

SENATE BILL 744

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4lr3427
CF HB 814

By: ~~The President and Senator Smith~~ and Senators Smith, Folden, James, and West

Introduced and read first time: January 31, 2024

Assigned to: Judicial Proceedings

Committee Report: Favorable with amendments

Senate action: Adopted with floor amendments

Read second time: February 19, 2024

CHAPTER _____

1 AN ACT concerning

2 **Juvenile Law – Reform**

3 FOR the purpose of altering the jurisdiction of the juvenile court over a child of a certain
4 age alleged to have committed a certain offense; altering certain procedures relating
5 to juvenile intake, juvenile detention, and juvenile probation; requiring the Secretary
6 of Juvenile Services to include certain programs in a certain plan; requiring the State
7 Board of Victim Services to include certain information about filing a complaint
8 alleging a child is in need of supervision in a certain pamphlet; repealing certain
9 provisions relating to the State Advisory Board for Juvenile Services; ~~altering certain~~
10 ~~provisions relating to the Juvenile Justice Monitoring Unit;~~ altering certain
11 provisions relating to the Commission on Juvenile Justice Reform and Emerging and
12 Best Practices; altering a certain reporting requirement of the Department of
13 Juvenile Services; requiring the Governor’s Office of Crime Prevention, Youth, and
14 Victim Services to make a certain ~~report~~ reports; and generally relating to juvenile
15 law.

16 BY repealing and reenacting, with amendments,
17 Article – Courts and Judicial Proceedings
18 Section 3-8A-03, ~~3-8A-10(e)~~, 3-8A-10(c) and (f), 3-8A-14, 3-8A-15(b)(3) and (k),
19 3-8A-19.6, ~~3-8A-25~~, and 3-8A-27(b)(10)
20 Annotated Code of Maryland
21 (2020 Replacement Volume and 2023 Supplement)

22 BY repealing and reenacting, without amendments,

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



- 1 Article – Courts and Judicial Proceedings
2 Section 3–8A–19.7 and 3–8A–27(b)(1)
3 Annotated Code of Maryland
4 (2020 Replacement Volume and 2023 Supplement)
- 5 BY repealing and reenacting, with amendments,
6 Article – Criminal Procedure
7 Section 2–108 and 11–914(9)
8 Annotated Code of Maryland
9 (2018 Replacement Volume and 2023 Supplement)
- 10 BY repealing and reenacting, without amendments,
11 Article – Human Services
12 Section 8–601
13 Annotated Code of Maryland
14 (2019 Replacement Volume and 2023 Supplement)
- 15 BY repealing and reenacting, with amendments,
16 Article – Human Services
17 Section 8–605, 9–101, and 9–204(f)
18 Annotated Code of Maryland
19 (2019 Replacement Volume and 2023 Supplement)
- 20 BY repealing
21 Article – Human Services
22 Section 9–211 through 9–215 and 9–230
23 Annotated Code of Maryland
24 (2019 Replacement Volume and 2023 Supplement)
- 25 BY repealing and reenacting, without amendments,
26 Article – State Government
27 Section 6–401(a) and (i) and 9–3501
28 Annotated Code of Maryland
29 (2021 Replacement Volume and 2023 Supplement)
- 30 BY repealing and reenacting, with amendments,
31 Article – State Government
32 Section 6–406 and 9–3502
33 Annotated Code of Maryland
34 (2021 Replacement Volume and 2023 Supplement)
- 35 BY repealing and reenacting, with amendments,
36 Chapter 42 of the Acts of the General Assembly of 2022
37 Section 2
- 38 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
39 That the Laws of Maryland read as follows:

Article – Courts and Judicial Proceedings

3–8A–03.

(a) In addition to the jurisdiction specified in Subtitle 8 of this title, the court has exclusive original jurisdiction over:

(1) A child:

(i) Who is at least 13 years old alleged to be delinquent; or

(ii) Except as provided in subsection (d) of this section, who is at least 10 years old alleged to have committed an act:

1. That, if committed by an adult, would constitute [a]:

A. A crime of violence, as defined in § 14–101 of the Criminal Law Article; [or]

~~B. A CRIME INVOLVING WEAPONS UNDER TITLE 4 VIOLATION OF § 4–203 OR § 4–204 OF THE CRIMINAL LAW ARTICLE;~~

~~C. A CRIME INVOLVING FIREARMS UNDER TITLE 5 VIOLATION OF § 5–133, § 5–134, § 5–136, § 5–138, § 5–141, § 5–142, § 5–203, OR § 5–703 OF THE PUBLIC SAFETY ARTICLE; OR~~

~~D. A CRIME INVOLVING ANIMALS UNDER TITLE 10, SUBTITLE 6 OF THE CRIMINAL LAW ARTICLE;~~

~~E. D. SEXUAL OFFENSE IN THE THIRD DEGREE UNDER § 3–307 OF THE CRIMINAL LAW ARTICLE; OR~~

~~F. THEFT OF A MOTOR VEHICLE UNDER § 7–105 OF THE CRIMINAL LAW ARTICLE; OR~~

2. Arising out of the same incident as an act listed in item 1 of this item;

(2) A child who is in need of supervision;

(3) A child who has received a citation for a violation;

(4) Except as provided in subsection (d)(6) of this section, a peace order proceeding in which the respondent is a child; and

1 (5) Proceedings arising under the Interstate Compact on Juveniles.

2 (b) The court has concurrent jurisdiction over proceedings against an adult for
3 the violation of § 3–8A–30 of this subtitle. However, the court may waive its jurisdiction
4 under this subsection upon its own motion or upon the motion of any party to the
5 proceeding, if charges against the adult arising from the same incident are pending in the
6 criminal court. Upon motion by either the State’s Attorney or the adult charged under §
7 3–8A–30 of this subtitle, the court shall waive its jurisdiction, and the adult shall be tried
8 in the criminal court according to the usual criminal procedure.

9 (c) (1) The jurisdiction of the court is concurrent with that of the District Court
10 in any criminal case arising under the compulsory public school attendance laws of this
11 State.

12 (2) The jurisdiction of the court is concurrent with that of a federal court
13 sitting in the State over proceedings involving a violation of federal law committed by a
14 child on a military installation of the U.S. Department of Defense if:

15 (i) The federal court waives exclusive jurisdiction; and

16 (ii) The violation of federal law is also a crime under State law.

17 (d) The court does not have jurisdiction over:

18 (1) A child at least 14 years old alleged to have done an act that, if
19 committed by an adult, would be a crime punishable by life imprisonment, as well as all
20 other charges against the child arising out of the same incident, unless an order removing
21 the proceeding to the court has been filed under § 4–202 of the Criminal Procedure Article;

22 (2) A child at least 16 years old alleged to have done an act in violation of
23 any provision of the Transportation Article or other traffic law or ordinance, except an act
24 that prescribes a penalty of incarceration;

25 (3) A child at least 16 years old alleged to have done an act in violation of
26 any provision of law, rule, or regulation governing the use or operation of a boat, except an
27 act that prescribes a penalty of incarceration;

28 (4) A child at least 16 years old alleged to have committed any of the
29 following crimes, as well as all other charges against the child arising out of the same
30 incident, unless an order removing the proceeding to the court has been filed under §
31 4–202 of the Criminal Procedure Article:

32 (i) Abduction;

33 (ii) Kidnapping;

34 (iii) Second degree murder;

- 1 (iv) Manslaughter, except involuntary manslaughter;
- 2 (v) Second degree rape;
- 3 (vi) Robbery under § 3–403 of the Criminal Law Article;
- 4 (vii) Third degree sexual offense under § 3–307(a)(1) of the Criminal
5 Law Article;
- 6 (viii) A crime in violation of § 5–133, § 5–134, § 5–138, or § 5–203 of
7 the Public Safety Article;
- 8 (ix) Using, wearing, carrying, or transporting a firearm during and
9 in relation to a drug trafficking crime under § 5–621 of the Criminal Law Article;
- 10 (x) Use of a firearm under § 5–622 of the Criminal Law Article;
- 11 (xi) Carjacking or armed carjacking under § 3–405 of the Criminal
12 Law Article;
- 13 (xii) Assault in the first degree under § 3–202 of the Criminal Law
14 Article;
- 15 (xiii) Attempted murder in the second degree under § 2–206 of the
16 Criminal Law Article;
- 17 (xiv) Attempted rape in the second degree under § 3–310 of the
18 Criminal Law Article;
- 19 (xv) Attempted robbery under § 3–403 of the Criminal Law Article; or
- 20 (xvi) A violation of § 4–203, § 4–204, § 4–404, or § 4–405 of the
21 Criminal Law Article;
- 22 (5) A child who previously has been convicted as an adult of a felony and is
23 subsequently alleged to have committed an act that would be a felony if committed by an
24 adult, unless an order removing the proceeding to the court has been filed under § 4–202 of
25 the Criminal Procedure Article;
- 26 (6) A peace order proceeding in which the victim, as defined in §
27 3–8A–01(cc)(1)(ii) of this subtitle, is a person eligible for relief, as defined in § 4–501 of the
28 Family Law Article; or
- 29 (7) Except as provided in subsection (a)(1)(ii) of this section, a delinquency
30 proceeding against a child who is under the age of 13 years.

(e) If the child is charged with two or more violations of the Maryland Vehicle Law, another traffic law or ordinance, or the State Boat Act, allegedly arising out of the same incident and which would result in the child being brought before both the court and a court exercising criminal jurisdiction, the court has exclusive jurisdiction over all of the charges.

(f) A child under the age of 13 years may not be charged with a crime.

3-8A-10.

(c) (1) ~~(I) Except as otherwise provided in this subsection,~~ **SUBPARAGRAPH (II) OF THIS PARAGRAPH**, in considering the complaint, the intake officer shall make an inquiry within [25 days] **15 BUSINESS DAYS** as to whether the court has jurisdiction and whether judicial action is in the best interests of the public or the child.

(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.

(2) An inquiry need not include an interview of the child who is the subject of the complaint if the complaint alleges the commission of an act that would be a felony if committed by an adult or alleges 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, ~~§ 5-139~~, § 5-141, § 5-142, § 5-203, OR § 5-703 OF THE PUBLIC SAFETY ARTICLE.**

(3) In accordance with this section, the intake officer [may,] **SHALL, IMMEDIATELY** after such inquiry [and within 25 days of receiving the complaint]:

(i) Authorize the filing of a petition or a peace order request or both;

(ii) Propose an informal adjustment of the matter; or

(iii) Refuse authorization to file a petition or a peace order request or both.

(4) (i) [1. Except as provided in subsubparagraph 2 of this subparagraph, if] **IF** a complaint is filed that alleges the commission of an act which would be a felony if committed by an adult or alleges 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, ~~§ 5-139~~, § 5-141, § 5-142, § 5-203, OR § 5-703 OF THE PUBLIC SAFETY ARTICLE**, and if the intake officer denies authorization to file a petition or proposes an informal adjustment, the intake officer shall immediately:

1 [A.] 1. Forward the complaint to the State's Attorney; and

2 [B.] 2. Forward a copy of the entire intake case file to the
3 State's Attorney with information as to any and all prior intake involvement with the child.

4 [2. For a complaint that alleges the commission of an act that
5 would be a felony if committed by an adult, the intake officer is not required to forward the
6 complaint and copy of the intake case file to the State's Attorney if:

7 A. The intake officer proposes the matter for informal
8 adjustment;

9 B. The act did not involve the intentional causing of, or
10 attempt to cause, the death of or physical injury to another; and

11 C. The act would not be a crime of violence, as defined under
12 § 14-101 of the Criminal Law Article, if committed by an adult.]

13 ~~(H) IF A COMPLAINT IS FILED THAT ALLEGES THE COMMISSION~~
14 ~~OF A DELINQUENT ACT BY A CHILD WHO WAS UNDER THE SUPERVISION OF THE~~
15 ~~DEPARTMENT OF JUVENILE SERVICES AT THE TIME OF THE ALLEGED DELINQUENT~~
16 ~~ACT, AND IF THE INTAKE OFFICER DENIES AUTHORIZATION TO FILE A PETITION OR~~
17 ~~PROPOSES INFORMAL ADJUSTMENT, THE INTAKE OFFICER SHALL IMMEDIATELY:~~

18 ~~1. FORWARD THE COMPLAINT TO THE STATE'S~~
19 ~~ATTORNEY; AND~~

20 ~~2. FORWARD A COPY OF THE ENTIRE INTAKE CASE FILE~~
21 ~~TO THE STATE'S ATTORNEY WITH INFORMATION AS TO ANY AND ALL PRIOR INTAKE~~
22 ~~INVOLVEMENT WITH THE CHILD.~~

23 [(ii)] ~~(H)~~ (II) The State's Attorney shall make a preliminary
24 review as to whether the court has jurisdiction and whether judicial action is in the best
25 interests of the public or the child. The need for restitution may be considered as one factor
26 in the public interest. After the preliminary review the State's Attorney shall, within 30
27 days of the receipt of the complaint by the State's Attorney, unless the court extends the
28 time:

29 1. File a petition or a peace order request or both;

30 2. Refer the complaint to the Department of Juvenile
31 Services for informal disposition; or

32 3. Dismiss the complaint.

1 **(III) THIS PARAGRAPH MAY NOT BE CONSTRUED TO PROHIBIT**
 2 **AN INTAKE OFFICER FROM PROCEEDING WITH AN INFORMAL ADJUSTMENT WHILE**
 3 **THE STATE’S ATTORNEY CONDUCTS A PRELIMINARY REVIEW UNDER**
 4 **SUBPARAGRAPH (II) OF THIS PARAGRAPH.**

5 [(iii)] **(IV)** This subsection may not be construed or interpreted to
 6 limit the authority of the State’s Attorney to seek a waiver under § 3–8A–06 of this subtitle.

7 ~~**(5) IF A COMPLAINT IS FILED THAT ALLEGES THE COMMISSION OF AN**~~
 8 ~~**ACT BY A CHILD UNDER THE AGE OF 13 YEARS THAT RESULTS IN THE DEATH OF A**~~
 9 ~~**VICTIM, THE INTAKE OFFICER SHALL AUTHORIZE THE FILING OF A PETITION**~~
 10 ~~**ALLEGING THAT THE CHILD IS EITHER DELINQUENT OR IN NEED OF SUPERVISION.**~~

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

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

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

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

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

25 (3) If the victim, the child, and the child’s parent or guardian do not consent
 26 to an informal adjustment, the intake officer shall authorize the filing of a petition or a
 27 peace order request or both or deny authorization to file a petition or a peace order request
 28 or both under subsection (g) of this section.

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

34 **(II) IF THE INTAKE OFFICER DENIES AUTHORIZATION TO FILE A**
 35 **PETITION OR A PEACE ORDER REQUEST UNDER SUBPARAGRAPH (I) OF THIS**

1 PARAGRAPH, THE INTAKE OFFICER SHALL IMMEDIATELY FORWARD TO THE STATE'S
2 ATTORNEY:

3 1. THE COMPLAINT; AND

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

6 3-8A-14.

7 (a) A child may be taken into custody under this subtitle by any of the following
8 methods:

9 (1) Pursuant to an order of the court;

10 (2) By a law enforcement officer pursuant to the law of arrest;

11 (3) By a law enforcement officer or other person authorized by the court if
12 the officer or other person has reasonable grounds to believe that the child is in immediate
13 danger from the child's surroundings and that the child's removal is necessary for the
14 child's protection;

15 (4) By a law enforcement officer or other person authorized by the court if
16 the officer or other person has reasonable grounds to believe that the child has run away
17 from the child's parents, guardian, or legal custodian; or

18 (5) In accordance with § 3-8A-14.1 of this subtitle.

19 (b) (1) (i) If a law enforcement officer takes a child into custody, the officer
20 shall immediately notify, or cause to be notified, the child's parents, guardian, or custodian
21 in a manner reasonably calculated to give actual notice of the action.

22 (ii) The notice required under subparagraph (i) of this paragraph
23 shall:

24 1. Include the child's location;

25 2. Provide the reason for the child being taken into custody;

26 and

27 3. Instruct the parent, guardian, or custodian on how to
28 make immediate in-person contact with the child.

29 (2) After making every reasonable effort to give actual notice to a child's
30 parent, guardian, or custodian, the law enforcement officer shall with all reasonable speed:

1 (i) Release the child to the child's parents, guardian, or custodian or
2 to any other person designated by the court, upon their written promise to bring the child
3 before the court when requested by the court, and such security for the child's appearance
4 as the court may reasonably require, unless the child's placement in detention or shelter
5 care is permitted and appears required by § 3-8A-15 of this subtitle; or

6 (ii) Deliver the child to the court or a place of detention or shelter
7 care designated by the court.

8 (c) If a parent, guardian, or custodian fails to bring the child before the court
9 when requested, the court may:

10 (1) Issue a writ of attachment directing that the child be taken into custody
11 and brought before the court; and

12 (2) Proceed against the parent, guardian, or custodian for contempt.

13 **(D) IF A LAW ENFORCEMENT OFFICER DETERMINES THAT A CHILD COULD**
14 **BE TAKEN INTO CUSTODY PURSUANT TO THE LAW OF ARREST AND THE LAW**
15 **ENFORCEMENT OFFICER ELECTS TO NOT TAKE THE CHILD INTO CUSTODY, THE LAW**
16 **ENFORCEMENT OFFICER SHALL COMPLETE A WRITTEN REPORT AND FORWARD THE**
17 **REPORT TO THE DEPARTMENT STATING THE CIRCUMSTANCES OF THE**
18 **INTERACTION AND THE CHILD'S NAME, ADDRESS, AND PARENTAL OR CUSTODIAL**
19 **CONTACT INFORMATION.**

20 **(E) IF A CHILD IS TAKEN INTO CUSTODY UNDER THIS SUBTITLE BY A LAW**
21 **ENFORCEMENT OFFICER PURSUANT TO THE LAW OF ARREST, THE LAW**
22 **ENFORCEMENT OFFICER SHALL COMPLETE AND FORWARD A:**

23 **(1) A WRITTEN COMPLAINT OR CITATION TO THE DEPARTMENT OF**
24 **JUVENILE SERVICES FOR PROCESSING UNDER § 3-8A-10 OF THIS SUBTITLE;**

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

29 **(I) A LAW ENFORCEMENT DIVERSION PROGRAM, INCLUDING A**
30 **DIVERSION PROGRAM OPERATED BY A LOCAL STATE'S ATTORNEY;**

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

33 **(III) A LOCAL CARE TEAM; OR**

1 **(IV) ANOTHER COMMUNITY-BASED SERVICE PROVIDER; OR**

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

4 **[(d)] ~~(E)~~ (F)** (1) (i) In this subsection the following words have the meanings
5 indicated.

6 (ii) “Qualifying offense” has the meaning stated in § 8–302 of the
7 Criminal Procedure Article.

8 (iii) “Sex trafficking” has the meaning stated in § 5–701 of the Family
9 Law Article.

10 (iv) “Victim of human trafficking” has the meaning stated in § 8–302
11 of the Criminal Procedure Article.

12 (2) In addition to the requirements for reporting child abuse and neglect
13 under § 5–704 of the Family Law Article, if a law enforcement officer has reason to believe
14 that a child who has been detained is a victim of sex trafficking or a victim of human
15 trafficking, the law enforcement officer shall, as soon as practicable:

16 (i) Notify an appropriate regional navigator, as defined in § 5–704.4
17 of the Family Law Article, for the jurisdiction where the child was taken into custody or
18 where the child is a resident that the child is a suspected victim of sex trafficking or a
19 suspected victim of human trafficking so the regional navigator can coordinate a service
20 response;

21 (ii) Report to the local child welfare agency that the child is a
22 suspected victim of sex trafficking or a suspected victim of human trafficking; and

23 (iii) Release the child to the child’s parents, guardian, or custodian if
24 it is safe and appropriate to do so, or to the local child welfare agency if there is reason to
25 believe that the child’s safety will be at risk if the child is returned to the child’s parents,
26 guardian, or custodian.

27 (3) A law enforcement officer who takes a child who is a suspected victim
28 of sex trafficking or a suspected victim of human trafficking into custody under subsection
29 (a)(3) of this section may not detain the child in a juvenile detention facility, as defined
30 under § 9–237 of the Human Services Article, if the reason for detaining the child is a
31 suspected commission of a qualifying offense or § 3–1102 of the Criminal Law Article.

32 **[(e)] ~~(F)~~ (G)** The Supreme Court of Maryland may adopt rules concerning
33 age-appropriate language to be used to advise a child who is taken in to custody of the
34 child’s rights.

1 (b) (3) A child alleged to have committed a delinquent act may not be placed
 2 in detention before a hearing if the most serious offense would be a misdemeanor if
 3 committed by an adult, unless:

4 (i) The act ~~involved a handgun and would be a violation under the~~
 5 ~~Criminal Law Article or~~ **WOULD BE A VIOLATION OF § 4-203 OR § 4-204 OF THE**
 6 **CRIMINAL LAW ARTICLE OR A VIOLATION OF § 5-133, § 5-134, § 5-136, § 5-138, §**
 7 **5-141, § 5-142, § 5-203, OR § 5-703 OF** the Public Safety Article if committed by an
 8 adult; [or]

9 (ii) The child has been adjudicated delinquent at least twice ~~in the~~
 10 preceding ~~12 months~~ **2 YEARS**; OR

11 (iii) 1. **THE CHILD WAS UNDER THE SUPERVISION OF THE**
 12 **DEPARTMENT OF JUVENILE SERVICES WHEN THE ALLEGED ACT OCCURRED; AND**

13 2. **THE ALLEGED ACT, IF COMMITTED BY AN ADULT,**
 14 **WOULD:**

15 **A. WOULD BE SUBJECT TO A PENALTY OF**
 16 **IMPRISONMENT OF MORE THAN ~~90-DAYS~~ 2 YEARS; AND**

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

19 (k) (1) **[If] EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS**
 20 **SUBSECTION, IF** a child remains in a facility used for detention, the Department of
 21 Juvenile Services shall:

22 **[(1)] (I)** Within 14 days after the child's initial detention, appear at a
 23 hearing before the court with the child to explain the reasons for continued detention; and

24 **[(2)] (II)** Every 14 days thereafter, appear at another hearing before the
 25 court with the child to explain the reasons for continued detention.

26 **(2) A HEARING REQUIRED UNDER THIS SUBSECTION MAY BE WAIVED**
 27 **ONE TIME ON THE CONSENT OF THE COURT, THE STATE'S ATTORNEY, AND COUNSEL**
 28 **FOR THE CHILD.**

29 3-8A-19.6.

30 (a) In this section, "technical violation" means a violation of probation that does
 31 not involve:

1 (1) An arrest or a summons issued by a commissioner on a statement of
2 charges filed by a law enforcement officer;

3 (2) A violation of a criminal prohibition, or an act that would be a violation
4 of a criminal prohibition if committed by an adult, other than a minor traffic offense;

5 (3) A violation of a no-contact or stay-away order; ~~{or}~~

6 (4) Absconding; ~~OR~~

7 ~~(5) TWO OR MORE UNEXCUSED FAILURES TO APPEAR AT A~~
8 ~~TREATMENT PROGRAM ORDERED BY THE COURT.~~

9 (b) This section does not apply to an offense committed by a child that, if
10 committed by an adult, would be a felony and a crime of violence under § 14-101 of the
11 Criminal Law Article.

12 (c) The court may not place a child on probation for a term exceeding that
13 provided in this section.

14 (d) (1) Except as provided in paragraph (2) of this subsection, if the most
15 serious offense committed by a child would be a misdemeanor if committed by an adult, the
16 court may place the child on probation for a period not exceeding ~~[6 months]~~ **1 YEAR**.

17 (2) Subject to paragraph (3) of this subsection, the court may, after a
18 hearing, extend the probation by periods not exceeding ~~{3}~~ **4** months if the court finds that:

19 (i) There is good cause to extend the probation; and

20 (ii) The purpose of extending the probation is to ensure that the child
21 completes a treatment or rehabilitative program or service.

22 (3) The total period of the probation, including extensions of the probation,
23 may not exceed ~~[1 year]~~ **2 YEARS**.

24 (e) (1) Except as provided in paragraph (2) of this subsection, if the most
25 serious offense committed by a child would be a felony if committed by an adult, the court
26 may place the child on probation for a period not exceeding ~~[1 year]~~ **2 YEARS**.

27 (2) (i) Subject to paragraph (3) of this subsection, the court may, after
28 a hearing, extend the probation by periods not exceeding ~~{3}~~ **4** months if the court finds
29 that:

30 1. There is good cause to extend the probation; and

1 2. The purpose of extending the probation is to ensure that
2 the child completes a treatment or rehabilitative program or service.

3 (ii) Except as provided in paragraph (3) of this subsection, if the
4 probation is extended under this paragraph, the total period of the probation may not
5 exceed [2] 3 years.

6 (3) (i) Subject to subparagraph (ii) of this paragraph, the court may
7 extend the period of the probation for a period of time greater than the period described in
8 paragraph (2)(ii) of this subsection if, after a hearing, the court finds by clear and
9 convincing evidence that:

10 1. There is good cause to extend the probation; and

11 2. Extending the probation is in the best interest of the child.

12 (ii) If the probation is extended under this paragraph, the total
13 period of probation, including extensions under paragraph (2) of this subsection, may not
14 exceed [3] 4 years.

15 (f) Notwithstanding any other provision of this section, ~~if a child is found to have~~
16 ~~committed a violation of probation, except for a technical violation, a court may, after a~~
17 ~~hearing, place the child on a new term of probation for a period that is consistent with the~~
18 ~~period of probation that may be imposed under this section for the delinquent act for which~~
19 ~~the child was originally placed on probation.~~ **A COURT MAY, AFTER A HEARING, PLACE A**
20 **CHILD ON A NEW TERM OF PROBATION FOR A PERIOD THAT IS CONSISTENT WITH**
21 **THE PERIOD OF PROBATION THAT MAY BE IMPOSED UNDER THIS SECTION FOR THE**
22 **DELINQUENT ACT FOR WHICH THE CHILD WAS ORIGINALLY PLACED ON PROBATION**
23 **IF THE CHILD IS FOUND TO HAVE:**

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

26 **(2) FAILED TO APPEAR AT A TREATMENT PROGRAM ORDERED BY THE**
27 **COURT WITHOUT GOOD CAUSE AT LEAST TWICE, UNLESS THE COURT FINDS THAT**
28 **THE CHILD HAS SUBSTANTIALLY COMPLETED THE TREATMENT PROGRAM.**

29 3–8A–19.7.

30 (a) In this section, “technical violation” has the meaning stated in § 3–8A–19.6 of
31 this subtitle.

32 (b) A child may not be placed in a facility used for detention for a technical
33 violation.

34 3–8A–25.

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

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

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

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

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

14 3-8A-27.

15 (b) (1) A court record pertaining to a child is confidential and its contents may
16 not be divulged, by subpoena or otherwise, except by order of the court upon good cause
17 shown or as provided in §§ 7-303 and 22-309 of the Education Article.

18 (10) This subsection does not prohibit access to and confidential use of a
19 court record by the [State Advisory Board for Juvenile Services] COMMISSION ON
20 JUVENILE JUSTICE REFORM AND EMERGING AND BEST PRACTICES if the [Board]
21 COMMISSION is performing the functions described under [§ 9-215(5) of the Human
22 Services Article] § 9-3502 OF THE STATE GOVERNMENT ARTICLE.

23 Article – Criminal Procedure

24 2-108.

25 (a) A law enforcement officer who charges a minor with a criminal offense shall
26 make a reasonable attempt to provide actual notice to the parent or guardian of the minor
27 of the charge.

28 (b) If a law enforcement officer takes a minor into custody, the law enforcement
29 officer or the officer's designee shall make a reasonable attempt to notify the parent or
30 guardian of the minor in accordance with the requirements of § 3-8A-14 of the Courts
31 Article.

32 ~~(C) IF A LAW ENFORCEMENT OFFICER ALLEGES THE COMMISSION OF AN~~
33 ~~ACT BY A CHILD UNDER THE AGE OF 13 YEARS THAT RESULTS IN THE DEATH OF A~~

~~VICTIM, THE LAW ENFORCEMENT OFFICER SHALL FORWARD THE COMPLAINT TO THE DEPARTMENT OF JUVENILE SERVICES FOR APPROPRIATE ACTION.~~

(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.

11-914.

Subject to the authority of the Executive Director, the Board shall:

(9) (i) develop pamphlets to notify victims and victim's representatives of the rights, services, and procedures provided under Article 47 of the Maryland Declaration of Rights or State law, how to request information regarding an unsolved case, HOW TO FILE A COMPLAINT TO THE DEPARTMENT OF JUVENILE SERVICES ALLEGING THAT A CHILD IS IN NEED OF SUPERVISION, and how to request that an offender be placed on electronic monitoring or electronic monitoring with victim stay-away alert technology, including:

1. one pamphlet relating to the MDEC system protocol registration process and the time before and after the filing of a charging document other than an indictment or information in circuit court; and

2. a second pamphlet relating to the time after the filing of an indictment or information in circuit court; and

(ii) develop a poster to notify victims of the right to request a private room in a law enforcement agency or unit to report crimes under Title 3 of the Criminal Law Article; and

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

Article – Human Services

8-601.

In this subtitle, “at-risk youth prevention and diversion program” means services provided to school-aged youth and their families to prevent or divert youth from entering the juvenile justice system and to help make them ready for adulthood by age 21.

8-605.

1 On or before December 31 each year, the Office shall report:

2 (1) to the General Assembly, in accordance with § 2-1257 of the State
3 Government Article, on the implementation and effectiveness of at-risk youth prevention
4 and diversion programs; AND

5 (2) TO THE DEPARTMENT OF JUVENILE SERVICES ON:

6 (I) THE NUMBER OF CHILDREN REFERRED TO AN AT-RISK
7 YOUTH PREVENTION AND DIVERSION PROGRAM IN THE PREVIOUS YEAR;

8 (II) THE AGE, GENDER, AND RACE OF CHILDREN REFERRED TO
9 AN AT-RISK YOUTH PREVENTION AND DIVERSION PROGRAM IN THE PREVIOUS YEAR;
10 AND

11 (III) THE NUMBER OF CHILDREN CURRENTLY ENROLLED IN AN
12 AT-RISK YOUTH PREVENTION AND DIVERSION PROGRAM.

13 9-101.

14 (a) In this title the following words have the meanings indicated.

15 (b) “Department” means the Department of Juvenile Services.

16 (c) “Secretary” means the Secretary of Juvenile Services.

17 [(d) “State Advisory Board” means the State Advisory Board for Juvenile
18 Services.]

19 9-204.

20 (f) (1) The Secretary shall develop a State Comprehensive Juvenile Services
21 3-Year Plan.

22 (2) The Plan shall:

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

25 (ii) include an inventory of nonresidential treatment programs;

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

- 1 (iv) specify the needs of clients, including predelinquent diversion
 2 services programs;
- 3 (v) establish priorities for the different services needed;
- 4 (vi) set standards for the quality of residential services and outreach
 5 services;
- 6 (vii) include a program dedicated to reducing recidivism rates of
 7 clients;
- 8 (viii) include programs dedicated to diverting children from the
 9 juvenile justice system; [and]
- 10 **(IX) INCLUDE PROGRAMS DEVELOPED FOR YOUTH AT THE**
 11 **HIGHEST RISK OF BEING A VICTIM OR PERPETRATOR OF GUN VIOLENCE;**
- 12 **(X) INCLUDE PROGRAMS DEVELOPED FOR YOUTH INVOLVED IN**
 13 **MOTOR VEHICLE THEFT; AND**
- 14 ~~[(ix)]~~ **(XI) include any other matters that the Secretary considers**
 15 **appropriate.**
- 16 (3) The Plan shall be revised for each fiscal year and submitted, subject to
 17 § 2-1257 of the State Government Article, to the General Assembly by February 1 of each
 18 year.

19 [9-211.

20 There is a State Advisory Board for Juvenile Services in the Department.]

21 [9-212.

22 (a) The State Advisory Board consists of the following members appointed by the
 23 Governor:

- 24 (1) one representative of the Department;
- 25 (2) one representative of the State Department of Education;
- 26 (3) one representative of the Maryland Department of Health;
- 27 (4) one representative of the Department of State Police;
- 28 (5) one representative of the Social Services Administration of the
 29 Department of Human Services;

1 (6) one representative of a private child welfare agency;

2 (7) one representative of a youth services bureau;

3 (8) three representatives of the State judiciary;

4 (9) one representative of the General Assembly recommended by the
5 President of the Senate;

6 (10) one representative of the General Assembly recommended by the
7 Speaker of the House;

8 (11) one representative of the Maryland State's Attorneys' Association;

9 (12) one representative of the Maryland Office of the Public Defender; and

10 (13) nine members of the general public.

11 (b) Of the nine members from the general public:

12 (1) three shall be chosen on the basis of their interest in and experience
13 with minors and juvenile problems;

14 (2) two shall:

15 (i) at the time of appointment to a first term, be at least 16 years
16 old and under the age of 25 years; and

17 (ii) include at least one individual who has been under the
18 jurisdiction of the Department;

19 (3) one shall be an individual who is a parent or guardian of a youth who
20 has been under the jurisdiction of the Department;

21 (4) one shall be a victim advocate; and

22 (5) two shall be employees of the Department with different job titles,
23 recommended by the President of the American Federation of State, County, and Municipal
24 Employees, Council 3.

25 (c) (1) The term of a member is 3 years.

26 (2) The terms of the members are staggered as required by the terms
27 provided for members of the State Advisory Board on October 1, 2007.

1 (3) At the end of a term, a member continues to serve until a successor is
2 appointed and qualifies.

3 (4) A member who is appointed after a term has begun serves only for the
4 rest of the term and until a successor is appointed and qualifies.

5 (5) A member who serves two consecutive full 3-year terms may not be
6 reappointed for 3 years after completion of those terms.]

7 [9-213.

8 (a) From among the members of the State Advisory Board, the Governor shall
9 appoint a chair.

10 (b) (1) From among the members of the State Advisory Board, the chair shall
11 appoint a secretary.

12 (2) The secretary shall keep full and accurate minutes of each State
13 Advisory Board meeting.]

14 [9-214.

15 (a) The State Advisory Board shall meet regularly at least six times a year on the
16 call of its chair.

17 (b) A member of the State Advisory Board:

18 (1) may not receive compensation as a member of the State Advisory Board;
19 but

20 (2) is entitled to reimbursement for expenses under the Standard State
21 Travel Regulations, as provided in the State budget.

22 (c) A member of the State Advisory Board may not have a direct or indirect
23 interest in any contract for building, repairing, equipping, or providing materials or
24 supplies to the Department or have any other financial interest in a contract with the
25 Department.]

26 [9-215.

27 In addition to its other duties specified in this title, the State Advisory Board shall:

28 (1) consult with and advise the Secretary on:

29 (i) each aspect of the juvenile services program in the State;

- 1 (ii) the educational programs and services of the Department;
- 2 (iii) programs designed to divert children from the juvenile justice
3 system; and
- 4 (iv) the treatment and programming needs of females in the juvenile
5 justice system;
- 6 (2) recommend to the Secretary policies and programs to improve juvenile
7 services in the State;
- 8 (3) participate in interpreting for the public the objectives of the
9 Department;
- 10 (4) participate in planning the development and use of available resources
11 to meet the needs of the Department; and
- 12 (5) examine and review fatalities involving children under the supervision
13 of the Department for the purpose of advising the Secretary on policies and programs to
14 prevent fatalities, including:
- 15 (i) a death caused by a child under the supervision of the
16 Department, if the child is convicted or adjudicated for the death; and
- 17 (ii) the death of a child under the supervision of the Department.】

18 [9–230.

19 (a) With the consent of the State Advisory Board, the Secretary may establish an
20 advisory board for one or more facilities.

21 (b) Each board shall consist of individuals that the Secretary and the State
22 Advisory Board consider to be helpful in matters that relate to the effective operation and
23 improvement of the facility.

24 (c) A representative of the Juvenile Justice Monitoring Unit of the Office of the
25 Attorney General established under Title 6, Subtitle 4 of the State Government Article
26 shall be available to attend meetings of each advisory board.】

27 **Article – State Government**

28 6–401.

29 (a) In this subtitle the following words have the meanings indicated.

30 (i) “Unit” means the Juvenile Justice Monitoring Unit of the Office of the
31 Attorney General.

1 6-406.

2 (a) The Unit shall report in a timely manner to the Deputy Director, the
3 Secretary, ~~THE COMMISSION ON JUVENILE JUSTICE REFORM AND EMERGING AND~~
4 ~~BEST PRACTICES~~, and, in accordance with § 2-1257 of this article, the Speaker of the
5 House of Delegates and the President of the Senate:

6 (1) knowledge of any problem regarding the care, supervision, and
7 treatment of children in facilities;

8 (2) findings, actions, and recommendations, related to the investigations of
9 disciplinary actions, grievances, incident reports, and alleged cases of child abuse and
10 neglect; and

11 (3) all other findings and actions related to the monitoring required under
12 this subtitle.

13 (b) (1) The Unit shall report ~~quarterly~~ ~~EVERY 6 MONTHS~~ to the Executive
14 Director and the Secretary.

15 (2) A copy of the report shall be provided to the [State Advisory Board for
16 Juvenile Services] ~~COMMISSION ON JUVENILE JUSTICE REFORM AND EMERGING~~
17 ~~AND BEST PRACTICES~~ and, in accordance with § 2-1257 of this article, the General
18 Assembly.

19 (3) The report shall include:

20 (i) all activities of the Unit;

21 (ii) actions taken by the Department resulting from the findings and
22 recommendations of the Unit, including the Department's response; ~~and~~

23 (iii) a summary of any violations of the standards and regulations of
24 the Department that remained unabated for 30 days or more during the reporting period;
25 ~~AND~~

26 ~~(IV) 1. A SUMMARY OF SERVICES THAT ARE PROVIDED TO~~
27 ~~CHILDREN UNDER THE SUPERVISION OF THE DEPARTMENT; AND~~

28 ~~2. A LIST OF ANY NECESSARY SERVICES THAT ARE NOT~~
29 ~~BEING PROVIDED TO CHILDREN UNDER THE SUPERVISION OF THE DEPARTMENT.~~

30 (c) Beginning in 2006, on or before November 30 of each year, the Unit shall
31 report to the Executive Director, the Secretary, [the advisory boards established under §
32 9-230 of the Human Services Article] ~~THE COMMISSION ON JUVENILE JUSTICE~~

1 **REFORM AND EMERGING AND BEST PRACTICES**, the Governor, and, in accordance with
2 § 2–1257 of this article, the General Assembly, on all the activities of the Office and the
3 actions taken by the Department in response to findings and recommendations of the Unit.

4 9–3501.

5 In this subtitle, “Commission” means the Commission on Juvenile Justice Reform
6 and Emerging and Best Practices.

7 9–3502.

8 (a) There is a Commission on Juvenile Justice Reform and Emerging and Best
9 Practices.

10 (b) **(1)** The Commission consists of the following members:

11 **[(1)] (I)** two members of the Senate of Maryland, appointed by the
12 President of the Senate;

13 **[(2)] (II)** two members of the House of Delegates, appointed by the
14 Speaker of the House;

15 **[(3)] (III)** the Secretary of Juvenile Services;

16 **[(4)] (IV)** the Secretary of Human Services; and

17 **[(5)] (V)** the following members, appointed by the Governor:

18 **[(i)] 1.** one representative of an institute for public policy that
19 specializes in juvenile justice issues in the State;

20 **[(ii)] 2.** one representative of an institute operated by the
21 University of Maryland specializing in providing evidence–based and culturally competent
22 services for juveniles; **[and]**

23 **[(iii)] 3.** **[three representatives] ONE REPRESENTATIVE** with
24 relevant education and experience;

25 **4. ONE REPRESENTATIVE OF THE STATE DEPARTMENT**
26 **OF EDUCATION;**

27 **5. ONE REPRESENTATIVE OF THE MARYLAND**
28 **DEPARTMENT OF HEALTH;**

1 **6. ONE REPRESENTATIVE OF THE DEPARTMENT OF**
2 **STATE POLICE;**

3 **7. ONE REPRESENTATIVE OF A PRIVATE CHILD**
4 **WELFARE AGENCY;**

5 **8. ONE REPRESENTATIVE OF A YOUTH SERVICES**
6 **BUREAU;**

7 **9. ONE REPRESENTATIVE OF THE STATE JUDICIARY;**

8 **10. ONE REPRESENTATIVE OF THE MARYLAND STATE'S**
9 **ATTORNEYS' ASSOCIATION;**

10 **11. ONE REPRESENTATIVE OF THE MARYLAND OFFICE**
11 **OF THE PUBLIC DEFENDER;**

12 **12. ONE REPRESENTATIVE OF ~~EITHER~~ THE MARYLAND**
13 **CHIEFS OF POLICE ~~ASSOCIATION OR THE MARYLAND SHERIFFS'~~ ASSOCIATION;**
14 **~~AND~~**

15 **13. ONE REPRESENTATIVE OF THE MARYLAND**
16 **SHERIFFS' ASSOCIATION;**

17 **14. TWO REPRESENTATIVES OF THE MARYLAND**
18 **CONSORTIUM ON COORDINATED COMMUNITY SUPPORTS; AND**

19 ~~13.~~ **15. FIVE MEMBERS OF THE GENERAL PUBLIC.**

20 **(2) OF THE FIVE MEMBERS FROM THE GENERAL PUBLIC:**

21 **(I) ONE SHALL BE CHOSEN ON THE BASIS OF THE MEMBER'S**
22 **INTEREST IN AND EXPERIENCE WITH MINORS AND JUVENILE PROBLEMS;**

23 **(II) TWO SHALL:**

24 **1. AT THE TIME OF APPOINTMENT TO A FIRST TERM, BE**
25 **AT LEAST 16 YEARS OLD AND UNDER THE AGE OF 30 YEARS; AND**

26 **2. INCLUDE AT LEAST ONE INDIVIDUAL WHO HAS BEEN**
27 **UNDER THE JURISDICTION OF THE DEPARTMENT;**

1 (III) ONE SHALL BE AN INDIVIDUAL WHO IS A PARENT OR
2 GUARDIAN OF A YOUTH WHO HAS BEEN UNDER THE JURISDICTION OF THE
3 DEPARTMENT; AND

4 (IV) ONE SHALL BE A VICTIM ADVOCATE.

5 (C) (1) THE TERM OF ~~A~~ AN APPOINTED MEMBER IS 3 YEARS.

6 (2) THE TERMS OF THE APPOINTED MEMBERS ARE STAGGERED AS
7 REQUIRED BY THE TERMS PROVIDED FOR MEMBERS OF THE COMMISSION ON
8 ~~OCTOBER~~ JULY 1, 2024.

9 (3) AT THE END OF A TERM, A MEMBER CONTINUES TO SERVE UNTIL
10 A SUCCESSOR IS APPOINTED AND QUALIFIES.

11 (4) A MEMBER WHO IS APPOINTED AFTER A TERM HAS BEGUN SERVES
12 ONLY FOR THE REST OF THE TERM AND UNTIL A SUCCESSOR IS APPOINTED AND
13 QUALIFIES.

14 (5) ~~A~~ AN APPOINTED MEMBER WHO SERVES TWO CONSECUTIVE FULL
15 3-YEAR TERMS MAY NOT BE REAPPOINTED FOR 3 YEARS AFTER COMPLETION OF
16 THOSE TERMS.

17 [(c)] (D) (1) [The Governor shall designate the chair of the Commission.]
18 FROM AMONG THE MEMBERS OF THE COMMISSION, THE GOVERNOR SHALL
19 APPOINT A CHAIR.

20 (2) (I) FROM AMONG THE MEMBERS OF THE COMMISSION, THE
21 CHAIR SHALL APPOINT A SECRETARY.

22 (II) THE SECRETARY SHALL KEEP FULL AND ACCURATE
23 MINUTES OF EACH COMMISSION MEETING.

24 [(d)] (E) The [Department of Juvenile Services and the Department of Human
25 Services] GOVERNOR'S OFFICE OF CRIME PREVENTION, YOUTH, AND VICTIM
26 SERVICES shall provide staff for the Commission.

27 [(e)] (F) (1) THE COMMISSION SHALL MEET REGULARLY AT LEAST SIX
28 TIMES A YEAR ON THE CALL OF ITS CHAIR.

29 (2) A member of the Commission:

30 [(1)] (I) may not receive compensation as a member of the Commission;
31 but

1 **[(2)] (II)** is entitled to reimbursement for expenses under the Standard
2 State Travel Regulations, as provided in the State budget.

3 **(G) A MEMBER OF THE COMMISSION SERVES AT THE PLEASURE OF THE**
4 **PERSON WHO APPOINTED THE MEMBER.**

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

8 **[(f)] ~~(G)~~ (I)** The Commission shall:

9 **(1) REVIEW:**

10 **(I) EACH ASPECT OF THE JUVENILE SERVICES PROGRAM IN**
11 **THE STATE;**

12 **(II) THE EDUCATIONAL PROGRAMS AND SERVICES OF THE**
13 **DEPARTMENT;**

14 **(III) PROGRAMS DESIGNED TO DIVERT CHILDREN FROM THE**
15 **JUVENILE JUSTICE SYSTEM; AND**

16 **(IV) THE TREATMENT AND PROGRAMMING NEEDS OF FEMALES**
17 **IN THE JUVENILE JUSTICE SYSTEM;**

18 **[(1)] (2)** research culturally competent, evidence-based, research-based,
19 and promising **PROGRAMS AND** practices relating to:

20 (i) child welfare;

21 (ii) juvenile rehabilitation;

22 (iii) mental health services for children; and

23 (iv) prevention and intervention services for juveniles;

24 **[(2)] (3)** evaluate the cost-effectiveness of **EXISTING AND PROMISING**
25 **PROGRAMS AND** practices researched by the Commission;

26 **[(3)] (4)** identify means of evaluating the effectiveness of **PROGRAMS**
27 **AND** practices researched by the Commission; **[and]**

1 **[(4)] (5)** giving special attention to organizations located in or serving
2 historically underserved communities, identify strategies to enable community-based
3 organizations that provide services for juveniles to evaluate and validate services and
4 programming provided by those organizations;

5 **(6) REVIEW DATA RELATING TO ARRESTS, COMPLETION OF**
6 **PROGRAMMING, AND RECIDIVISM FROM THE MARYLAND LONGITUDINAL DATA**
7 **SYSTEM CENTER;**

8 **(7) IDENTIFY OPPORTUNITIES FOR GREATER COORDINATION**
9 **BETWEEN THE DEPARTMENT OF JUVENILE SERVICES, THE OFFICE OF THE STATE'S**
10 **ATTORNEY, LAW ENFORCEMENT, AND LOCAL ORGANIZATIONS THAT PROVIDE**
11 **SERVICES TO JUVENILES;**

12 **(8) RECOMMEND POLICIES AND PROGRAMS TO IMPROVE JUVENILE**
13 **SERVICES IN THE STATE;**

14 **(9) PARTICIPATE IN INTERPRETING FOR THE PUBLIC THE**
15 **OBJECTIVES OF THE JUVENILE SERVICES IN THE STATE;**

16 **(10) PARTICIPATE IN PLANNING THE DEVELOPMENT AND USE OF**
17 **AVAILABLE RESOURCES TO MEET THE NEEDS OF JUVENILES; AND**

18 **(11) EXAMINE AND REVIEW FATALITIES INVOLVING CHILDREN UNDER**
19 **THE SUPERVISION OF THE DEPARTMENT OF JUVENILE SERVICES FOR THE**
20 **PURPOSE OF PROVIDING RECOMMENDATIONS ON POLICIES AND PROGRAMS TO**
21 **PREVENT FATALITIES, INCLUDING:**

22 **(I) A DEATH CAUSED BY A CHILD UNDER THE SUPERVISION OF**
23 **THE DEPARTMENT OF JUVENILE SERVICES, IF THE CHILD IS CONVICTED OR**
24 **ADJUDICATED FOR THE DEATH; AND**

25 **(II) THE DEATH OF A CHILD UNDER THE SUPERVISION OF THE**
26 **DEPARTMENT OF JUVENILE SERVICES.**

27 **[(g)] ~~(H)~~ (J)** On or before December 31, 2023, and on or before December 31 each
28 year thereafter, the Commission shall report its findings to the Governor and, in accordance
29 with § 2-1257 of this article, the General Assembly.

30 **Chapter 42 of the Acts of 2022**

31 SECTION 2. AND BE IT FURTHER ENACTED, That, on or before April 15, **[2023]**
32 **2025**, the Department of Juvenile Services shall report to the General Assembly, in
33 accordance with § 2-1257 of the State Government Article, on:

- 1 (1) plans to publish an annual report by the Department of Juvenile
2 Services, in consultation with the Maryland Department of Health, on the length of stay
3 for juveniles in secure facilities while undergoing competency evaluations and receiving
4 services;
- 5 (2) plans for the inclusion of information and data relating to use of a risk
6 assessment tool in the Department of Juvenile Services' Data Resource Guide;
- 7 (3) the use of community detention for juveniles in the care and custody of
8 the Department of Juvenile Services;
- 9 (4) the Department of Juvenile Services' development of forms for
10 community detention that do not include information relating to house arrests;
- 11 (5) the effect of a requirement that the Department of Juvenile Services
12 provide a robust continuum of community-based alternatives to detention in all
13 jurisdictions of the State and recommendations for establishing the requirement;
- 14 (6) access to mental health services for all juveniles served by the
15 Department of Juvenile Services;
- 16 (7) the feasibility of and any plans for providing quality, evidence-based
17 programming for juveniles detained in secure juvenile facilities, including educational
18 programming, structured weekend activities, and activities involving family members of
19 detained juveniles;
- 20 (8) the use of community detention, including electronic monitoring, for
21 juveniles placed on probation;
- 22 (9) plans to increase the number of shelter beds available in juvenile
23 facilities, particularly beds for girls;
- 24 (10) plans to track and report data on the number of days juveniles ordered
25 to shelter care placements remain in secure juvenile facilities;
- 26 (11) minimum training standards for staff at juvenile facilities;
- 27 (12) surveillance systems at juvenile facilities, including whether all
28 juvenile facilities are equipped with functioning surveillance cameras capable of monitoring
29 all areas of juvenile facilities;
- 30 (13) minimum standards for facilitating family engagement for juveniles at
31 juvenile facilities, including standards for facilitating daily contact between juveniles and
32 their family members;
- 33 (14) standards for attorneys to access their clients within all juvenile
34 facilities in the State;

1 (15) plans to adopt cognitive behavioral therapy training and restorative
2 justice training for staff at all juvenile facilities in the State; [and]

3 (16) plans to transition from the current slate of secure juvenile facilities to
4 ensure access to both nonresidential and residential facilities that use culturally
5 competent, evidence-based programming in all jurisdictions of the State; AND

6 **(17) THE NUMBER OF CASES RESOLVED AT INTAKE AND THE NUMBER**
7 **OF CASES REFERRED FOR INFORMAL ADJUSTMENT WITHIN THE PAST FISCAL YEAR.**

8 SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, That, on or before December 31,
9 2024, and on or before December 31 each year thereafter, the Governor’s Office of Crime
10 Prevention, Youth, and Victim Services shall report to the General Assembly, in accordance
11 with § 2–1257 of the State Government Article, on the number of children arrested and the
12 number of times the arrest resulted in a complaint with the Department of Juvenile
13 Services in each calendar year.

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

18 (1) seven members in 2025;

19 (2) six members in 2026; and

20 (3) seven members in 2027.

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

23 SECTION ~~3~~ 6. AND BE IT FURTHER ENACTED, That, except as provided in
24 Section 5 of this Act, this Act shall take effect ~~October~~ July 1, 2024.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.