

MARYLAND JUDICIAL CONFERENCE
GOVERNMENT RELATIONS AND PUBLIC AFFAIRS

Hon. Matthew J. Fader
Chief Justice

187 Harry S. Truman Parkway
Annapolis, MD 21401

MEMORANDUM

TO: House Judiciary Committee
FROM: Legislative Committee
Suzanne D. Pelz, Esq.
410-260-1523
RE: House Bill 314
Juvenile Law – Probation – Technical Violations
DATE: January 24, 2024
(2/8)
POSITION: Oppose, as drafted

The Maryland Judiciary opposes House Bill 314, as drafted. This bill would amend Courts and Judicial Proceedings Article (CJP), § 3-8A-19.6, which addresses probation in juvenile justice cases, to establish possible sanctions if the court finds that the child committed a technical violation of probation. Specifically, the court “may:

- (i) For a first technical violation, order community detention; and
- (ii) For a second or subsequent technical violation, detain or commit the child as authorized under this subtitle or make any other appropriate disposition authorized under this subtitle. Subsection (g)(1).

Additionally, an order of community detention “may be extended by the court as appropriate.” Subsection (g)(2).

The Judiciary supports the ability of the juvenile court to tailor its orders to address the specific needs of the individual child. The Judiciary notes that the court’s ability to craft effective orders of probation has been diminished by the limits on the amount of time for probation and the lack of sanctions for a child who violates probation.

The primary cause for the ineffectiveness of probation is the lack of available services. Across the State, there are insufficient resources for substance use and mental health services. There are no in-patient juvenile beds for substance use treatment. There are limited providers of mental health services for children. Without services, probation cannot address the issues that children have.

The Judiciary, however, is concerned about the variations between this bill and existing law. This bill would permit a child to be placed in detention or committed for a technical violation. However, § 3-8A-19.7(b) provides that a child “may not be placed in a facility used for detention for a technical violation” and § 3-8A-19(3)(i) provides that a child

“may not be committed to the Department of Juvenile Services for out-of-home placement if the most serious offense is . . . [a] technical violation, as defined in § 3-8A-19.6 of this subtitle”. See also § 3-8A-15 for additional restrictions on detention or community detention beyond emergency detention or community detention.

cc. Hon. Dalya Attar
Judicial Council
Legislative Committee
Kelley O’Connor