

Department of Legislative Services
 Maryland General Assembly
 2024 Session

FISCAL AND POLICY NOTE
Third Reader

Senate Bill 1039

(Frederick County Senators)

Judicial Proceedings

Ways and Means

Frederick County - Juveniles - Truancy Reduction Pilot Program

This bill authorizes the Circuit Administrative Judge of the Sixth Circuit to establish a Truancy Reduction Pilot Program (TRPP) in the juvenile court in Frederick County.

Fiscal Summary

State Effect: General fund expenditures for the Judiciary increase by \$155,000 annually for program grant funding. The bill may have an operational impact on the Office of the Public Defender (OPD), as discussed below. Revenues are not affected.

(in dollars)	FY 2025	FY 2026	FY 2027	FY 2028	FY 2029
Revenues	\$0	\$0	\$0	\$0	\$0
GF Expenditure	155,000	155,000	155,000	155,000	155,000
Net Effect	(\$155,000)	(\$155,000)	(\$155,000)	(\$155,000)	(\$155,000)

Note: () = decrease; GF = general funds; FF = federal funds; SF = special funds; - = indeterminate increase; (-) = indeterminate decrease

Local Effect: Local grant revenues and corresponding expenditures for Frederick County increase by \$155,000 annually from grant funding and program implementation. Otherwise, the bill is not anticipated to materially affect county finances, as discussed below.

Small Business Effect: None.

Analysis

Current Law:

Truancy Reduction Pilot Program

Under § 7-301 of the Education Article, subject to limited exceptions, each child who resides in the State and is age 5 or older and younger than age 18 must attend a public school regularly during the entire school year. A child who is required by law to attend school and is habitually truant can be designated a Child in Need of Supervision, which makes the child subject to the jurisdiction of the juvenile court under Title 3, Subtitle 8A of the Courts and Judicial Proceedings Article. However, current law (Title 3, Subtitle 8C of the Courts and Judicial Proceedings Article) also sets forth specific procedures for addressing truancy in jurisdictions in which a TRPP has been established. In a county in which a TRPP has been established, an authorized school official may file with the juvenile court a petition alleging that a child who is required to attend school failed to do so without lawful excuse, as specified.

Circuit Administrative Judges of the First, Second, Third, and Seventh circuits may establish TRPPs in specified counties within their judicial circuits. Dorchester, Harford, Kent, Prince George's, Somerset, Talbot, Wicomico, and Worcester counties are currently authorized to have TRPPs.

Dispositions under a Truancy Program

When making a disposition on a petition that has been filed as part of a TRPP, the court may order the child to (1) attend school; (2) perform community service; (3) attend counseling, including family counseling; (4) attend substance abuse evaluation and treatment; (5) attend mental health evaluation and treatment; or (6) keep a curfew with the hours set by the court. The court must retain jurisdiction until every condition of the court's order is satisfied.

Truancy Programs – Adults

Section 7-301 of the Education Article also requires a person who has legal custody or care and control of a child who is at least age 5, but younger than age 16, to see that the child attends school or receives instruction. A violator is guilty of a misdemeanor. For a first conviction, the violator is subject to maximum penalties of a fine of \$50 per unlawful day of absence and/or three days imprisonment. For a second or subsequent conviction, the violator is subject to maximum penalties of a fine of \$100 per day of unlawful absence and/or five days imprisonment.

Any person who induces or attempts to induce a child to be unlawfully absent from school or employs or harbors any child who is absent unlawfully from school while school is in session is guilty of a misdemeanor, punishable by a fine of up to \$500 and/or imprisonment for up to 30 days. In a county that has established a TRPP, a charge may be filed in the juvenile court and assigned to a truancy docket for disposition. The court may condition marking a charge as a *stet* on the defendant's participation in the appropriate TRPP.

Annual Reporting Requirements

The Chief Judge of the Supreme Court of Maryland must report annually (by November 1) to the General Assembly on each established TRPP.

State and Local Fiscal Effect: The Judiciary's Office of Problem-Solving Courts (OPSC) advises that it provides annual reimbursable grants to each circuit court that operates a truancy program, and \$155,000 is the standard annual anticipated cost for a truancy program. OPSC previously advised that county supporting agencies do provide support staff or services where needed for TRPPs (*e.g.*, a pupil placement worker provided by a local school board). However, both Frederick County and Frederick County Public Schools advise they do not anticipate a fiscal impact from the bill, and any involvement with a TRPP can be handled with existing resources.

OPD previously advised that truancy programs generate additional cases based on charges against parents for truant behavior and increased level of effort in juvenile cases with clients who have both a delinquency matter and a truancy matter, to ensure that their rights are protected. To the extent that this occurs in Frederick County, the bill has an operational effect on OPD. Additional OPD workloads generated *solely* by the bill can only be determined with actual experience under the bill. Should the addition of a truancy program in Frederick County increase OPD workloads such that additional personnel are needed, OPD can request those additional resources through the annual budget process.

Additional Information

Recent Prior Introductions: Similar legislation has not been introduced within the last three years.

Designated Cross File: HB 1479 (Frederick County Delegation) - Ways and Means.

Information Source(s): Frederick County; Judiciary (Administrative Office of the Courts); Office of the Public Defender; Frederick County Public Schools; Department of Legislative Services

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