

SENATE BILL 1066

E3, E2

8lr2733
CF HB 479

By: **Senators Conway and Pinsky**

Introduced and read first time: February 7, 2018

Assigned to: Rules

A BILL ENTITLED

1 AN ACT concerning

2 **Juvenile Law – Lead Testing and Behavioral Health Assessment**

3 FOR the purpose of requiring, instead of authorizing, the juvenile court to order a child to
4 undergo blood lead level testing under certain circumstances; requiring, instead of
5 authorizing, the juvenile court to direct the Department of Juvenile Services or
6 another qualified agency to make a certain study concerning the child; requiring
7 that, as part of the study, the Department conduct a comprehensive behavioral
8 health assessment of the child; requiring, instead of authorizing, a court exercising
9 criminal jurisdiction in a case involving a child to order the child to undergo blood
10 lead level testing before trial under certain circumstances; requiring a court
11 exercising criminal jurisdiction in a case involving a child to order the child to
12 undergo a certain comprehensive behavioral health assessment before trial; and
13 generally relating to juvenile offenders.

14 BY repealing and reenacting, with amendments,
15 Article – Courts and Judicial Proceedings
16 Section 3–8A–16.1 and 3–8A–17
17 Annotated Code of Maryland
18 (2013 Replacement Volume and 2017 Supplement)

19 BY repealing and reenacting, with amendments,
20 Article – Criminal Procedure
21 Section 4–205
22 Annotated Code of Maryland
23 (2008 Replacement Volume and 2017 Supplement)

24 BY adding to
25 Article – Criminal Procedure
26 Section 4–205.1
27 Annotated Code of Maryland
28 (2008 Replacement Volume and 2017 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
2 That the Laws of Maryland read as follows:

3 **Article – Courts and Judicial Proceedings**

4 3–8A–16.1.

5 (a) After a petition has been filed with the court under this subtitle, but before an
6 adjudication, the court [may] **SHALL** order the child to undergo blood lead level testing **IF**
7 **THE CHILD’S PARENT OR GUARDIAN CONSENTS.**

8 (b) A copy of the results of a test performed under subsection (a) of this section
9 shall be provided to:

- 10 (1) The child;
- 11 (2) The child’s parent or guardian;
- 12 (3) The child’s counsel; and
- 13 (4) The State’s Attorney.

14 3–8A–17.

15 (a) After a petition or a citation has been filed with the court under this subtitle,
16 the court [may] **SHALL** direct the Department of Juvenile Services or another qualified
17 agency to make a study concerning the child, the child’s family, the child’s environment,
18 and other matters relevant to the disposition of the case.

19 (b) As part of a study under this section, the child or any parent, guardian, or
20 custodian may be examined at a suitable place by a physician, psychiatrist, psychologist,
21 or other professionally qualified person.

22 **(C) AS PART OF A STUDY UNDER THIS SECTION, THE DEPARTMENT OF**
23 **JUVENILE SERVICES SHALL CONDUCT A COMPREHENSIVE BEHAVIORAL HEALTH**
24 **ASSESSMENT OF THE CHILD.**

25 **[(c) (D)]** The report of a study under this section is admissible as evidence at a
26 waiver hearing and at a disposition hearing, but not at an adjudicatory hearing. However,
27 the attorney for each party has the right to inspect the report prior to its presentation to
28 the court, to challenge or impeach its findings and to present appropriate evidence with
29 respect to it.

30 **Article – Criminal Procedure**

1 4-205.

2 (a) Before trial, a court exercising criminal jurisdiction in a case involving a child
3 [may] **SHALL** order the child to undergo blood lead level testing **IF THE CHILD'S PARENT**
4 **OR GUARDIAN CONSENTS.**

5 (b) A copy of the results of a test performed under subsection (a) of this section
6 shall be provided to:

7 (1) the child;

8 (2) the child's parent or guardian;

9 (3) the child's counsel; and

10 (4) the State's Attorney.

11 **4-205.1.**

12 **BEFORE TRIAL, A COURT EXERCISING CRIMINAL JURISDICTION IN A CASE**
13 **INVOLVING A CHILD SHALL ORDER THE CHILD TO UNDERGO A COMPREHENSIVE**
14 **BEHAVIORAL HEALTH ASSESSMENT BY A PHYSICIAN, PSYCHIATRIST,**
15 **PSYCHOLOGIST, OR ANY OTHER PROFESSIONALLY QUALIFIED PERSON.**

16 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
17 October 1, 2018.