

SB0744/203524/1

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 744
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike “**Senator Smith**” and substitute “**Senators Smith, Folden, James, and West**”.

AMENDMENT NO. 2

On page 1, in line 5, after “probation;” insert “requiring the Secretary of Juvenile Services to include certain programs in a certain plan;”; strike beginning with “altering” in line 6 down through “Unit;” in line 7; in line 14, strike “3-8A-10(c),” and substitute “3-8A-10(c) and (f).”; and in the same line, after “3-8A-19.6,” insert “3-8A-25.”.

On page 2, in line 3, after “9-101” insert “and 9-204(f)”.

AMENDMENT NO. 3

On page 3, in line 3, strike “**CRIME INVOLVING WEAPONS UNDER TITLE 4**” and substitute “**VIOLATION OF § 4-203 OR § 4-204**”; in line 5, strike “**CRIME INVOLVING FIREARMS UNDER TITLE 5**” and substitute “**VIOLATION OF § 5-133, § 5-134, § 5-136, § 5-138, § 5-141, § 5-142, § 5-203, OR § 5-703**”; in line 6, after “**ARTICLE;**” insert “**OR**”; strike in their entirety lines 7 and 8; in line 9, strike “**E.**” and substitute “**D.**”; and strike in their entirety lines 11 and 12.

AMENDMENT NO. 4

On page 5, in line 28, after “(1)” insert “**(I)**”; in the same line, strike “otherwise”; in the same line, strike “this subsection,” and substitute “**SUBPARAGRAPH (II) OF THIS PARAGRAPH,**”; and after line 31, insert:

“(II) IF A LAW ENFORCEMENT OFFICER REQUESTS THAT THE INTAKE OFFICER AUTHORIZE DETENTION FOR A CHILD UNDER § 3-8A-15 OF THIS SUBTITLE AND THE INTAKE OFFICER DOES NOT AUTHORIZE DETENTION, THE INTAKE OFFICER SHALL MAKE AN INQUIRY WITHIN 2 BUSINESS DAYS AS TO WHETHER THE COURT HAS JURISDICTION AND WHETHER JUDICIAL ACTION IS IN THE BEST INTERESTS OF THE PUBLIC OR THE CHILD.”

On page 6, in line 1, strike “§ 5-139,”; and in line 2, after “5-142,” insert “**§ 5-203,**”.

AMENDMENT NO. 5

On page 7, strike in their entirety lines 17 through 20, inclusive, and substitute:

“(5) IF A COMPLAINT IS FILED THAT ALLEGES THE COMMISSION OF AN ACT BY A CHILD UNDER THE AGE OF 13 YEARS THAT, IF COMMITTED BY AN ADULT, WOULD CONSTITUTE THEFT OF A MOTOR VEHICLE UNDER § 7-105 OF THE CRIMINAL LAW ARTICLE, THE INTAKE OFFICER SHALL AUTHORIZE THE FILING OF A PETITION ALLEGING THAT THE CHILD IS IN NEED OF SUPERVISION.”

On pages 12 and 13, strike in their entirety the lines beginning with line 32 on page 12 through line 2 on page 13, inclusive, and substitute:

“(C) IF A LAW ENFORCEMENT OFFICER ALLEGES THE COMMISSION OF AN ACT BY A CHILD UNDER THE AGE OF 13 YEARS THAT, IF COMMITTED BY AN ADULT, WOULD CONSTITUTE THEFT OF A MOTOR VEHICLE UNDER § 7-105 OF THE CRIMINAL LAW ARTICLE, THE LAW ENFORCEMENT OFFICER SHALL FORWARD THE COMPLAINT TO THE DEPARTMENT OF JUVENILE SERVICES TO FILE A PETITION ALLEGING THAT THE CHILD IS IN NEED OF SUPERVISION.”

AMENDMENT NO. 6

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On page 6, in line 12, strike “§ 5-139,”; and in line 13, after “5-142,” insert “§ 5-203,”.

On pages 6 and 7, strike in their entirety the lines beginning with line 28 on page 6 through line 5 on page 7.

On page 7, in line 6, strike “(III)” and substitute “(II)”; after line 14, insert:

“(III) THIS PARAGRAPH MAY NOT BE CONSTRUED TO PROHIBIT AN INTAKE OFFICER FROM PROCEEDING WITH AN INFORMAL ADJUSTMENT WHILE THE STATE’S ATTORNEY CONDUCTS A PRELIMINARY REVIEW UNDER SUBPARAGRAPH (III) OF THIS PARAGRAPH.”;

and before line 21, insert:

“(f) (1) During the informal adjustment process, the child shall be subject to such supervision as the intake officer deems appropriate and if the intake officer decides to have an intake conference, the child and the child’s parent or guardian shall appear at the intake conference.

(2) The informal adjustment process may not exceed 90 days unless:

(i) That time is extended by the court; or

(ii) The intake officer determines that additional time is necessary for the child to participate in a substance-related disorder treatment program or a mental health program that is part of the informal adjustment process.

(3) If the victim, the child, and the child’s parent or guardian do not consent to an informal adjustment, the intake officer shall authorize the filing of a

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petition or a peace order request or both or deny authorization to file a petition or a peace order request or both under subsection (g) of this section.

(4) **(I)** If at any time before the completion of an agreed upon informal adjustment the intake officer believes that the informal adjustment cannot be completed successfully, the intake officer shall authorize the filing of a petition or a peace order request or both or deny authorization to file a petition or a peace order request or both under subsection (g) of this section.

(II) IF THE INTAKE OFFICER DENIES AUTHORIZATION TO FILE A PETITION OR A PEACE ORDER REQUEST UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH, THE INTAKE OFFICER SHALL IMMEDIATELY FORWARD TO THE STATE’S ATTORNEY:

1. THE COMPLAINT; AND

2. A COPY OF THE ENTIRE INTAKE CASE FILE WITH INFORMATION AS TO ANY PRIOR INTAKE INVOLVEMENT WITH THE CHILD.”.

AMENDMENT NO. 7

On page 8, in line 28, strike “A” and substitute “:

(1) A”;

and in line 30, after “SUBTITLE” insert “:

(2) IF THE CHILD WAS REFERRED TO AN AT-RISK YOUTH PREVENTION AND DIVERSION PROGRAM, AS DEFINED IN § 8-601 OF THE HUMAN SERVICES ARTICLE, A WRITTEN REPORT TO THE DEPARTMENT OF JUVENILE SERVICES INDICATING THAT THE CHILD WAS DIVERTED TO:

(I) A LAW ENFORCEMENT DIVERSION PROGRAM, INCLUDING A DIVERSION PROGRAM OPERATED BY A LOCAL STATE’S ATTORNEY;

(II) A DIVERSION PROGRAM OPERATED BY ANOTHER AGENCY OR ORGANIZATION;

(III) A LOCAL CARE TEAM; OR

(IV) ANOTHER COMMUNITY-BASED SERVICE PROVIDER; OR

(3) A WRITTEN REPORT TO THE DEPARTMENT OF JUVENILE SERVICES INDICATING THAT NO FURTHER ACTION WAS TAKEN”.

AMENDMENT NO. 8

On page 9, strike beginning with “involved” in line 34 down through the first “or” in line 35 and substitute “WOULD BE A VIOLATION OF § 4-203 OR § 4-204 OF THE CRIMINAL LAW ARTICLE OR A VIOLATION OF § 5-133, § 5-134, § 5-136, § 5-138, § 5-141, § 5-142, § 5-203, OR § 5-703 OF”.

On page 10, in lines 1 and 2, in each instance, strike the bracket; in line 2, strike “12 months” and substitute “2 YEARS”; in lines 5 and 6, strike “, WOULD” and substitute “:

A. WOULD”;

in line 6, strike “90 DAYS” and substitute “2 YEARS; AND

B. WOULD NOT CONSTITUTE ASSAULT IN THE SECOND DEGREE UNDER § 3-203 OF THE CRIMINAL LAW ARTICLE”.

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AMENDMENT NO. 9

On page 10, in line 24, strike the brackets; in line 25, strike “; OR”; and strike beginning with “(5)” in line 26 down through “COURT” in line 27.

On page 11, in lines 7 and 17, in each instance, strike the brackets; and in the same lines, in each instance, strike “4”.

On page 12, strike beginning with “if” in line 4 down through “probation” in line 8 and substitute “A COURT MAY, AFTER A HEARING, PLACE A CHILD ON A NEW TERM OF PROBATION FOR A PERIOD THAT IS CONSISTENT WITH THE PERIOD OF PROBATION THAT MAY BE IMPOSED UNDER THIS SECTION FOR THE DELINQUENT ACT FOR WHICH THE CHILD WAS ORIGINALLY PLACED ON PROBATION IF THE CHILD IS FOUND TO HAVE:

(1) COMMITTED A VIOLATION OF PROBATION, EXCEPT FOR A TECHNICAL VIOLATION; OR

(2) FAILED TO APPEAR AT A TREATMENT PROGRAM ORDERED BY THE COURT WITHOUT GOOD CAUSE AT LEAST TWICE, UNLESS THE COURT FINDS THAT THE CHILD HAS SUBSTANTIALLY COMPLETED THE TREATMENT PROGRAM”;

and after line 13, insert:

“3-8A-25.

(A) If a child is committed under this subtitle to an individual or to a public or private agency or institution:

(1) The juvenile counselor shall visit the child at the child’s placement no less than once every month, if the placement is in the State;

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(2) The court may order the juvenile counselor to visit the child more frequently than required by item (1) of this section if the court deems it to be in the child's best interests; and

(3) The court may require the custodian to file periodic written progress reports, with recommendations for further supervision, treatment, or rehabilitation.

(B) IF A CHILD IS PLACED ON PROBATION UNDER § 3-8A-19.6 OF THIS SUBTITLE, THE COURT SHALL BE PROVIDED WITH A PROGRESS REPORT IF THE CHILD HAS FOUR OR MORE UNEXCUSED FAILURES TO APPEAR AT A TREATMENT PROGRAM ORDERED BY THE COURT.

AMENDMENT NO. 10

On page 13, after line 9, insert:

"9-204.

(f) (1) The Secretary shall develop a State Comprehensive Juvenile Services 3-Year Plan.

(2) The Plan shall:

(i) include an inventory of all in-day treatment programs and residential care programs and an accounting of the residence of all clients;

(ii) include an inventory of nonresidential treatment programs;

(iii) specify the needs of the various areas of services for clients, including alcohol and drug abuse rehabilitation services;

(iv) specify the needs of clients, including predelinquent diversion services programs;

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(v) establish priorities for the different services needed;

(vi) set standards for the quality of residential services and outreach services;

(vii) include a program dedicated to reducing recidivism rates of clients;

(viii) include programs dedicated to diverting children from the juvenile justice system; [and]

(IX) INCLUDE PROGRAMS DEVELOPED FOR YOUTH AT THE HIGHEST RISK OF BEING A VICTIM OR PERPETRATOR OF GUN VIOLENCE;

(X) INCLUDE PROGRAMS DEVELOPED FOR YOUTH INVOLVED IN MOTOR VEHICLE THEFT; AND

[(ix)] (XI) include any other matters that the Secretary considers appropriate.

(3) The Plan shall be revised for each fiscal year and submitted, subject to § 2-1257 of the State Government Article, to the General Assembly by February 1 of each year.”.

AMENDMENT NO. 11

On page 16, strike beginning with “**THE**” in line 27 down through “**PRACTICES,**” in line 28.

On page 17, in lines 6 and 15, in each instance, strike the bracket; in line 6, strike “**EVERY 6 MONTHS**”; and strike beginning with the semicolon in line 17 down through “**DEPARTMENT**” in line 22.

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AMENDMENT NO. 12

On page 13, before line 3, insert:

“SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:”.

On page 19, in line 5, strike “EITHER”; in line 6, strike “ASSOCIATION OR THE MARYLAND SHERIFFS”; strike in its entirety line 7 and substitute:

“13. ONE REPRESENTATIVE OF THE MARYLAND SHERIFFS’ ASSOCIATION;

14. TWO REPRESENTATIVES OF THE MARYLAND CONSORTIUM ON COORDINATED COMMUNITY SUPPORTS; AND”;

in line 8, strike “13.” and substitute “15.”; in line 21, strike “A” and substitute “**AN APPOINTED**”; in line 22, after “THE” insert “**APPOINTED**”; and in line 23, strike “OCTOBER” and substitute “**JULY**”.

On page 20, in line 1, strike “A” and substitute “**AN APPOINTED**”; and after line 19, insert:

“(G) A MEMBER OF THE COMMISSION SERVES AT THE PLEASURE OF THE PERSON WHO APPOINTED THE MEMBER.

(H) AT THE FIRST MEETING OF THE COMMISSION THAT OCCURS ON OR AFTER JULY 1, 2024, THE COMMISSION SHALL VOTE TO ADOPT A CODE OF CONDUCT PROVIDING FOR THE ACCEPTABLE CONDUCT OF COMMISSION MEMBERS.”;

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and in line 20, strike “(G)” and substitute “(I)”.

On page 22, in line 6, strike “(H)” and substitute “(J)”.

On page 23, in lines 21 and 27, strike “2.” and “3.”, respectively, and substitute “3.” and “6.”, respectively; after line 26, insert:

“SECTION 4. AND BE IT FURTHER ENACTED, That the terms of the appointed members of the Commission on Juvenile Justice Reform and Emerging Best Practices who are members of the Commission on the effective date of Section 2 of this Act or initially appointed after the effective date shall expire as follows:

- (1) seven members in 2025;
- (2) six members in 2026; and
- (3) seven members in 2027.

SECTION 5. AND BE IT FURTHER ENACTED, That Section 1 of this Act shall take effect October 1, 2024.”;

in line 27, after “That” insert “, except as provided in Section 5 of this Act,”; and in line 28, strike “October” and substitute “July”.