a parent or other family member, subject to certain conditions including home detention or GPS monitoring. This bill provides for an alternative to detention in appropriate cases.

DJS has the capacity to safely and securely monitor these youth with existing resources.

SB703 prevents youth from remaining detained because they or their family cannot pay for private home detention. Additionally, it relieves county-run or DPSCS-run home detention programs of the obligation to monitor these youth. HB 703 provides DJS an additional tool to manage the population of youth charged as adults who are housed in DJS facilities.

For these reasons, DJS urges a favorable report on SB 703.

sb703.pdf

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Position: FAV

MARYLAND JUDICIAL CONFERENCE
GOVERNMENT RELATIONS AND PUBLIC AFFAIRS

Hon. Matthew J. Fader
Chief Justice

187 Harry S. Truman Parkway
Annapolis, MD 21401

MEMORANDUM

TO: Senate Judicial Proceedings Committee
FROM: Legislative Committee
Suzanne D. Pelz, Esq.
410-260-1523
RE: Senate Bill 703
Juvenile Law – Community Detention
DATE: February 15, 2023
(2/22)
POSITION: Support

The Maryland Judiciary supports Senate Bill 703. This bill would expand the definition of “community detention” set forth in Courts and Judicial Proceedings § 3-8A-01(h)(1), to include that it is a program for “a child over whom a court exercises criminal jurisdiction”.

The Judiciary supports the clarification that a “community detention” program for the purposes of Courts and Judicial Proceedings Title 3, Subtitle 8A could include a program for a child over whom a court exercises criminal jurisdiction.

cc. Hon. William Smith, Jr.
Judicial Council
Legislative Committee
Kelley O’Connor