

HOUSE BILL 1190

E3
HB 823/22 – JUD

3lr1707
CF SB 220

By: **Delegate Clippinger (By Request – Maryland Judicial Conference)**

Introduced and read first time: February 10, 2023

Assigned to: Judiciary

Committee Report: Favorable

House action: Adopted

Read second time: March 7, 2023

CHAPTER _____

1 AN ACT concerning

2 **Juveniles – Truancy Reduction Pilot Program – Expansion**

3 FOR the purpose of expanding, renaming, and altering certain provisions relating to a
4 certain truancy reduction program in certain juvenile courts; authorizing a county
5 or circuit administrative judge to establish a certain Truancy Reduction and School
6 Reengagement Program as a problem-solving court in certain juvenile courts in
7 accordance with rules adopted by the Supreme Court of Maryland; requiring the
8 Chief Justice of the Supreme Court of Maryland to annually report certain
9 information to the General Assembly; and generally relating to truancy reduction
10 programs in the juvenile courts.

11 BY adding to

12 Article – Courts and Judicial Proceedings
13 Section 3–8C–01
14 Annotated Code of Maryland
15 (2020 Replacement Volume and 2022 Supplement)

16 BY repealing and reenacting, with amendments,

17 Article – Courts and Judicial Proceedings
18 Section 3–8C–01, 3–8C–02, 3–8C–06, 3–8C–07, 3–8C–10, and 3–8C–12
19 Annotated Code of Maryland
20 (2020 Replacement Volume and 2022 Supplement)

21 BY repealing and reenacting, without amendments,

22 Article – Courts and Judicial Proceedings

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 Section 3–8C–03, 3–8C–04, 3–8C–05, 3–8C–08, 3–8C–09, and 3–8C–11
2 Annotated Code of Maryland
3 (2020 Replacement Volume and 2022 Supplement)

4 BY repealing and reenacting, without amendments,
5 Article – Education
6 Section 7–301(a–1)(1), (c), and (e)(1) and (2)
7 Annotated Code of Maryland
8 (2022 Replacement Volume)

9 BY repealing and reenacting, with amendments,
10 Article – Education
11 Section 7–301(e–1)
12 Annotated Code of Maryland
13 (2022 Replacement Volume)

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

16 **Article – Courts and Judicial Proceedings**

17 **3–8C–01.**

18 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
19 INDICATED.

20 (B) “COURT” MEANS THE CIRCUIT COURT FOR A COUNTY SITTING AS THE
21 JUVENILE COURT.

22 (C) “PROGRAM” MEANS A TRUANCY REDUCTION AND SCHOOL
23 REENGAGEMENT PROGRAM ESTABLISHED UNDER THIS SUBTITLE.

24 **[3–8C–01.] 3–8C–01.1.**

25 This subtitle applies only:

26 (1) In a county in which the circuit **OR COUNTY** administrative judge has
27 established a [Truancy Reduction Pilot Program] **PROGRAM** under § 3–8C–02 of this
28 subtitle; and

29 (2) To the extent that funds are provided in an annual State budget for a
30 [Truancy Reduction Pilot Program] **PROGRAM**.

31 **3–8C–02.**

1 (a) [(1) The Circuit Administrative Judge of the First Circuit may establish a
2 Truancy Reduction Pilot Program in one or more of the juvenile courts in Dorchester
3 County, Somerset County, Wicomico County, and Worcester County.

4 (2) The Circuit Administrative Judge of the Second Circuit may establish
5 a Truancy Reduction Pilot Program in the juvenile courts in Kent County and Talbot
6 County.

7 (3) The Circuit Administrative Judge of the Third Circuit may establish a
8 Truancy Reduction Pilot Program in the juvenile court in Harford County.

9 (4) The Circuit Administrative Judge of the Seventh Circuit may establish
10 a Truancy Reduction Pilot Program in the juvenile court in Prince George's County.]

11 (1) A COUNTY ADMINISTRATIVE JUDGE MAY ESTABLISH A TRUANCY
12 REDUCTION AND SCHOOL REENGAGEMENT PROGRAM AS A PROBLEM-SOLVING
13 COURT IN THE JUVENILE COURT IN THE COUNTY IN ACCORDANCE WITH RULES
14 ADOPTED BY THE SUPREME COURT OF MARYLAND.

15 (2) A CIRCUIT ADMINISTRATIVE JUDGE MAY ESTABLISH A TRUANCY
16 REDUCTION AND SCHOOL REENGAGEMENT PROGRAM AS A PROBLEM-SOLVING
17 COURT IN ONE OR MORE OF THE JUVENILE COURTS IN THE CIRCUIT IN ACCORDANCE
18 WITH RULES ADOPTED BY THE SUPREME COURT OF MARYLAND.

19 (B) THE PURPOSE OF A PROGRAM ESTABLISHED UNDER THIS SUBTITLE IS
20 TO:

21 (1) ADJUDICATE CASES FILED WITH THE COURT UNDER § 7-301 OF
22 THE EDUCATION ARTICLE IN A MANNER THAT PROMOTES THE CHILD'S AND THE
23 CHILD'S PARENT'S OR GUARDIAN'S ENGAGEMENT OR REENGAGEMENT WITH
24 EDUCATION;

25 (2) IDENTIFY THE CAUSES OF TRUANCY AND SCHOOL
26 DISENGAGEMENT FOR A CHILD PARTICIPATING IN THE PROGRAM;

27 (3) ASSIST THE CHILD, THE CHILD'S PARENTS OR GUARDIANS, AND
28 THE SCHOOLS IN AMELIORATING THE CAUSES OF TRUANCY AND SCHOOL
29 DISENGAGEMENT; AND

30 (4) REENGAGE THE CHILD IN FURTHERING THE CHILD'S EDUCATION.

31 [(b)] (C) After consultation with [the] A CIRCUIT administrative [judges of the
32 first, second, third, and seventh circuits] JUDGE, the Chief Justice of the Supreme Court
33 of Maryland may accept a gift or grant [to implement the pilot programs] FOR THE
34 PROGRAM in [each respective] THE circuit.

1 3-8C-03.

2 (a) A child who is required under § 7-301 of the Education Article to attend school
3 may not fail to do so without lawful excuse.

4 (b) A violation of this section is a Code violation and is a civil offense.

5 (c) Adjudication of a Code violation under this section is not a criminal conviction
6 for any purpose and does not impose any of the civil disabilities ordinarily imposed by a
7 criminal conviction.

8 3-8C-04.

9 An authorized school official may file with the juvenile court a petition alleging a
10 violation of this subtitle.

11 3-8C-05.

12 (a) A petition under this subtitle shall allege that a child who is required to attend
13 school failed to attend school without lawful excuse and shall set forth in clear and simple
14 language the facts supporting the allegation.

15 (b) (1) Whenever a petition is filed under this subtitle the court shall hold an
16 adjudicatory hearing.

17 (2) The rules of evidence under Title 5 of the Maryland Rules shall apply
18 at an adjudicatory hearing under this section.

19 (3) The allegations in a petition under this subtitle shall be proved by a
20 preponderance of the evidence.

21 3-8C-06.

22 (a) Unless a petition filed under this subtitle is dismissed, the court shall hold a
23 separate disposition hearing after the adjudicatory hearing.

24 (b) The court shall hold a disposition hearing on the same day as the adjudicatory
25 hearing unless, on its own motion or motion of a party, the court finds good cause to delay
26 the disposition hearing to a later day.

27 (c) If the court delays a disposition hearing, it shall be held no later than 15 days
28 after the conclusion of the adjudicatory hearing unless good cause is shown.

29 (d) In making a disposition on a petition filed under this subtitle, the court may
30 [order the child to]:

1 **(1) ORDER THE CHILD TO:**

2 **[(1)] (I) Attend school, INCLUDING SUMMER SCHOOL, A CREDIT**
3 **RECOVERY PROGRAM, OR A VIRTUAL LEARNING PLATFORM;**

4 **[(2)] (II) [Perform community service] WITH THE CONSENT OF THE**
5 **COUNTY BOARD OF EDUCATION, ATTEND A GED PROGRAM;**

6 **[(3)] (III) Attend counseling, including family counseling;**

7 **[(4)] (IV) Attend substance [abuse] USE DISORDER evaluation and**
8 **treatment SERVICES;**

9 **[(5)] (V) Attend mental health evaluation and treatment SERVICES; [or]**

10 **(VI) PERFORM COMMUNITY SERVICE; OR**

11 **[(6)] (VII) Keep a curfew with the hours set by the court;**

12 **(2) REFER THE CHILD OR THE CHILD'S PARENT OR GUARDIAN TO AN**
13 **APPROPRIATE AGENCY TO ADDRESS BEHAVIORS OR ISSUES THAT IMPACT THE**
14 **CHILD'S ENGAGEMENT WITH SCHOOL OR OTHER ISSUES RELEVANT TO SCHOOL**
15 **ATTENDANCE; OR**

16 **(3) ISSUE ANY OTHER ORDER THAT THE COURT DETERMINES IS**
17 **APPROPRIATE TO ACHIEVE THE PURPOSES SPECIFIED IN § 3-8C-02(B) OF THIS**
18 **SUBTITLE.**

19 (e) Cases under this subtitle are eligible for family support services as provided
20 in the Maryland Rules.

21 3-8C-07.

22 A criminal defendant **WHO IS ALLEGED TO HAVE VIOLATED § 7-301(E) OF THE**
23 **EDUCATION ARTICLE** under this subtitle is subject to:

24 (1) Any conditions of probation authorized under § 6-220 of the Criminal
25 Procedure Article; and

26 (2) Any additional condition of probation that would promote the child's
27 attendance in school.

28 3-8C-08.

1 (a) (1) If a petition is filed under this subtitle in a county other than the county
2 where the child is living or domiciled, the court on its own motion, or on motion of a party,
3 may transfer the proceedings to the county of residence or domicile at any time prior to
4 final termination of jurisdiction.

5 (2) In its discretion, the court to which the case is transferred may take
6 further action.

7 (b) Every document, social history, and record on file with the clerk of the court
8 pertaining to the case shall accompany the transfer.

9 3-8C-09.

10 Except as otherwise provided in this subtitle, the Maryland Rules govern the format
11 of the petition and the procedures to be followed by the court and the parties under this
12 subtitle.

13 3-8C-10.

14 The court [shall] **MAY** retain jurisdiction under this subtitle until every condition of
15 the court's order is satisfied.

16 3-8C-11.

17 A party may appeal a final judgment entered under this subtitle as provided in Title
18 12 of this article and in the Maryland Rules.

19 3-8C-12.

20 (A) On or before November 1 of each year, the Chief Justice of the Supreme Court
21 of Maryland shall report to the General Assembly, in accordance with § 2-1257 of the State
22 Government Article, on each [Truancy Reduction Pilot Program] **PROGRAM** established
23 under this subtitle.

24 (B) **THE REPORT REQUIRED BY THIS SECTION SHALL INCLUDE:**

25 (1) **THE NUMBER OF PROGRAMS ESTABLISHED UNDER THIS**
26 **SUBTITLE;**

27 (2) **THE NUMBER OF CHILDREN PARTICIPATING IN EACH PROGRAM;**

28 (3) **INFORMATION ON OUTCOMES FOR CHILDREN PARTICIPATING IN**
29 **EACH PROGRAM; AND**

30 (4) **INFORMATION ON ANY CHANGES RECOMMENDED TO IMPROVE**
31 **THE FUNCTIONING OF THE PROGRAMS.**

1 **[(2)] (3)** A charge under this section may be filed in the juvenile court and
2 assigned to a truancy docket for disposition under Title 3, Subtitle 8C of the Courts Article.

3 **[(3)] (4)** The court may condition marking a charge under this section set
4 on participation of the defendant in the appropriate [Truancy Reduction Pilot Program
5 under Title 3, Subtitle 8C of the Courts Article] **PROGRAM.**

6 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
7 October 1, 2023.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.