



Maryland

DEPARTMENT OF
JUVENILE SERVICES

**Department of Juvenile Services (DJS)
End of Session Report:
2022 Legislative Session of the Maryland General
Assembly**

DJS Office of Legislation and Policy

June 2022

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Boyd K. Rutherford
Lt. Governor

Larry Hogan
Governor

Sam Abed
Secretary

Legislative Session Overview

The Department of Juvenile Services (DJS) Office of Legislation and Policy (OLP) reviewed 2,498 bills that were introduced during the 2022 Legislative Session of the Maryland General Assembly. Of those, DJS monitored 81 pieces of legislation and took action on several of these bills in the form of written and/or oral testimony, letters of information or direct lobbying. DJS received and submitted timely responses to 59 fiscal note requests, as well as multiple data / information requests throughout the legislative session. This was a pivotal year for juvenile justice in the State of Maryland as DJS and various stakeholders assisted in carrying out the successful passage of sweeping juvenile justice reform legislation along with increased retirement benefits for essential DJS staff. These legislative accomplishments will enable Maryland to provide the appropriate level of treatment and services to our most at-risk youth, while reducing juvenile incarceration and keeping communities safe.

Bills that Passed

I. High Impact Legislation / DJS Departmental Bills

SB0691(CH0041) / HB0459(CH0042) - Juvenile Justice Reform

Bill Page: <https://mgaleg.maryland.gov/mgaweb/legislation/details/sb0691>

Effective Date: June 1, 2022

Minimum Age of Jurisdiction (New minimum age established)

- The juvenile court has jurisdiction over a child who is 13 years or older.
- The juvenile court has jurisdiction over a child who is 10, 11 or 12 who is accused of committing a crime of violence (COV) as defined in the MD Code (§14-101) and crimes arising out of the same incident.

Intake and Pre-Court Supervision

- When a felony complaint comes to DJS Intake the Intake Officer does not have to forward the case to the State's Attorney Office (SAO) if:
 - The Intake Officer determines that the matter can be solved with an informal adjustment; and
 - The crime wasn't a crime of violence and didn't involve intentional physical injury or death.
- The Intake Officer may proceed with an informal adjustment without informing the victim if:
 - DJS Intake has made reasonable efforts to contact the victim.
- Victim consent is no longer required for an informal adjustment.
- Prior to an adjudicatory hearing, if all parties agree (the child, the child's counsel, SAO, the Court), a case may be returned to DJS Intake:
 - If the respondent completes an informal adjustment, the court shall dismiss the case.
 - If the respondent does not successfully complete the informal adjustment, the case proceedings resume.

Detention

- Before the court orders detention, the court shall:
 - Consider the results of a validated risk scoring instrument.
- If the most serious adjudicated offense is a misdemeanor, the child may not be placed in detention unless:
 - The act involved a handgun; or
 - The child has been adjudicated delinquent twice in the last year.

- If the court decides to put a child in detention, the following must occur:
 - DJS must appear in court every 14 days to explain the need for continued detention; and
 - DJS must submit a community release plan for the child within 10 days of the initial detention.
- A child cannot be placed in detention for a technical violation of probation (VOP).

Commitment

- A child cannot be committed for an out-of-home placement to DJS under the following circumstances:
 - If the most serious offense is a misdemeanor (*unless the offense involved a firearm*); or
 - A technical VOP.

Probation

This bill creates a goal-oriented probation model where young people are matched with needed services and receive a level of supervision consistent with their risk to public safety. Generally, the new law limits the length of probation for misdemeanors at 6 months and felonies at 1 year. The new law did not place limits on probation terms for crimes of violence.

- If the most serious adjudicated offense is a **misdemeanor**, the court initially may not place a child on probation for a period of more than 6 months.
 - However, the court may hold a hearing and extend that probation by terms of 3 months if the court finds:
 - good cause to extend the probation; and
 - the purpose is to ensure the child completes treatment or a rehabilitative program.
 - *Under those circumstances, the total probation cannot exceed 1 year.*
- If the most serious adjudicated offense is a **felony**, the court initially may not place a child on probation for a period of more than 1 year.
 - However, the court may hold a hearing and extend that probation by terms of 3 months if the courts finds:
 - good cause to extend the probation; and
 - the purpose is to ensure that the child completes a treatment or rehabilitative program.
 - *Under those circumstances, the total probation cannot exceed 2 years UNLESS;*
 - ❖ the court holds a hearing and finds that there is clear and convincing evidence that there is good cause to extend; and
 - ❖ extending is in the best interest of the child.
 - ❖ *Under those circumstances, total probation cannot exceed 3 years.*
- If a child commits a VOP, other than a technical VOP, a court may, after a hearing, place the child on a new term of probation that's consistent with the period of probation that was initially imposed.
- There are no statutory limits on the length of probation for a felony COV. Probation can last until juvenile court jurisdiction ends (age 21).

Establishes the Commission on Juvenile Justice Reform and Emerging Best Practices

- Membership: (11 total)
 - Two Senators,
 - Two Delegates,
 - The Secretary of DJS,
 - The Secretary of DHS,
 - The following members are appointed by the Governor:
 - One member from an institute for juvenile justice public policy in Maryland;
 - One member from an institute from the University of MD, specializing in evidence-based and culturally competent services for juveniles; and
 - Three representatives with relevant education and experience.
 - The Governor designates the Chair, and the commission is staffed by DJS and DHS.
- Tasks of the Commission
 - Research culturally competent evidence based research based and promising practices relating to:

- Child welfare, juvenile rehabilitation, mental health services for children, preventative and intervention services for juveniles.
 - Evaluate cost-effectiveness of practices researched by commission;
 - Identify the means of evaluating the effectiveness of practices researched by the commission; and
 - Giving special attention to organizations representing underserved communities, identify strategies to evaluate and validate community-based organizations that provide services and programming for juveniles.
- The Commission reports its findings starting December 31, 2023 and each year thereafter.

Reporting

- DJS shall report on: (*Report due on or before April 15, 2023*)
 - Plans to publish an annual report by DJS in consultation with MDH, on the length of stay for juveniles in secure facilities while undergoing competency evaluations and receiving services;
 - Plans for the inclusion of information and data relating to use of a risk assessment tool in the Department of Juvenile Services’ Data Resource Guide (DRG);
 - The use of community detention for juveniles in the care and custody of DJS;
 - The Department of Juvenile Services’ development of forms for community detention that do not include information relating to house arrests;
 - The effect of a requirement that DJS provide a robust continuum of community–based alternatives to detention in all jurisdictions of the State and recommendations for establishing the requirement;
 - Access to mental health services for all juveniles served by DJS;
 - The feasibility of and any plans for providing quality, evidence–based programming for juveniles detained in secure juvenile facilities, including educational programming, structured weekend activities, and activities involving family members of detained juveniles;
 - The use of community detention, including electronic monitoring, for juveniles placed on probation;
 - Plans to increase the number of shelter beds available in juvenile facilities, particularly beds for girls;
 - Plans to track and report data on the number of days juveniles ordered to shelter care placements remain in secure juvenile facilities;
 - Minimum training standards for staff at juvenile facilities;
 - Surveillance systems at juvenile facilities, including whether all juvenile facilities are equipped with functioning surveillance cameras capable of monitoring all areas of juvenile facilities;
 - Minimum standards for facilitating family engagement for juveniles at juvenile facilities, including standards for facilitating daily contact between juveniles and their family members;
 - Standards for attorneys to access their clients within all juvenile facilities in the State;
 - Plans to adopt cognitive behavioral therapy training and restorative justice training for staff at all juvenile facilities in the State; and
 - Plans to transition from the current slate of secure juvenile facilities to ensure access to both nonresidential and residential facilities that use culturally competent, evidence–based programming in all jurisdictions of the State.
- GOCPYVS shall request and analyze data relating to juveniles charged as adults from:
 - Law enforcement agencies;
 - AOC;
 - Local correctional facilities; and
 - DPSCS.
 - The information shall include:
 - The number of juveniles charged, convicted and sentenced as adults;
 - The outcomes of the youth charged as adult (YCA) cases including conviction, dismissal, or transfer decisions;
 - The number of YCA housed in each state/local correctional facility; and
 - The length of sentence for each YCA.
 - GOCPYVS shall report its findings to the Governor starting on Dec 31, 2023 and every year thereafter.
 - Additionally, on or before December 31, 2023 GOCPYVS shall:

- Develop a model policy for diversion of juveniles from the juvenile justice system and criminal justice system;
- Identify funding opportunities to support diversion programs for juveniles in the State, including local programs;
- Collect and evaluate data related to the implementation and effectiveness of diversion programs for juveniles in the State; and
- Report its findings to the General Assembly, in accordance with §26 2–1257 of the State Government Article.

HB0763 - Correctional Officers' Retirement System – Membership (CORS)

Bill Page: <https://mgaleg.maryland.gov/mgawebsite/Legislation/Details/hb0763>

Effective Date: July 1, 2022

This bill adds the following DJS Classifications into the Correctional Officers’ Retirement System (CORS):

- DJS Case Management Program Supervisors;
- DJS Case Management Specialists I, II & III (Community and Facility);
- DJS Case Management Specialist Supervisors (Community and Facility); and
- DJS Residential Group Life Managers I & II.

Employees in these positions on or after July 1, 2022 are now eligible for retirement after 20 years of eligibility service as a condition of employment. An individual who is employed in these positions on or before June 30, 2022, is eligible to retire from CORS if vested in CORS with a combined total of at least 20 years of eligibility service credit in CORS and either the Employees’ Retirement System (ERS) or the Employees’ Pension System (EPS). The bill also authorizes service credit earned in ERS or EPS to be combined with service credit in CORS for specified individuals and requires service credit earned in EPS to be combined for specified individuals. By January 1, 2023, the State Retirement Agency must notify individuals affected by the bill of their right to transfer their service credit from ERS or EPS to CORS.

SB0172 - Department of Juvenile Services - Facilities - J. DeWeese Carter Center

Bill Page: <https://mgaleg.maryland.gov/mgawebsite/Legislation/Details/sb0172>

Effective Date: July 1, 2022

**DJS departmental bill.*

SB 172 updates the current list of DJS operated facilities by removing the J. DeWeese Carter Center from the statutory list of DJS operated detention and committed treatment facilities. This facility closed on June 30, 2020, and operated as a hardware secure committed treatment program for girls in Chestertown, MD. The closure of the Carter Center reflects the continued downward trend in the DJS committed population over the last several years, and the Department’s efforts to increase access to community-based treatment when appropriate. Girls requiring treatment services in an out-of-home placement are currently served through a continuum of privately contracted programs.

SB 172 also removes “train” from the list of services provided in DJS operated detention and treatment facilities. “Train” is unnecessary, and career, job, or workforce training is included in educational programming.

II. Juvenile Services Education Program (JSEP) / Education Related Bills

HB0139 - State Personnel – Professional Service – Juvenile Services Education Teachers and Correction Education Teachers

Bill Page: <https://mgaleg.maryland.gov/mgawebsite/Legislation/Details/hb0139>

Effective Date: July 1, 2022

HB0139 requires teachers transitioning to the Juvenile Services Education Program (JSEP) under DJS to be classified in the “professional service” employment designation within the MD State Personnel Management System. The bill removes them from their current classification of "Special Appointments." This bill does the same for DLR employees in the educational and workforce skills training programs. In addition, the bill was amended to clarify that JSEP is a “public agency,” as defined under the Education article.

SB0705 / HB1255(CH0031) - Education – Physical Restraint and Seclusion – Limitations, Reporting, and Training

Bill Page: <https://mgaleg.maryland.gov/mgawebsite/Legislation/Details/HB1255?ys=2022RS>

Effective Date: July 1, 2022

This bill was aimed at addressing the use of seclusion and restraints in public/non-public schools, specifically those for students with disabilities. The bill adds JSEP as a “public agency,” under the MD Education article, but JSEP is exempted from the provisions limiting the use of seclusion and restraint. DJS has existing standards that limit the use of seclusion and restraint and extensive monitoring and oversight of their use. However, JSEP is still included in the reporting requirement provisions of the bill, which mandate reports to MSDE on the use of restraints and seclusion, with information disaggregated by students’ jurisdiction, disability, race, gender, age, and type of placement. JSEP will also be required to annually submit to MSDE, steps taken to encourage positive behavioral interventions. Finally, the bill also requires the state superintendent of schools to adopt positive behavioral intervention training requirements for teachers, administrators, behavioral health specialists, paraprofessionals, aides, and any other employees who interact routinely with students.

HB0146 - Education - Reportable Offenses and Student Discipline - Children with Disabilities and Reporting - First Reading Education, Health, and Environmental Affairs

Bill Page: <https://mgaleg.maryland.gov/mgawebsite/Legislation/Details/hb0146>

Effective Date: July 1, 2022

This bill specifies that a “reportable offense” is one that occurred off school premises and not at a school-sponsored event. Additionally, this bill requires MSDE to submit an annual report to the Governor and the General Assembly detailing information local schools receive on students arrested for reportable offenses. The report must contain data on: offenses, demographics, disability status, grades, and program changes as a result of the offense, school removals and academic performance of students during such disciplinary school removals. The bill also mandates that a student’s attorney be invited to any disciplinary removal, exclusion, or manifestation conference. It also requires each county board of education to report the number of school disruptions for each school year; the disruptions (listed below) must be disaggregated by race/ethnicity/disability status/gender, short and long term suspensions or expulsions, and referrals of prosecution.

- Attendance;
- Arson, fire, explosives;
- Dangerous substances;
- Sexual offenses; and
- Attack with weapons, threats, or fighting.

Finally there are additional reporting requirements for MSDE to send this information to the MD Center for School Safety.

SB0299(CH0078) / HB0136 - Education - Public and Nonpublic Schools - Seizure Action Plans (Brynleigh's Act)

Bill Page: <https://mgaleg.maryland.gov/mgawebsite/Legislation/Details/SB0299?ys=2022RS>

Effective Date: July 1, 2022

Senate Bill 299 (Ch. 78) requires, beginning in the 2023-2024 school year, local boards of education to take specified steps regarding the health care needs of students with a seizure disorder, including requiring each public school to have at least two school personnel trained in recognizing the signs and symptoms of seizure disorders and administering first aid. The training and other school health services guidelines on the management of students with seizure disorders must be developed by MSDE and the Maryland Department of Health, with other specified stakeholders. Each public school must provide an abridged presentation of the seizure disorder training to specified school staff every two years. The parent or guardian of a student diagnosed with a seizure disorder must collaborate with school personnel to create a seizure action plan and provide medication and authorization. Nonpublic schools may establish similar training and policies related to management of students with seizure disorders. School personnel are exempted from liability for responding in good faith to a student experiencing a seizure, unless they act in a willfully or grossly negligent way.

SB0325(CH0163) / HB0769(CH0164) - Student Data Privacy - Protections, Digital Tools, and Student Data Privacy Council

Bill Page: <https://mgaleg.maryland.gov/mgawebsite/Legislation/Details/hb0769>

Effective Date: June 1, 2022

HB0769 updates definitions in the Student Data Privacy Act of 2015 and reestablishes the Student Data Privacy Council. The bill requires the Council to report on best practices for student data privacy protection for parents and guardians. The bill goes into effect June 1, 2022 and the Student Data Privacy Council remains active for 6 years and 4 months.

HB0468 - Public School Employees – Whistleblower Protections – Civil Actions

Bill Page: <https://mgaleg.maryland.gov/mgawebsite/Legislation/Details/hb0468>

Effective Date: July 1, 2022

House Bill 468 repeals the prerequisite that a public school employee who is engaging in whistleblowing, exhaust any administrative remedies before instituting a civil action. The bill also requires local school systems to establish an administrative complaint and remediation process for public school employees engaged in whistleblowing who have been subject to adverse personnel actions and requires that an employee who is subject to a personnel action as reprisal for whistleblowing must notify the local superintendent of schools in writing prior to instituting a civil action of the employee's intention to institute a civil action.

HB0766 / SB0656 - Children - Residential Treatment Centers - Education Funding

Bill Page: <https://mgaleg.maryland.gov/mgawebsite/Legislation/Details/HB0766?ys=2022RS>

Effective Date: January 1, 2024

The bill authorizes certain core service agencies, local behavioral health authorities, and local addictions authorities to approve funding for certain youths' educational costs incurred during admission to residential treatment centers when the education costs are not covered under a child's special education designation.

III. Data Collection / Research Related Legislation

HB1023 (SB0785) - Department of Legislative Services - Collection of Information Related to Public Safety, Criminal Justice, Corrections, and Juvenile Services

Bill Page: <https://mgaleg.maryland.gov/mgawebsite/Legislation/Details/HB1023?ys=2022RS>

Effective Date: July 1, 2022

This bill requires certain law enforcement and public safety entities to submit data/information to the Department of Legislative Services (DLS). Under the bill DJS will enter into a Memorandum of Understanding (MOU) with DLS on or before August 1, 2022 and provide various custom reports to DLS, including information, de-identified and disaggregated by juvenile, relating to a juvenile's record of delinquency, court actions, supervision, and placement. The bill also requires DJS to develop a work plan regarding efforts to include specific race and ethnicity data for individual juveniles.

Additional participants include the Department Public Safety and Correctional Services (DPSCS), Maryland State Police (MSP), Governor's Office on Crime Prevention and Victim Services (GOCPYVS) and law enforcement agencies. Data required from each participant varies, but the data collection focuses on serious officer-involved incidents and resulting disciplinary actions, monetary settlements or judgments against law enforcement agencies, race-based traffic stops, and use-of-force incidents.

HB1276(CH0169) / SB0870(CH0170) - Baltimore City Youth Data Hub - Establishment

Bill Page: <https://mgaleg.maryland.gov/mgawebsite/Legislation/Details/hb1276>

Effective Date: June 1, 2022

HB1276/SB0870 establishes the Baltimore City Youth Data Hub; an integrated, electronic data management system that links data about youth from various providers for the purpose of promoting the well-being of youth (under 21) and ensuring equitable access to and cost-efficiency of youth programs in Baltimore City. The bill includes procedures to safeguard the security and confidentiality of data included in the Hub and establishes penalties for violations of those procedures. The Hub must also publish an annual report that is available and accessible to the public. No state agencies are listed as participants in this bill.

HB1018 / SB0781 - Governor's Office of Crime Prevention, Youth, and Victim Services - Required Performance Data and Scorecard

Bill Page: <https://mgaleg.maryland.gov/mgawebsite/Legislation/Details/HB1018?ys=2022RS>

Effective Date: October 1, 2022

Bill imposes a mandated appropriation in the annual State Budget Bill

House Bill 1018 requires GOCPYVS to ensure that all reports issued by the office related to grant programs include a summary of all collected performance measure data and information necessary to provide transparency in the results of competitive grant awards. GOCPYVS must also create, for inclusion in its annual report, a scorecard of quantifiable safety indicators. In addition to the appropriate indicators, the scorecard must include (1) crime statistics for violent crime and property crime as reported in the Uniform Crime Report or the National Incident-based Reporting System, as specified, and the crime clearance rates for those crimes; (2) the portion of committed crimes not reported to law enforcement as estimated based on the National Crime Victimization Survey or other sources; (3) indicators of safety and fairness in the criminal justice system in the State, as specified; and (4) indicators of the underlying factors and conditions affecting progress toward a safer State, as specified. Beginning in fiscal 2024, the Governor must include in the annual budget bill an appropriation of \$500,000 for the Maryland Behavioral Health and Public Safety Center of Excellence within GOCPYVS for the center to enter into contracts for the purposes of carrying out its mission.

IV. Crimes / Courtroom Procedures / Public Safety

SB0053(CH0050) / HB0269 - Juvenile Law - Child Interrogation Protection Act

Bill Page: <https://mgaleg.maryland.gov/mgawebsite/Legislation/Details/SB0053?ys=2022RS>

Effective Date: October 1, 2022

The bill prohibits a law enforcement officer from conducting a custodial interrogation of a child until the child has consulted with an attorney, and the law enforcement officer has made reasonable efforts to notify the parent/guardian that the child will be interrogated. Interrogations, unless impossible, impractical, or unsafe must be recorded. If a law enforcement officer fails to comply with the new requirements of the bill, there is a rebuttable presumption that the statements elicited are inadmissible. The State can overcome that presumption by showing clear and convincing evidence that the statement was knowing, intelligent, and voluntary. The only circumstance where a custodial interrogation that does not follow the new requirements will be allowed is when a law enforcement officer reasonably believes information is needed to protect against a threat to public safety. In that circumstance, questions posed by the officer must be limited to obtaining information needed to protect public safety.

HB0148(CH0148) / SB0328(CH0149) - Criminal Law - Stalking - Definition

Bill Page: <https://mgaleg.maryland.gov/mgawebsite/Legislation/Details/hb0148>

Effective Date: October 1, 2022

This bill alters the definition of stalking to include conduct that occurs in person, through electronic communication, or through the use of a certain device. The proposed change would update the law, which passed before the existence of electronic methods of communication and tracking a person.

SB0151(CH0167) / HB0645(CH0166) - Hate Crimes - False Statement to a Law Enforcement Officer

Bill Page: <https://mgaleg.maryland.gov/mgawebsite/Legislation/Details/SB0151?ys=2022RS>

Effective Date: October 1, 2022

House Bill 645/Senate Bill 151 clarify that it is a hate crime for a person to make or cause to be made a false statement, report, or complaint that the person knows to be false, either as a whole or in material part, to a specified law enforcement officer, in violation of § 9-501 of the Criminal Law Article, about a group or person with the intent to deceive and to cause an investigation or other action to be taken as a result of the statement, report, or complaint when the perpetrator's actions were motivated in whole or in substantial part by the subject's race, color, religious beliefs, sexual orientation, gender, gender identity, disability, national origin, or homeless status. Violators are subject to existing penalties for violations of the State's hate crimes statute.

SB0020(CH0162) / HB0284(CH0161) - Criminal Procedure - Out of Court Statements - Child Victims and Witnesses

Bill Page: <https://mgaleg.maryland.gov/mgawebsite/Legislation/Details/SB0020>

Effective Date: October 1, 2022

The hearsay rule generally prohibits the admission into evidence of an out of court statement offered to prove the truth of the matter asserted in the statement. Senate Bill 20/House Bill 284 expand statutory evidentiary provisions, sometimes referred to as the "tender years statute," that authorize the admission of an out of court statement in a juvenile court or criminal proceeding made by a child victim under specified circumstances to include (1) a statement made by a child victim who is younger than age 13 and is an alleged victim or a child alleged to be in need of assistance in a case before the court concerning neglect of a minor and (2) a statement made by a child victim or witness who is younger than age 13 and is an alleged victim or a witness in a case before the court concerning a crime of violence under § 14-101 of the Criminal Law Article.

SB0203(CH0228) - Children in Need of Assistance – Custody and Guardianship and Review Hearings

Bill Page: <https://mgaleg.maryland.gov/mgawebsite/Legislation/Details/sb0203>

Effective Date: October 1, 2022

Senate Bill 203 adds additional requirements for hearings to review the permanency plan of a CINA who is in an out-of-home placement in order to bring the State into compliance with federal law. Most significantly, the bill (1) repeals the existing exception for a review hearing every 12 months if the child is continued in an out-of-home placement with a specific caregiver and, instead, requires that a review hearing be held every 6 months and (2) requires the court at review hearings to determine the appropriateness of and the extent of compliance with the case plan for the child. When the permanency plan is another planned permanent living arrangement, the bill also requires the review hearing to include (1) a determination on the adequacy of the steps that the local department is taking to ensure that the child's foster family home or child care institution is following the reasonable and prudent parent standard; (2) a determination of whether the child has regular, ongoing opportunities to engage in age or developmentally appropriate activities; and (3) a consultation with the child in an age-appropriate manner regarding the opportunities for the child to participate in such activities.

SB0585(CH0174) - Public Safety - Warrants and Absconding

Bill Page: <https://mgaleg.maryland.gov/mgawebsite/Legislation/Details/sb0585>

Effective Date(s): July 1, 2022, October 1, 2022

Bill imposes a mandated appropriation in the annual State Budget Bill

Senate Bill 585 requires the Governor, for fiscal 2024 through 2026, to include each year in the annual budget bill an appropriation of \$2 million for local law enforcement agencies to be used as grants for warrant apprehension efforts. The Governor's Office of Crime Prevention, Youth, and Victim Services (GOCPYVS) must administer the grant funds. An eligible local law enforcement agency that receives a grant pursuant to the bill must submit, for each fiscal year, specified information to the Executive Director of GOCPYVS. The bill also modifies the definition of "absconding" as it relates to parole and probation to include leaving an inpatient residential treatment facility that an individual was placed in pursuant to a court order for drug or alcohol treatment without the permission of the administrator. The bill's provisions relating to grants for warrant apprehension efforts terminate December 31, 2026.

SB0763(CH0141) / HB1429 - Public Safety and Criminal Justice - Transparency and Accountability

Bill Page: <https://mgaleg.maryland.gov/mgawebsite/Legislation/Details/SB0763?ys=2022RS>

Effective Date(s): July 1, 2022, October 1, 2022

Senate Bill 763 requires the Division of Parole and Probation (DPP) to submit to the Senate Judicial Proceedings Committee and the House Judiciary Committee an annual report on (1) measures DPP will take to improve oversight of offenders under its supervision who are involved in homicides and (2) the number of offenders supervised by DPP that were victims of or charged with certain crimes. The bill also requires the Maryland State Commission on Criminal Sentencing Policy to include in its annual report specified information regarding sentences involving crimes of violence (disaggregated by judicial circuit) and conspicuously post such information publicly on its website. The bill also repeals a statutory provision that excludes criminal records from the types of records that the Maryland Longitudinal Data System Center, which collects and facilitates the exchange of specified student data for analysis, may collect. These provisions terminate September 30, 2025. The bill also establishes a Task Force to Study Transparency Standards for State's Attorneys to study the possibility of establishing minimum transparency standards for State's Attorneys.

SB0017 / HB0561 - Child Custody - Cases Involving Child Abuse or Domestic Violence - Training for Judges

Bill Page: <https://mgaleg.maryland.gov/mgawebsite/Legislation/Details/SB0017?ys=2022RS>

Effective Date(s): July 1, 2022, July 1, 2024

Senate Bill 17 requires the Judiciary, in consultation with domestic violence and child abuse organizations, to develop (and update, as appropriate) a training program for judges and magistrates presiding over child custody cases involving child abuse or domestic violence. The training must include numerous specified topics, including (1) the dynamics and effects of child sexual abuse, physical and emotional child abuse, and domestic violence; (2) the impact of exposure to

domestic violence on children and the importance of considering this impact when making child custody and visitation decisions; and (3) the potential impacts of explicit and implicit bias on child custody decisions. The Judiciary must adopt procedures to identify custody cases involving child abuse or domestic violence as soon as possible to ensure that only judges who have received the specified training are assigned such cases. Beginning July 1, 2024, within a judge's first year of presiding over child custody cases involving child abuse or domestic violence, the judge must receive at least 20 hours of initial training approved by the Judiciary that meets the requirements of the training program, as established by the bill.

HB0837(CH0026) - Cannabis Reform

Bill Page: <https://mgaleg.maryland.gov/mgaweb/Legislation/Details/hb0837>

Effective Date(s): June 1, 2022, January 1, 2023, July 1, 2023

****Contingency - on enactment of a constitutional amendment ([HB0001](#))***

House Bill 837 (Ch. 26) alters various provisions of law applicable to the use, possession, and distribution of cannabis. Among numerous other provisions, House Bill 837 (Ch. 26) authorizes an individual who is incarcerated for a conviction related to cannabis under § 5-601 of the Criminal Law Article to apply to the court for resentencing; the court must grant the application and resentence the person to time served. If the person is not serving another sentence, the person must be released from incarceration. Furthermore, the bill alters expungement eligibility for individuals convicted of certain cannabis-related offenses. The Act authorizes a person who is convicted of possession of cannabis under § 5-601 of the Criminal Law Article to file a petition for expungement of the conviction after the satisfactory completion of the sentence including probation (rather than the current waiting period of the later of four years after the conviction or the satisfactory completion of the sentence). The Act also requires the Department of Public Safety and Correctional Services, by July 1, 2024, to "expunge" all cases in which the possession of cannabis is the only charge in the case and the charge was issued before July 1, 2023. For purposes of this provision, expunge is limited to mean removal of all references to a specified criminal case from the Central Repository. These provisions are effective January 1, 2023, contingent on ratification of a related constitutional amendment as noted above.

HB0033 / SB0614 Criminal Law – Controlled Dangerous Substances – Schedules – Adjustment

Bill Page: <https://mgaleg.maryland.gov/mgaweb/Legislation/Details/HB0033?ys=2022RS>

Effective Date: June 1, 2022

This bill repeals the specific list of substances included in Schedules I through V of the Maryland Controlled Dangerous Substances Act and instead incorporates by reference (1) Controlled Dangerous Substances (CDS) added to any Schedule I through V by the Maryland Department of Health (MDH); (2) CDS scheduled by the federal government on any Schedule I through V unless MDH objects; and (3) CDS analogues, as defined and designated under existing statute.

V. Community Operations

SB0350/HB1005 - Maryland Medical Assistance Program – Community Violence Prevention Services

Bill Page: <https://mgaleg.maryland.gov/mgawebsite/Legislation/Details/SB0350?ys=2022RS>

Effective: July 1, 2022

The bill authorizes Medicaid, subject to federal approval and state budget limitations, to provide community violence prevention services beginning July 1, 2023. Participants who are referred to violence prevention services must have had exposure to community violence or been referred to the program because they are at risk of injury, violence or retaliation. MDH must apply for a federal waiver to provide these services under Medicaid.

HB1248(CH0200) / SB0820 - Child Abuse and Neglect – Investigations – Timeliness

Bill Page: <https://mgaleg.maryland.gov/mgawebsite/Legislation/Details/HB1248?ys=2022RS>

Effective Date: October 1, 2022

Senate Bill 820/House Bill 1248 respond to concerns raised regarding the timeliness of child abuse and neglect investigations by requiring DHS to implement policies to ensure that specified actions are taken if a local department of social services or the appropriate law enforcement agency fails to see a child who is the suspected victim of child abuse or neglect within the timeframes required in statute. Specifically, the policies must ensure that (1) the reason for the delay is documented in the child’s case file; (2) a supervisor at the local department is notified of the delay in order to support staff in making initial contact with the child; and (3) a supervisor at the local department reviews the documentation of the reason for the delay during the review of the final investigation report.

Additionally, DHS must prepare and issue quarterly reports identifying investigations or reports that are not completed within required timeframes, and the reports must include an explanation for each delay compiled with input from the local departments.

VI. Facility Operations

SB0003 / HB0297 - Facilities - Disabilities, Juveniles, Behavioral Health, and Health Care - Children and Community Relations Plans

Bill Page: <https://mgaleg.maryland.gov/mgawebsite/Legislation/Details/SB0003?ys=2022RS>

Effective Date: October 1, 2022

SB0003 requires DJS to adopt regulations that require each juvenile care facility and detention center to establish and implement a safety plan, and revise that plan every five years. The bill states that safety plans or emergency plans that exist for other purposes, but contain similar information can be used to satisfy the requirements put forth in the bill. Likewise for the same population, each application for certificate of approval for a private group home submitted to MDH must include a statement that the applicant will establish and implement a safety plan or implement a safety or emergency plan established for another purpose. The bill specifies that the five-year plan revision requirement also applies to licensed behavioral health programs.

A. Facility Operations (Behavioral Health)

SB0636 / HB1403 - Maryland Department of Health - Waiver Programs - Waitlist and Registry Reduction (End the Wait Act)

Bill Page:

Effective Date: October 1, 2022

Requires Maryland Department of Health to reduce the waitlist for seven waiver programs by 50% beginning in fiscal 2024. (Currently there are over 31,000 individuals on various waiting lists for various waiver services). The bill also requires MSDE and MDH to develop a plan to reduce the waitlist for the autism waiver that includes conducting eligibility determinations of individuals on the waitlist, and beginning fiscal 2024 providing services to at least 50% of eligible individuals.

HB0971 Maryland Medical Assistance Program - Substance Use Disorder Treatment - Network Adequacy

Bill Page: <https://mgaleg.maryland.gov/mgawebsite/Legislation/Details/hb0971>

Effective Date: Upon Enactment

House Bill 971 requires MDH and the Behavioral Health Administration to ensure that the specialty mental health system has an adequate network of providers available to provide substance use disorder treatment for children younger than age 18.

SB0002(CH0079) / HB0032 - Mental Health Law – Petitions for Emergency Evaluation – Electronic Record

Bill Page: <https://mgaleg.maryland.gov/mgawebsite/Legislation/Details/SB0002?ys=2022RS>

Effective Date: October 1, 2022

Allows an electronic medical record to be used to seek an emergency petition for a patient with mental health concerns needing rapid evaluation regarding the need for emergency treatment.

HB0129 / SB0012 - Behavioral Health Crisis Response Services and Public Safety Answering Points – Modifications

Bill Page: <https://mgaleg.maryland.gov/mgawebsite/Legislation/Details/HB0129?ys=2022RS>

Effective Date: October 1, 2022

This bill requires MDH, in awarding grants from the Behavioral Health Crisis Response Grant Program (BHCRGP), to require that proposals include response standards that prioritize mobile crisis units over law enforcement when responding to individuals in crisis. Each public safety answering point (PSAP) must develop a written policy on the procedures to be followed when a call is received that involves an individual suffering an active mental health crisis. The

bill also alters the definition of “mobile crisis team” (MCT) to specify that an MCT prioritizes limiting the interaction of law enforcement with individuals in crisis.

HB0684 / SB0659 - Maryland Medical Assistance Program - Psychiatric Inpatient Care - Admissions Restrictions (Psychiatric Hospital Admissions Equity Act)

Bill Page: <https://mgaleg.maryland.gov/mgawebsite/Legislation/Details/HB0684?ys=2022RS>

Effective Date: October 1, 2022

House Bill 684 prohibits MDH from limiting or restricting admission of a Medicaid recipient for inpatient care at a special psychiatric hospital or an acute general care hospital with separately identified inpatient psychiatric service unless MDH bases the limit or restriction on the medical necessity of the admission and establishes the limit or restriction through regulation.

HB1222 - Public Health - Baltimore City Behavioral Health Crisis Incident Review Team

Bill Page: <https://mgaleg.maryland.gov/mgawebsite/Legislation/Details/hb1222>

Effective Date: October 1, 2022

Bill imposes a local government mandate which is a directive in a bill requiring a local government unit to perform a task or assume a responsibility that has a discernible fiscal impact on the local government unit.

House Bill 1222 establishes the Baltimore City Behavioral Health Crisis Incident Review Team in Baltimore City to, among other purposes, review behavioral health crisis incidents involving law enforcement in Baltimore City, identify root causes and patterns within and across public systems that result in behavioral health crises involving law enforcement, and assist in the implementation of procedural, logistical, and clinical changes to minimize the need for law enforcement involvement in behavioral health crises.

SB0200(CH0224) - Public Health - Prescription Drug Monitoring Program - Naloxone Medication Data

Bill Page: <https://mgaleg.maryland.gov/mgawebsite/Legislation/Details/sb0200>

Effective Date: October 1, 2022

Senate Bill 200 requires the Prescription Drug Monitoring Program to monitor the dispensing of naloxone medication and establishes standards surrounding the disclosure of naloxone medication data.

SB0241(CH0146) / HB0293(CH0145) - Behavioral Health Crisis Response Services - 9-8-8 Trust Fund

Bill Page: <https://mgaleg.maryland.gov/mgawebsite/Legislation/Details/SB0241?ys=2022RS>

Effective Date: July 1, 2022

Bill imposes a mandated appropriation in the annual State Budget Bill.

The bills establish the 9-8-8 Trust Fund to provide reimbursement for costs associated with designating and maintaining 9-8-8 in accordance with the federal law and implementing a statewide initiative for the coordination and delivery of the continuum of behavioral health crisis response services. In fiscal 2024, the Governor must include \$5.5 million in the annual budget bill for the trust fund. MDH must designate 9-8-8 as the State’s behavioral health crisis hotline by July 16, 2022.

HB0048(CH0080) / SB0094(CH0081) - Public Health - Maryland Suicide Fatality Review Committee

Bill Page: <https://mgaleg.maryland.gov/mgawebsite/Legislation/Details/HB0048?ys=2022RS>

Effective Date: October 1, 2022

Establishes the Maryland Suicide Fatality Review Committee whose purpose is to identify and address the factors contributing to suicide deaths and facilitate systems changes in Maryland to prevent suicide deaths.

VII. State Government

HB0227(CH0064) - State Government - Legal and Employee Holiday - Juneteenth National Independence

Day

Bill Page: <https://mgaleg.maryland.gov/mgawebsite/Legislation/Details/hb0227>

Effective Date: June 1, 2022

This bill establishes Juneteenth National Independence Day as a State legal holiday and State employee holiday annually on June 19th. The bill also repeals the requirement that the Governor annually proclaim June 19 as Juneteenth National Freedom Day.

HB0744 / SB0502 - State Retirement and Pension System - Administration - Clarifications and Corrections

Bill Page: <https://mgaleg.maryland.gov/mgawebsite/Legislation/Details/HB0744?ys=2022RS>

Effective Date: June 1, 2022

House Bill 744 includes legislative requests introduced to the Joint Committee on Pensions by the SRPS board to clarify or update existing statutory provisions. The bill specifies that only active (i.e., currently employed) members of specified systems of SRPS may be elected as trustees representing members of their respective systems; however, for the State Police Retirement System, only active members or retirees may be elected to represent members and retirees of that system. The bill corrects an incorrect reference to clarify that survivor benefits for retirees enrolled in the State Police Retirement System Deferred Retirement Option Program (DROP) are the same as those for retirees who die when not enrolled in DROP. It also adds an exemption from a benefit offset for retirees of CORS who are reemployed as parole and probation officers, to be consistent with a similar exemption for retirees of ERS or EPS who are also reemployed as parole and probation officers. The bill repeals an obsolete provision allowing members of the Judges' Retirement System to purchase credit for specified prior employment that would have occurred at least 45 years ago. The bill extends immediate vesting to an individual who is serving as the head of a department, an office, or other unit of State government who is appointed by the Governor for a fixed term. Finally, the bill requires SRPS to accept certain applications for retirement with notarization defects and provides for the transfer of service credit into CORS for certain individuals who were moved into CORS from EPS.

SB0450 (HB1393) - Harassment and Sexual Harassment - Definitions - Employment Discrimination and Sexual Harassment Prevention Training

Bill Page: <https://mgaleg.maryland.gov/mgawebsite/Legislation/Details/SB0450?ys=2022RS>

Effective Date: October 1, 2022

Senate Bill 450 alters the definition of "harassment" relating to employment discrimination. The bill explicitly includes sexual harassment within the definition of harassment and expands the definition of harassment to include conduct under certain circumstances, which need not be severe or pervasive. The bill also alters the definition of "sexual harassment" in statutory provisions relating to the requirement that each State employee complete mandatory sexual harassment prevention training.

HB0246 - Open Meetings Act - Notices and Closed Sessions - Retention Periods and Online Posting

Bill Page: <https://mgaleg.maryland.gov/mgawebsite/Legislation/Details/hb0246>

Effective Date: October 1, 2022

Increases from one to three years the amount of time a public body is required to keep copies of (1) public notice in advance of a meeting in a closed or open session (2) the written statement that must be prepared by a public body prior to meeting in a closed session. The bill also requires a public body, to the extent practicable, a public body to post the written statement online.

HB1482 / SB1005 - State Retirement and Pension System - Divestment From Russia

Bill Page: <https://mgaleg.maryland.gov/mgawebsite/Legislation/Details/HB1482?ys=2022RS>

Effective Date: Upon Enactment

Senate Bill 1005/House Bill 1482 are emergency bills that require the SRPS board to review its investment holdings to determine the extent to which the system is invested in Russia-restricted investments and to take divestment action with regard to any current investments in Russia-restricted investments or Russian securities. The bills also prohibit SRPS from making any new investments in a Russia-restricted investment. The bills do not apply if the U.S. government declares an end to financial sanctions against the Russian Federation related to its invasion of and violation of the sovereignty of Ukraine. Within six months after the end of U.S. sanctions, the SRPS board must recommend appropriate legislation to the Joint Committee on Pensions.

SB0275(CH0048) / HB0008 - Labor and Employment – Family and Medical Leave Insurance Program – Establishment (Time to Care Act of 2022)

Bill Page: <https://mgaleg.maryland.gov/mgawebsite/Legislation/Details/sb0275>

Effective Date: Effective Date(s): June 1, 2022, January 1, 2023

Senate Bill 275 (Ch. 48) establishes the FAML I Program and FAML I Fund administered by the Maryland Department of Labor (MDL). The program provides up to 12 weeks of benefits and paid leave to a covered individual, which includes a covered employee, an employee that works for an employer with one or more employees, or a self-employed individual.

A. State Government (IT / Cyber Security)

HB1346 / SB0812 - State Government - Cybersecurity - Coordination and Governance

Bill Page: <https://mgaleg.maryland.gov/mgawebsite/Legislation/Details/hb1346>

Effective Date: June 1, 2022

HB1346/SB0812 establishes the Office of Security Management within DoIT and sets the responsibilities and authority of the Office of Security Management, and establishes the MD Cybersecurity Coordinating Council. The bill requires the Secretary of DoIT to develop and maintain a statewide cybersecurity master plan strategy and requires each unit of the Executive Branch of the State and certain local entities to report certain cybersecurity incidents in a certain manner and under certain circumstances. It also requires the Office of Security Management to prepare a transition strategy towards cybersecurity centralization. Finally, the bill requires that on or before June 30, 2023, each agency in the Executive Branch of State government shall certify to the Office of Security Management compliance with State minimum cybersecurity standards established by the Department of Information Security Technology.

HB1205/SB0811 - State Government – Information Technology and Cybersecurity–Related Infrastructure (Modernize Maryland Act of 2022)

Bill Page: <https://mgaleg.maryland.gov/mgawebsite/Legislation/Details/hb1205>

Effective Date: Upon Enactment

This bill established the Local Cybersecurity Support Fund, which focuses on the development, financing, and procurement of information technology and cybersecurity–related State government infrastructure projects.

HB1202/SB0754 - Local Government Cybersecurity - Coordination and Operations (Local Cybersecurity Support Act of 2022)

Bill Page: <https://mgaleg.maryland.gov/mgawebsite/Legislation/Details/hb1202>

Effective Date: Upon Enactment

This bill establishes the Cyber Preparedness Unit within the Maryland Department of Emergency Management. It also established the Office of Security Management and the Information Sharing and Analysis Center, both in the Department of Information Technology. Directors within the Office of Security Management will provide technical

assistance, coordinate resources, and improve cybersecurity preparedness for units of local government and oversee the coordination, direction, and implementation of the overall cybersecurity strategy and policy for units of State government. The bill requires specified reporting requirements about cybersecurity preparedness from State and local government entities.

SB0183(CH0115) - State Government - Information Technology - Review of Projects and Proposals

Bill Page: <https://mgaleg.maryland.gov/mgawebsite/Legislation/Details/sb0183>

Effective Date: October 1, 2022

Senate Bill 183 (Ch. 115) clarifies that Executive Branch agencies must advise DoIT of any IT proposal involving the sale, lease, exchange, or other disposition of communication sites, facilities, or frequencies and that the Secretary must consider other consideration received by the State when determining the value obtained by the State.

SB0317 / HB0663 - State Government – Notarial Acts – Fees and Use of Communication Technology

Bill Page: <https://mgaleg.maryland.gov/mgawebsite/Legislation/Details/SB0317?ys=2022RS>

Effective Date: June 1, 2022

Senate Bill 317/House Bill 663 (1) repeal an exception to remote notarization provisions for wills and trust instruments; (2) authorize a notary public to use communication technology to take an acknowledgement of a signature remotely under certain circumstances; (3) establish certain requirements for a notary public to confirm a record remotely; and (4) specify that the notarization of any document under the requirements of specified executive orders authorizing remote notarizations must be deemed valid if the notarization occurred during the time that the orders were in effect.

B. State Government (Procurement)

SB0250(CH0157) / HB0325(CH0158) State Procurement - Payment Practices

Bill Page: <https://mgaleg.maryland.gov/mgawebsite/Legislation/Details/SB0250?ys=2022RS>

Effective Date(s): Bill - July 1, 2022, Timing change on interest on unpaid invoices - June 1, 2023

After June 1, 2023 interest begins to accrue on invoices under State procurement contracts that remain unpaid after 37 days (rather than 45 days) from when the agency receives the invoice. The bill requires DLS to conduct a study and report on processing and timing of payments to contractors under State procurement contracts. It also requires DoIT to report on the Comptroller’s online payment portal and the planned upgrade to Financial Management Information System (FIMS).

HB0013(CH0159) - Procurement – Discriminatory Hiring Practices – Debarment

Bill Page: <https://mgaleg.maryland.gov/mgawebsite/Legislation/Details/hb0013>

Effective Date: October 1, 2022

This bill mandates that a person shall be debarred from entering into a contract with the state for five years if the US Dept. of Labor administrative review board finds that they engaged in discriminatory hiring practices.

SB0259(CH0051) / HB0611 - Procurement - Prevailing Wage - Applicability

Bill Page: <https://mgaleg.maryland.gov/mgawebsite/Legislation/Details/SB0259?ys=2022RS>

Effective Date: October 1, 2022

This bill applies the State’s prevailing wage requirements to mechanical systems service contracts that are part of public work contracts with a value that exceeds a specified threshold in federal law, which is currently \$2,500. A “mechanical systems service contract” is defined as a contract for (1) heating, ventilation, and air conditioning, including ductwork; (2) refrigeration systems; (3) plumbing systems; (4) electrical systems; and (5) elevator systems.

VIII. Workgroups / Commissions / Task Forces

HB1026(CH0199) - Human Services - Two Generation Family Economic Security Commission - Membership

Bill Page: <https://mgaleg.maryland.gov/mgawebsite/Legislation/Details/hb1026>

Effective Date: July 1, 2022

DHS staff to the Two Generation Family Economic Security Commission, which investigates and makes recommendations to alleviate multigenerational poverty in Maryland.

DJS is currently a member of this commission.

SB0802 - Maryland Consortium on Coordinated Community Supports - Membership and Coordinated Community Supports Partnership Fund - Revisions

Bill Page: <https://mgaleg.maryland.gov/mgawebsite/Legislation/Details/sb0802>

Effective Date: July 1, 2022

Senate Bill 802 increases, from two to four, the number of additional staff that must be added to MCHRC to staff the Consortium. The bill also alters the terms of the members of the Consortium. A memorandum of understanding must be entered into by the Consortium, MCHRC, and the National Center for School Mental Health (NCSMH) regarding provision of technical assistance by NCSMH. The bill also transfers the responsibility for administering the Coordinated Community Supports Partnership (CCSP) Fund from MSDE to MCHRC. The amount that the Governor must appropriate annually to the CCSP Fund is increased by \$10 million in each of fiscal 2024 and 2025 and by \$5 million annually thereafter.

DJS is currently a member of the Maryland Consortium on Coordinated Community Supports.

Bills that Failed

The bills that failed during the 2022 legislative session are equally as important to those that have passed. These bills could have made significant fiscal and/or operational impact to the department, some of which would have been welcomed, others non-preferable. Furthermore, understanding the bills that did not pass is a good indication of what policy or statutory changes some legislators may feel are needed for the agency or within the juvenile justice system as a whole. Therefore, these bills provide a framework for issues the department may have to prioritize and address in the interim and also a way to prepare for legislation that may be reintroduced in 2023.

HB0877 - Juveniles Charged as Adults - Confinement

Bill Page: <https://mgaleg.maryland.gov/mgawebsite/Legislation/Details/hb0877>

**DJS Departmental Bill*

This bill would have brought Maryland into compliance with the federal Juvenile Justice Delinquency Prevention Act (JJDP A) by requiring all youth under 18 (not just those who are transfer-eligible) be removed from adult jails and held in juvenile detention facilities. In very limited circumstances, the bill allowed a judge to order a young person to be held in an adult facility if, after considering certain factors, the judge found that it was in the interest of justice to do so. The bill required the court to review the cases of these youth held in adult facilities every 30 days and their total length of detention in an adult facility could not exceed 180 days (unless good cause was found). The bill also would have required youth in adult facilities to have sight and sound separation from adult inmates, but clarified that this could not be accomplished through the use of seclusion.

SB0165/HB0294 - Juvenile Court – Jurisdiction

Bill Page: <https://mgaleg.maryland.gov/mgawebsite/Legislation/Details/sb0165>

This bill would have ended direct file for all youth under 18 regardless of the offense. Specifically, it removed the list of crimes for which a youth under the age of 18 could have been charged as an adult and removed the transfer process from the code. Additionally, the bill would have removed several crimes from the list of education reportable offenses.

HB0121 - Juvenile Court Jurisdiction - Peace Orders - Repeal

Bill Page: <https://mgaleg.maryland.gov/mgawebsite/Legislation/Details/hb0121>

This bill would have removed all peace order proceedings from the jurisdiction of the juvenile court. There were proposed amendments to turn this into a reporting requirement, however even though the bill did not pass DJS will begin incorporating peace order data in the annual DRG starting in FY 2022.

HB0214 - Juveniles - Reportable Offenses

Bill Page: <https://mgaleg.maryland.gov/mgawebsite/Legislation/Details/hb0214>

For committed youth, this bill would have required DJS to notify a school that a child is enrolled in or transferred to, of the child's arrest on a reportable offense, if it was gang-related, the disposition of the reportable offense and the services provided to the youth in commitment.

HB0360 - Juvenile Law - Informal Adjustment

Bill Page: <https://mgaleg.maryland.gov/mgawebsite/Legislation/Details/hb0360>

This bill would have authorized the juvenile court, after a petition is filed, to refer the matter to the Department of Juvenile Services (DJS) for an informal adjustment so long as all parties agree. If the informal adjustment was successfully completed, the petition would be dismissed. If the informal adjustment was not successfully completed, the juvenile court would proceed with the petition. The bill also required DJS to report to the General Assembly on the number of cases referred by the court to DJS for informal adjustment and the outcomes of the children referred. *This "return to intake" procedure was amended into SB0691/HB0459 – Juvenile Justice Reform (see section I).*

HB0754 / SB0769 - Minors Convicted as Adults – Sentencing – Transfer to Juvenile Court

Bill Page: <https://mgaleg.maryland.gov/mgawebsite/Legislation/Details/hb0754>

This bill would have established criteria that required a court to consider specified factors before sentencing a minor convicted as an adult. The bill also authorized a court to transfer a minor convicted as an adult to the juvenile court for sentencing if the court determines by clear and convincing evidence that the minor is a victim of specified crimes committed against the minor within one year before the offense for which the minor was convicted.

HB1010 - Children - Substance Abuse Court-Ordered Evaluations and Treatment

Bill Page: <https://mgaleg.maryland.gov/mgawebsite/Legislation/Details/hb1010>

This bill would have expanded the jurisdiction of the juvenile court to include children that need or may benefit from inpatient or outpatient substance use treatment. If the court determined there was a need, MDH would be required to evaluate the child based on the conditions ordered by the court. If the MDH evaluation found the child is in need of substance use treatment, the court would have been required to order that the child be placed in an in-state treatment program. DJS would have then been required to provide in-state in/out-patient substance use treatment, and/or reimburse a private provider (“entity”) for the cost of the program.

HB1142 - Department of Juvenile Services - Juvenile Offense Database

Bill Page: <https://mgaleg.maryland.gov/mgawebsite/Legislation/Details/hb1142>

This bill would have required the Administrative Office (AOC) / DJS to develop and maintain a database that would track the description, date and location of all offenses involving juveniles. The database would have also included any judicial action taken and/or referrals to diversion programs.

SB0910 - Nondiscrimination – Courts and Other Governmental Entities – Prohibitions, Policy, and Training (Access to Justice for All Youth)

Bill Page: <https://mgaleg.maryland.gov/mgawebsite/Legislation/Details/sb0910>

This bill would have required the AOC and DJS to provide certain nondiscrimination training to certain employees and contractors. It also would have required DJS to provide training to its employees and contractors to teach behaviors, attitudes, and policies that support and affirm LGBTQ and gender nonconforming persons. The AOC would have determined the format, frequency and content of the training. Finally, it would have prohibited discrimination by units, officers, employees, and contractors of the State, a county, or a municipal corporation and to a grantee, a program, or an entity receiving State funds. This would have prohibited discrimination based on non-merit factors of families, children, prospective adoptive parents who are receiving services or involved with the courts and for kids at risk of or who are survivors of human sex trafficking.

HB0084 / SB0119 - Education – Crimes on School Grounds – Application

Bill Page: <https://mgaleg.maryland.gov/mgawebsite/Legislation/Details/hb0084>

This bill would have established that specific prohibitions against disruptive, violent, or threatening behavior on the grounds of elementary, secondary, or higher education or at school-sponsored events do not apply to (1) students attending a school where the offense occurs; (2) students on exclusionary discipline from the school; or (3) a student attending another institution who is participating in a sporting event or other extracurricular event sponsored by the school where the offense occurs. Students would be exempt from criminal penalties for those prohibited offenses.

HB0406 - Children in Out-of-Home Placements – Placement in Medical Facilities

Bill Page: <https://mgaleg.maryland.gov/mgawebsite/Legislation/Details/hb0406>

This bill would have established new restrictions and procedures regarding children in out-of-home placements who are kept in a medical facility when no longer medically necessary (hospital over-stays). The bill would have required MDH or DHS to ensure the least restrictive placement for any child for whom there is not a medical determination that the child requires hospitalization, admission, or treatment. It would have also created a Foster Children Support Fund and the Task Force to Examine the Placement of Foster Children in Emergency Departments.

HB0764 - Department of Human Services - Missing Individuals - Reporting

Bill Page: <https://mgaleg.maryland.gov/mgawebsite/Legislation/Details/hb0764>

This bill would have required the Department of Human Services (DHS) or the appropriate local department of social services (LDSS) to submit a specified report to the local law enforcement agency immediately after a discovery that a child in an out-of-home placement is missing.

SB0668 / HB0823 - Juveniles – Truancy Reduction Pilot Program – Expansion

Bill Page: <https://mgaleg.maryland.gov/mgawebsite/Legislation/Details/SB0668?ys=2022RS>

This bill would have renamed the existing “Truancy Reduction Pilot Program” (TRPP) to be the “Truancy Reduction and School Reengagement Program” and would have expanded application of related provisions to any county in which the circuit or county administrative judge has established a program and to the extent that funds are provided. The purpose of the program is to (1) adjudicate cases filed with the court under § 7-301 of the Education Article; (2) identify the causes of truancy and school disengagement for a child participating in the program; (3) assist the child, the child’s parents or guardians, and the schools in ameliorating the causes of the child’s truancy; and (4) re-engage the child in furthering the child’s education.

HB0833 SB0768 - Criminal Law - Victims of Child Sex Trafficking - Safe Harbor and Service Response

Bill Page: <https://mgaleg.maryland.gov/mgawebsite/Legislation/Details/HB0833?ys=2022RS>

This bill would have (1) altered procedures that a law enforcement officer and court must follow when there is reason to believe a child who has been detained is a victim of “sex trafficking” or a “victim of human trafficking”; (2) prohibited the criminal prosecution of or a juvenile proceeding against a minor for a “qualifying offense,” a “violation” (specified offenses for which a citation may be issued), or an offense under § 3-1102 of the Criminal Law Article (sex trafficking) if the minor committed the underlying act as a direct result of “sex trafficking”; and (3) added offenses to the list of qualifying offenses for which a person may file a motion to vacate judgment if the person’s participation was a direct result of being a victim of human trafficking. The bill was amended late on Sine Die, and would have done the following:

- Removed DHS and replaces them with local DSS;
- Allowed the courts to dismiss each qualifying offense in a delinquency hearing (human trafficking related);
- If the court does dismiss the qualifying offense the court shall request that DJS and DSS shall jointly evaluate and determine to file a petition if CINA or CINS is needed;
- Restricted the court from dismissing a qualifying crime if the minor has had one or more of the qualifying offenses dismissed in the last 12 months; and
- Added language to include that a minor cannot be criminally prosecuted as delinquent for prostitution.

HB1058 - Justice and Public Health Prioritization Council

Bill Page: <https://mgaleg.maryland.gov/mgawebsite/Legislation/Details/hb1058>

This emergency bill would have established the Justice and Public Health Prioritization Council (JPHPC) under GOCPYVS. JPHPC must (1) using a data-driven approach, develop a statewide framework of sentencing and corrections policies to further reduce the State’s incarcerated population, reduce spending on corrections, and reinvest in infrastructure, services, and strategies to prioritize public health, increase public safety, and reduce recidivism and (2) request technical

assistance from the Council of State Governments (CSG) Justice Center and the Public Safety Performance Project of the Pew Center on the States to develop the policy framework. JPHPC also must convene an advisory stakeholder group and conduct roundtable discussion forums to seek public input, as specified.

HB1268 - Education - Reporting Arrests of Students - Alterations

Bill Page: <https://mgaleg.maryland.gov/mgawebsite/Legislation/Details/hb1268>

This emergency bill would have required that the Maryland Center for School Safety (MCSS), the State Board of Education (SBE), and the State's Attorney be notified when a student is arrested for specified crimes. A local superintendent would have also been required to notify MCSS and SBE when a student who was arrested no longer resides in the jurisdiction of the county board of education. The bill also would have made conforming changes related to the confidentiality and disposition of student arrest records.

Vetoed Bills

On May 27, 2022 Governor Larry Hogan announced 18 policy vetoes of legislative measures in accordance with Article II, Section 17(a) of the Maryland Constitution. Vetoed bills that were monitored by DJS are below. A full list of the Governor's vetoes can be found [here](#).

After a bill passes both chambers of the General Assembly, the Governor has a limited time to decide whether or not to veto it, depending on when the bill is formally presented. If no action is taken, the bill will become law without the Governor's signature. If a bill is vetoed within the appropriate time frame, the General Assembly may override the Governor's veto with a 3/5 vote in each chamber during the *next* legislative session. However, there is an exception in an election year and the new legislature may not override a veto since the bill would have been passed by the previous legislature. Therefore, the bills vetoed below will not become law.

SB0420 / HB0719 - Employment of Minors - Opportunities for Work

Bill Page: <https://mgaleg.maryland.gov/mgawebsite/Legislation/Details/SB0420?ys=2022RS>

**Vetoed by Governor*

Senate Bill 420 would have required the Commissioner of Labor and Industry to release the name, home address, and telephone number of a minor who is at least 16 years old and has a work permit to the following organizations that request the information and have registered with MDL for the purpose of receiving the information: (1) employers and apprenticeship sponsors; (2) educational programs and institutions; and (3) local workforce development boards that meet specified requirements. MDL may release information relating to a minor only if the minor's parent or guardian or the minor elects, or opts in, to allow sharing of the information.

SB0819 - Governor's Office of Crime Prevention, Youth, and Victim Services - Executive Director - Appointment

Bill Page: <https://mgaleg.maryland.gov/mgawebsite/Legislation/Details/sb0819>

**Vetoed by Governor*

Senate Bill 819 would have required the Governor to appoint the Executive Director of GOCPYVS with the advice and consent of the Senate who serves at the pleasure of the Governor.

HB1163 - Primary and Secondary Education - Virtual Education - Requirements

Bill Page: <https://mgaleg.maryland.gov/mgawebsite/Legislation/Details/hb1163>

**Vetoed by Governor*

This bill would have required a teacher preparation program to include training related to teaching in a virtual learning environment. Additionally, it would have allowed for the Superintendent under certain circumstances, to provide virtual education days to students instead of closing due to severe weather conditions. Finally, the legislation would have required the State Department of Education to establish a statewide universal learning management system for public schools and to hire staff.

Budget

I. DJS Budget Summary

Operating

1.) DJS Interagency Rates Committee (IRC) Providers

- FY 2022 Deficiency Appropriation: \$1.25 million General funds to supplement IRC residential per diem providers.
- Supplemental Budget #3: provides an additional \$466,269 in General funds to provide a 4% rate increase for IRC residential per diem providers.

2.) Roca Grant Funding

- Supplement Budget #5: provides an additional \$1 million under the General Purpose Account to be transferred to DJS to expand Roca grant funding outside of Baltimore City, to Baltimore County.

3.) Restricted Funding:

- \$250,000 General funds restricted in Departmental Support (D02.01) until DJS submits a report to the budget committees detailing updates on the operations of the Baltimore City Strategic Partnership
- \$100,000 restricted from DJS's General fund appropriation until the Governor's Office of Crime Prevention, Youth and Victim Services' (GOCPYVS) Children and Youth Division (CYD) submits a report on behalf of the Children's Cabinet to the budget committees on out-of-home placements. (Section 36 Enrolled Budget Bill)
- \$50,000 General funds restricted in Office of the Secretary (D01.01) until MDH's Behavioral Health Administration (BHA), GOCPYVS's Children and Youth Division (CYD) and DJS submit a report on youth behavioral health programs and practices (Section 38 Enrolled Budget Bill)

Capital

1.) Baltimore City Juvenile Justice Center Education Expansion

FY2023 \$12.142 million (PAYGO)

Design, Construction and Equipping

2.) Cheltenham Youth Detention Center Female Detention Expansion

FY2023 \$1,623,000 (GO Bonds)

Design

3.) Cheltenham Youth Treatment Center

FY 2024 \$69,600,000 and FY2025 \$33,800,000 (GO Bonds)

Construction and Equipping

**In FY2023 this project will begin design utilizing prior authorization funds from the canceled detention center project.*

II. State Budget Overview

Unprecedented federal aid provided in response to the COVID-19 pandemic contributed to better than anticipated revenue performance, providing the State with a historic general fund surplus. Recognizing that the availability of the sizable general fund balance was partially dependent on one-time revenue sources and acknowledging the potential risks of high inflation and other economic uncertainties, spending by both the Administration and the legislature during the 2022 session was focused on one-time investments in capital infrastructure, facility renewal, and assistance to individuals and businesses impacted by the pandemic.

Governor Lawrence J. Hogan, Jr. introduced a fiscal 2023 budget that increased general fund spending by 13% and increased the Rainy Day Fund balance to 16%. As part of his fiscal plan, the Governor also proposed legislation to eliminate business filing fees for online filers and phase-out taxes on retirement income over six years. At the 2022 session, the General Assembly passed bills that provide about \$350 million of tax relief in fiscal 2023 and made numerous other long-term funding commitments to operating and capital priorities. The fiscal 2023 budget provides over \$5 billion in capital investments, fulfills all mandates, and provides State employees with over \$590 million in compensation enhancements. Final action on the budget leaves an estimated general fund cash balance of \$219 million at the end of fiscal 2023, in addition to \$2.4 billion in the Rainy Day Fund. While the near-term cash position is favorable, achieving budget balance beginning in fiscal 2024 may require transfers from the Rainy Day Fund due to a robust non-binding plan to use the general fund for capital projects.

Budget in Brief

Senate Bill 290 (budget bill) provides over \$61.0 billion in appropriations for fiscal 2023 – a decrease of approximately \$1.6 billion (2.6%) from fiscal 2022, after accounting for a net \$4.4 billion in spending added across both years by supplemental budgets. Exhibit A-1.1 illustrates fiscal 2023 spending by fund source and purpose. General fund spending accounts for 45.9% of the total budget. Federal funds continue to account for a larger percentage of the budget compared to pre-pandemic years, approximately 30.2% of all spending, as the legislative appropriation reflects the continuation of federal aid to respond to the COVID-19 pandemic. Special funds constitute 16.1% of the budget with higher education revenue providing the remaining 7.9%. State agency operations constitute the largest area of spending, accounting for 39.3% of the total budget, followed by entitlements (27.2%) and aid to local governments (17.2%). Remaining appropriations fund pay-as-you-go (PAYGO) capital spending, debt service on State general obligation (GO) bonds, and appropriations to the Reserve Fund.

General fund appropriations increase by \$6.9 billion, or 32.6%, when compared to the fiscal 2022 adjusted working appropriation. Approximately half of the growth is attributable to fulfilling the statutorily required appropriation to the Rainy Day Fund and the addition of \$1.6 billion in general fund PAYGO to support capital projects that would otherwise be funded through GO bonds. Funding for the Medicaid program and other health-related agencies increases by nearly \$1.2 billion, primarily due to an 8% provider rate increase for most service providers, along with the need to backfill for one-time federal fund support in fiscal 2022.

General funds used to support debt service grow by \$170 million, as the majority of bond premiums are diverted from debt service payments to capital projects in fiscal 2023. Compensation enhancements for State employees account for approximately \$300 million of the growth in general fund spending on State agency operations, while the need to backfill for fiscal 2022 federal fund support for public safety salaries accounts for an additional \$350 million of the over \$2.0 billion net increase in agency appropriations. Education aid supported by general funds grows by \$500 million in fiscal 2023 attributable to changes in the statutory formulas, growth in funding for student transportation costs, and \$125 million in new funding for the Education Effort Adjustment.

Special funds decrease by a net \$334.3 million, or 3.3%, compared to the fiscal 2022 working appropriation. Funding for the transportation program decreases by nearly \$600 million, primarily within the capital program, reflecting the removal of one-time funding for the second installment of the Purple Line Settlement Payment (\$150 million) and the advanced repayment of Private Activity Bonds for the Purple Line project (\$341 million). Special funds used to support debt service also declined by nearly \$94 million reflecting less fund balance available from the Annuity Bond Fund and

the continued diversion of bond premiums to support capital projects. These reductions are partially offset by a \$90 million increase in special funds for local aid, primarily from the Blueprint for Maryland's Future Fund used to support education aid programs.

Federal fund spending reflected in the budget decreases by a net \$8.1 billion, or 30.6%, as a greater proportion of federal stimulus funds is appropriated in the current fiscal year than in the legislative appropriation. Of note, however, is that the fiscal 2023 budget only reflects \$154 million of the over \$8 billion in funding the State anticipates receiving over the next five years from the federal Infrastructure Investment and Jobs Act. The fiscal 2022 working appropriation includes \$6.4 billion in federal stimulus aid, including \$1.1 billion added through supplemental budgets during consideration of the fiscal 2023 budget. Final legislative action on the fiscal 2023 budget recognizes nearly \$1.3 billion in federal stimulus aid. Excluding the federal stimulus funds, federal funding declines by \$3.0 billion in fiscal 2023 as enhanced federal matching funds provided to Medicaid during the COVID-19 national public health emergency are expected to end and spending on Supplemental Nutrition Assistance Program (SNAP) benefits drops reflecting the end of the emergency allotments and the expectation that demand will drop with improving economic conditions.

Own-source revenues for the State's public four-year higher education institutions and Baltimore City Community College (BCCC) declined by \$53.4 million to \$4.8 billion in fiscal 2023. State operating support excluding PAYGO for these institutions increased by \$370.4 million, or 21%, in fiscal 2023, bringing total revenues for higher education to \$6.9 billion, a 4.5% increase over fiscal 2022.

With respect to personnel, the size of the regular State workforce increases by 227 positions to 80,904 regular positions in fiscal 2023. The budget provides most State employees a 1% cost-of-living adjustment (COLA), increments, and \$1,000 or \$1,500 bonuses effective January 1, 2022; and a 3% COLA and increments effective July 1, 2022. Law enforcement union members are provided with a 7% COLA and increments effective July 1, 2022. The Judiciary's budget provides for a 3.5% merit increase.

Contacts and Resources

I. Contacts

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II. Resources

Maryland General Assembly Webpage:

<https://mgaleg.maryland.gov/mgawebsite/>

Department of Legislative Services (DLS) 90 Day Report - A Review of the 2022 Legislative Session:

<https://mgaleg.maryland.gov/Pubs/LegisLegal/2022rs-90-day-report.pdf>

DJS Publications Webpage:

<https://djs.maryland.gov/Pages/Publications.aspx>