MARYLAND
Department of
Juvenile Services

Successful Youth • Strong Leaders • Safer Communities

A Report on the 2014 Session of the Maryland General Assembly

May 2014

The DJS Office of Legislation, Policy & Communications

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Legislative Session Overview

The Maryland General Assembly convened for its 434th session on Wednesday, January 8, 2014. During its 90 days in Annapolis, the legislature considered several pieces of legislation and the State's annual operating budget. By *sine die* at midnight on April 7th, the 90th day of the 2014 regular session, the General Assembly passed many significant bills, including a balanced operating Budget Bill (SB 170). By passing the Budget Bill, the General Assembly avoided the extended session required by the Maryland Constitution, during which only the budget may be considered. The General Assembly also agreed to adopt the capital Budget Bill (SB 171).

The Office of Legislation, Policy & Communications

The primary role of the Office of Legislation, Policy & Communications during the legislative session is to effectively represent the interests of the Department of Juvenile Services before the Maryland General Assembly. The Office of Legislation, Policy & Communications, in conjunction with the Secretary, Chief-of-Staff, and the Legislative Committee accomplishes its objectives by promoting, supporting or opposing legislation and policy decisions; analyzing, interpreting, reviewing, and drafting legislation; working with or referring issues to others with the requisite expertise and interest; and serving as a credible resource on juvenile justice issues for legislators and other relevant state agencies.

2014 Budget:

1. Operating and Capital Budget

SB 170 *Operating Budget:* ***passed***

The DJS fiscal team, led by the agency's CFO, was able to develop a budget, supporting materials, and analysis that resulted in DJS successfully advocating for a budget that supports DJS goals. The budget reflects approval of the DJS request for an annual salary review (ASR) for facility direct care classifications. Employees in the Resident Advisor and Group Life Manager series will receive an adjustment to their annual salary effective January 1, 2015.

With respect to personnel, State employees will receive a 2% cost of living allowance (COLA). The COLA will be effective January 1, 2015 for all employees. In addition, funding for merit employee step increments has also been included in the budget. Employees with an entry date on duty (EOD) date between July 1st and December 31st will receive a step increment effective July 1, 2014. Employees with an EOD date between January 1st and June 30th will receive a step increment effective January 1, 2015. Additionally, employees will receive four additional health insurance premium holidays and five additional service reduction days.

DJS was able to work closely with leadership in both budget committees and sub-committees, and legislative staff to provide necessary information and address issues

quickly. In prior years the budget committees have required DJS to report on various fiscal and operational issues. Although the budget committees continue to request various reports from the agency, this year the number of reports continues to decrease. This is in part due to the agency's ability to successfully advocate for a reasonable budget and address concerns in a timely and comprehensive manner. (Please refer to page 22 for a full list of JCR requirements.)

SB 171 *Capital Budget:* ***passed***
The DJS Capital Team, led by the Director of Capital Projects, was also able to successfully advocate for a capital budget that continues to move the agency's capital priorities forward. DJS was successful in educating the budget committees of the agency's capital needs.

The DJS capital budget includes continued funding for the construction of the Cheltenham Youth Center and design funding for a new female detention center to be constructed on the grounds of the former Thomas O'Farrell Center in Carroll County.

Goals of the 2014 Legislative Session:

The DJS legislative agenda – set by the Secretary and developed, in part, by the Office of Legislation, Policy & Communications and the Governor's Office – was focused on improving public safety and supporting agency operations. Although DJS prioritized the agency's legislative agenda, much time was spent on defeating or amending legislation that would negatively impact DJS. During the 2014 Legislative Session, DJS achieved significant legislative and policy victories.

Overall, DJS was supported or supported amendments to a total of 21 bills: 4 that we supported passed and another 3 passed with our amendments. DJS requested amendments on 9 other bills, which all failed. DJS provided letters of information on 2 bills which both failed. DJS opposed 2 bills and both failed.

The following sets out the goals and objectives during the 2014 Legislative Session:

Outcome of Top Priorities – DJS Legislative Agenda

1. **SB 116 –** Juvenile Law – Committed Facilities – Extension of Termination Date **–** ***passed (amended)****.*

DJS was successful in retaining the statutory provisions that permit DJS to transfer a child committed for residential placement from one facility to another facility in certain circumstances. The provisions are carried out by the Central Review Committee (CRC) and have contributed to promoting a continuum of care for DJS youth. SB 116 extends the termination date of the statute from June 30, 2014 to June 30, 2016. This bill also requires DJS to report the General Assembly on the bills implementation on or before January 1, 2015. DJS requested the General Assembly to repeal the termination date for the

continuum of care provisions passed into law (SB 264) in 2012. However, the bill was amended to provide a 2 year extension to the sunset.

2. **SB 117** *Juvenile Law – Placement Visits – Video Conferencing:* ***failed***
SB 117 would have permitted DJS case managers to utilize video conferencing to complete the monthly youth visitation requirement in certain circumstances. SB 117 promoted efficient case management services; only permitted video conferencing in DJS operated facilities; and maintained court discretion to order increased visitation.

The Judicial Proceeding Committee had several concerns regarding the use of video-conferencing in general, as well as its application in SB 117. SB 117 was voted unfavorable by the Senate Judicial Proceedings Committee.

3. **SB 118** – Juvenile Law – Juvenile Services Education – Facilities – ***Passed***
The Juvenile Services Education Program within the Maryland State Department of Education (MSDE) has assumed all DJS education service programs in DJS detention and committed facilities. MSDE currently manages and implements all educational services for youth detained and committed in DJS facilities. DJS proposed SB 118 to repeal obsolete provisions relating to DJS's responsibilities for providing education programs within the DJS detention and committed facilities.

4. **SB 122** – Juvenile Law – Detention – Community Detention Violation Hearings – ***Passed (amended)***

SB 122 requires an intake officer who authorizes detention of a child for a violation of community detention to immediately file a petition to authorize the continued detention of a child. The juvenile court must hold a hearing on the petition no later than the next court day unless extended for no more than five days by the court on good cause shown. The bill is a result of policy changes forwarded by the Juvenile Detention Alternative Initiative and will sever to ensure youth are being detained solely because they are a threat to themselves or others or a risk of flight.

5. *Criminal Procedure – Restitution and Other Payments – Referral to the Central Collection Unit:* ***(Not Introduced)***

This bill was not introduced this session.

Passed Legislation

Much of the information in this section is found in "The 90 Day Report, A Review of the 2014 Legislative Session," Department of Legislative Services, 2014.

State Agencies

Human Trafficking Address Confidentiality Program

Under Senate Bill 818/House Bill 559 (both passed), the Secretary of State is required to establish and administer a Human Trafficking Address Confidentiality Program for victims of human trafficking. The purpose of the program is to enable State and local agencies to respond to requests for public records without disclosing the location of a human trafficking victim. Under the program, a participant may designate the Secretary of State as an agent to accept service of process and first-class, certified, and registered mail for the participant and request a substitute address. A participant's actual address and telephone number, as maintained by the Secretary of State or a State or local agency, is not a public record under the Public Information Act. On request, a State or local agency must use a participant's substitute address instead of the actual address unless the agency obtains a waiver from the Secretary of State. The Secretary of State may not disclose a participant's actual address or telephone number or substitute address, with limited exceptions related to law enforcement, court orders, and court cases. Senate Bill 818/House Bill 559 also establish the designation of applicants as participants in the program, cancellation of participation in the program, and procedures for penalties for violations of the program.

DJS will evaluate how the confidentiality program will integrate with agency human trafficking efforts.

Public Information Act

The Public Information Act (PIA) grants the public a broad right of access to records that are in the possession of State and local government agencies. The PIA's basic mandate is to enable people to have access to government records without unnecessary cost or delay. Custodians have a responsibility to provide such access unless the requested records fall within one of the exceptions in the statute. House Bill 53 (passed) requires a custodian of a public record to provide to an authorized applicant, on request, a copy, printout, or photograph of a public record or access to the public record to make a copy. This requirement does not apply if the public record is otherwise protected by law. A person or governmental unit that is not provided with a copy, printout, or photograph of a public record as required by the PIA may file a complaint in circuit court. The court may (1) enjoin the State, a political subdivision, or a unit, official, or employee of the State or of a political subdivision from withholding a copy, printout, or photograph of a public record; and (2) issue an order for a copy, printout, or photograph of the public record that was withheld. The defendant governmental unit is liable for actual damages if the court finds by clear and convincing evidence that any defendant knowingly and willfully failed to provide a copy, printout, or photograph of a record that

was requested. House Bill 658 (Ch. 102) requires the Joint Committee on Transparency and Open Government to conduct a study on how to improve the administrative process for resolving appeals under the PIA. The study is required to take into consideration (1) appeals from denials and fees charged under PIA; (2) the administrative processes used by other states to resolve appeals; (3) the costs to State government, local government, and the public with resolving appeals; and (4) input from specified entities. The committee must report its findings and any recommended legislation to the Senate Education, Health, and Environmental Affairs Committee and the House Health and Government Operations Committee by January 1, 2015.

Information Technology

In an effort to promote transparency through expanded public access to government data, Senate Bill 644 (Ch. 69) establishes the Council on Open Data, which is tasked with promoting the policy of the State that open data be machine readable and released to the public in ways that make the data easy to find, accessible, and usable, including through the use of open data portals. Among its responsibilities, the council must make recommendations to ensure that the purchase of new data processing devices, systems, and software by the State includes a review of compliance with the State open data policy and interoperability with current technology used by the State.

Personnel

Grievance Procedure Documents

Grievance Procedure Documents

Employees in the SPMS, except temporary employees, may be disciplined by an appointing authority. Discipline is defined as:

- a written reprimand;
- forfeiture of up to 15 days of accrued leave;
- suspension without pay;
- denial of annual pay increase;
- demotion to a lower pay grade; or
- with prior approval of the agency head, termination or termination with prejudice for egregious actions.

In addition, most SPMS employees may initiate a grievance regarding a dispute with their employer over an interpretation or application of a personnel policy or regulation, or any other policy or regulation over which management has control.

Currently all documents created and distributed regarding grievances and disciplinary action is through hard copies. Senate Bill 879/House Bill 1040 (both passed) allow for written appeal documents and all decisions rendered related to appeals of disciplinary actions by State employees to be transmitted electronically to the appropriate parties. Additionally, the Secretary of Budget and Management must make related forms available on the Department of Budget and Management’s website.

For more information regarding retirement and pensions, please refer to the 90-day report, page C-15, http://mgaleg.maryland.gov/Pubs/LegisLegal/2014rs-90-day-report.pdf.

Councils, Task Forces, Commissions, and Committees

Joint Committee on Ending Homelessness

Senate Bill 795/House Bill 813 (both passed) create the Joint Committee on Ending Homelessness to take specified actions to ensure that public resources, programs, and policies are coordinated and effective in preventing, mitigating the effects of, and ending homelessness in Maryland. The joint committee includes five members of the Senate of Maryland and five members of the House of Delegates. The legislation takes effect June 1, 2015.

Criminal Law

Marijuana

Possession of Marijuana as a Civil Offense

Except in cases of medical necessity, possession of marijuana is generally a misdemeanor, punishable by imprisonment for up to one year and/or a fine of up to $1,000. However, Chapters 193 and 194 of 2012 established a reduced penalty of imprisonment for up to 90 days and/or a maximum fine of $500 for possession of less than 10 grams of marijuana.

Senate Bill 364 (passed) reclassifies the use or possession of less than 10 grams of marijuana from a criminal offense to a civil offense, subject to a fine of up to $100 for a first offense, $250 for a second offense, and $500 for a third or subsequent offense. On a third or subsequent offense a court must order the offender to attend a drug education program approved by the Department of Health and Mental Hygiene (DHMH), refer the person to an assessment for substance abuse disorder, and refer the person to substance abuse treatment, if necessary. The court must order an adult offender under the age of 21, even for a first offense, to attend a drug education program approved by DHMH, refer the person to an assessment for substance abuse disorder, and refer the person to substance abuse treatment, if necessary.

A police officer must issue a citation if the officer has probable cause to believe that the offense has or is being committed. The bill contains requirements for the contents of the civil citation that must be issued in these cases, as well as procedural requirements for the adjudication of the offense in District Court. If a citation is issued for an adult under the age of 21, the court shall summon the person for trial. If the court finds that a person at least 21 years old has committed a third or subsequent violation, the court shall summon the person for trial.

An individual younger than age 18 charged with this civil offense is subject to juvenile court procedures and dispositions, including referral to an alcohol or a substance abuse education or rehabilitation program. A citation for a violation for possession of less than 10 grams of marijuana, and the related public court record are not subject to public inspection and may not be included on the public website maintained by the Maryland

Judiciary. The provisions of the bill that make the possession of marijuana a civil offense may not be construed to affect laws relating to operating a vehicle or vessel under the influence of or while impaired by a controlled dangerous substance or seizure and forfeiture. The civil penalties collected are to be remitted to DHMH, which must use the money only for funding drug treatment and education programs.

DJS will work with partners to develop protocol and procedures under the new marijuana provisions.

Sexual Offenses and Harassment

Use of Personal Identifying Information to Commit Sexual Offense

While there are distinct advantages to the proliferation of the Internet and social media, it has also allowed individuals to engage in once unthinkable behavior under a cloak of anonymity. Senate Bill 50/House Bill 955 (both passed) prohibit a person from using the "personal identifying information" or the identity of an individual without consent to invite, encourage, or solicit another to commit a "sexual crime" against the individual. Under the bill, "sexual crime" is defined as an act that would constitute a violation of the State's prohibitions on various sexual crimes, sexual abuse of a minor, visual surveillance with prurient intent, or various other acts, including human trafficking. Violators are guilty of a felony, punishable by imprisonment for up to 20 years and/or a maximum fine of $25,000.

Revenge Porn

"Revenge porn" is a relatively recently coined phrase used to describe the (usually malicious) posting of sexually explicit images or media of another person (typically a former intimate partner) without the subject's consent. Oftentimes the images are taken by the subject and relayed to an intimate partner of the subject, only to be posted online by the recipient after the relationship ends. "Revenge porn" gained national media attention with the advent of websites specifically designed to facilitate the posting of these types of images.

House Bill 43 (passed) prohibits a person from intentionally causing serious emotional distress to another by intentionally placing on the Internet a photograph, film, videotape, recording, or any other reproduction of the image of the other person that reveals the identity of the other person with his or her intimate parts exposed or while engaged in an act of sexual contact, knowing that the other person did not consent to the placement of the image on the Internet, and under circumstances in which the other person had a reasonable expectation that the image would be kept private. For purposes of the prohibition, the bill provides specific definitions for "intimate parts" and "sexual contact." A violator is guilty of a misdemeanor, punishable by imprisonment for up to two years and/or a $5,000 maximum fine. The prohibition does not apply to (1) lawful and common practices of law enforcement, the reporting of unlawful conduct, or legal proceedings or (2) situations involving voluntary exposure in public or commercial settings.

Person in Position of Authority

The crime of fourth degree sexual offense prohibits a person from (1) engaging in sexual contact with another without the consent of the other or (2) engaging in a sexual

act or vaginal intercourse with a victim who is age 14 or 15 and the defendant is at least four years older than the victim. Chapter 317 of 2006 expanded the offense by specifying that, with certain exceptions, a “person in a position of authority” may not engage in a sexual act, sexual contact, or vaginal intercourse with a minor who, at the time of the act, contact, or intercourse, is a student enrolled at a school where the person is employed. A “person in a position of authority” is currently defined as a person who (1) is at least age 21; (2) is employed as a full-time permanent employee by a public or private preschool, elementary school, or secondary school; and (3) because of the person’s position or occupation, exercises supervision over a minor who attends the school. A “person of authority” expressly includes a principal, vice principal, teacher, or school counselor at a public or private preschool, elementary school, or secondary school.

In March 2012, fourth degree sex offense charges were dropped against a Montgomery County teacher and coach accused of having sex with a 16-year-old student he coached on a high school cross country team. Prosecutors commented that, despite the fact that the accused was a full-time employee of the county’s school system, the charges had to be dropped because he was only a part-time employee of the school at which he coached the victim. Senate Bill 460 (passed) redefines “person in a position of authority” to include a person who is “employed by or under contract with” a public or private preschool, elementary school, or secondary school and expressly includes a coach, as well as a principal, vice principal, teacher, or school counselor.

Child Kidnapping for the Purpose of Committing a Sexual Crime
Senate Bill 454/House Bill 701 (both passed) (1) alter the elements of the offense of abduction of a child younger than age 16 for purposes of prostitution or committing a sexual crime; (2) reclassify the offense from a misdemeanor to a felony; and (3) increase the maximum incarceration penalty for the offense from 10 to 25 years.

Under the bills, a person is prohibited from persuading or enticing or aiding in the persuasion or enticement of an individual younger than age 16 from the individual’s home or from the custody of the individual’s parent or guardian and knowingly secreting or harboring or aiding in the secreting or harboring of the individual for the purposes of committing a sexual crime.

Harassment by Interactive Computer Service
House Bill 714 (passed) prohibits a person from maliciously using an “interactive computer service” to disclose or assist another person to disclose the driver’s license number, bank or other financial institution account number, credit card number, payment device number, Social Security number, or employee identification number of an individual, without the consent of the individual, in order to annoy, threaten, embarrass, or harass the individual. An “interactive computer service” is an information service, system, or access software provider that enables or provides computer access to a computer server by multiple users. A violator is guilty of a misdemeanor and subject to imprisonment for up to 18 months and/or a $500 maximum fine.

Violent Crimes

Threatening to Commit Crime of Violence
In June 2013, a judge dismissed criminal charges against a Crofton man who threatened to blow up his colleagues at the Prince George's County business where he worked. Authorities seized legally owned firearms and ammunition from his home, and he was eventually charged with a single count of telephone misuse and placed under psychiatric evaluation. In March 2012, a University of Maryland, College Park student made threats in an online chat room that he was going to go on a campus shooting spree. Law enforcement authorities located the student and raided his dormitory room and his family's home after receiving alerts from chat room participants. The student eventually pleaded guilty to telephone misuse and disturbing activities at school and received three years of supervised probation. In both of these cases, prosecutors expressed concerns that more serious charges and penalties were not available for the crimes alleged to have been committed.

Senate Bill 223/House Bill 697 (both passed) prohibit a person from knowingly threatening to commit a crime of violence, or threatening to cause such a crime to be committed, that would place others at a substantial risk of death or serious physical injury if as a result of the threat, regardless of whether the threat is carried out, five or more people are (1) placed in reasonable fear that the crime will be committed; (2) evacuated from a dwelling, storehouse, or public place; (3) required to move to a designated area within a dwelling, storehouse, or public place; or (4) required to remain in a designated safe area within a dwelling, storehouse, or public place. The prohibition applies to a threat made by oral or written communication or electronic mail. Violators are guilty of a misdemeanor, punishable by imprisonment for up to 10 years and/or a maximum fine of $10,000. In addition to these penalties, a court must order a person convicted of this offense to reimburse the appropriate unit of government or other person for expenses and losses incurred in responding to the unlawful threat unless the court states on the record why reimbursement would be inappropriate.

Committing Crime of Violence in Presence of Minor
According to the National Network to End Domestic Violence, on average, three women are killed by a current or former intimate partner each day in the United States and approximately 15.5 million children are exposed to domestic violence every year.

Studies have shown that children who witness domestic violence may suffer emotional and developmental difficulties that are similar to those suffered by children who have been directly abused. According to the U.S. Department of Health and Human Services' Child Welfare Information Gateway, approximately 23 states have statutory provisions that address the issue of children who witness domestic violence. The statutes vary in scope. In approximately eight states, an act of domestic violence committed in the presence of a child is considered an aggravating circumstance under state sentencing guidelines that may result in longer sentences and/or higher fines. Five states require more severe penalties if an act of domestic violence is committed in the presence of a child. In five states, the act is a separate crime that may be charged separately or in addition to the act of violence.

Senate Bill 337/House Bill 306 (both passed), Administration bills, prohibit a person from committing a crime of violence when the person knows or reasonably should know that a minor, who is at least two years old, is present in a residence within sight or hearing of the crime of violence. A violator is subject to an enhanced penalty of imprisonment for up to five years in addition to any other sentence imposed for the crime of violence. An enhanced penalty imposed under the bill must be separate from and consecutive to any sentence for the crime of violence. A court may impose this enhanced penalty if (1) the State's Attorney notifies the defendant in writing, at least 30 days before trial in the circuit court and 15 days before trial in the District Court, of the State's intention to seek the enhanced penalty and (2) the elements of the offense have been proven beyond a reasonable doubt. If the defendant is charged by indictment or criminal information, the State may include the required notice in the indictment or information**.**

Home Invasion

A person may not break and enter the dwelling of another with the intent to commit theft or a crime of violence. A violator is guilty of first degree burglary, a felony punishable by imprisonment for up to 20 years. House Bill 807 (passed) establishes that a person who breaks and enters the dwelling of another with the intent to commit a crime of violence is guilty of the felony of home invasion under the burglary in the first degree statute, punishable by imprisonment for up to 25 years. The bill retains the application of the current maximum penalty for first-degree burglary (imprisonment for 20 years) to individuals who break and enter the dwelling of another with the intent to commit a theft.

Contraband Telecommunication Devices

Delivering Device to a Person Detained in Place of Confinement

The use of telecommunication devices by inmates is a growing problem in prisons throughout the country. Cell phones provide inmates with access to the outside world, and according to prison experts, an opportunity to continue criminal activity while incarcerated. Cell phones also pose an internal threat in facilities since they allow prison inmates to plan prison assaults, escapes, and riots. Cell phones are a lucrative form of contraband because, unlike drugs, they have significant and perpetual resale and rental potential and value.

Inmate access to cell phones recently received significant attention with the April 2013 federal indictment of 25 individuals, including inmates and 13 correctional officers employed by the Department of Public Safety and Correctional Services (DPSCS), with conspiring to run operations of the Black Guerilla Family (BGF) gang inside the Baltimore City Detention Center and related facilities. Charges included racketeering, drug distribution, money laundering, victim and witness retaliation, bribery, and extortion. According to the indictment, correctional officers helped leaders of the BGF smuggle cell phones, drug, and other contraband into State correctional facilities.

In November 2013, an additional 19 individuals, including 14 former and current DPSCS correctional officers, were charged with conspiring to operate the BGF gang inside correctional facilities. With the November 2013 indictment, 44 individuals, including 27 correctional officers, have been charged in the case.

In response to the April 2013 indictments, the Legislative Policy Committee appointed a Special Joint Commission on Public Safety and Security in State and Local Correctional Facilities. In its December 2013 final report, the commission made several recommendations, including (1) increasing the maximum penalty for telecommunication devices-related offenses to imprisonment for five years and/or a $3,000 fine; (2) expanding the current statutory prohibitions to include attempting to deliver a telecommunications device to a person detained or confined in a place of confinement if signs are posted indicating that such conduct is prohibited; and (3) requiring that a sentence imposed on an inmate for the commission of a telecommunication devices-related offense be served consecutively to the sentence the inmate is already serving.

Senate Bill 206/House Bill 175 (passed) prohibit a person from attempting to deliver a "telecommunication device," telecommunication device charger, or subscriber identification module (SIM) card to a person detained or confined in a place of confinement if signs are posted indicating that the conduct is prohibited. The bills also add chargers and SIM cards as prohibited items that a person may not deliver to an inmate, possess with intent to deliver to an inmate, deposit or conceal in or about a place of confinement, or knowingly possess or receive while an inmate in a place of confinement. The bills also increase the maximum penalty for offenses relating to a telecommunication device in a place of confinement from imprisonment for three years and/or a $1,000 fine to imprisonment for five years and/or a $3,000 fine. A sentence imposed for knowing possession or receipt of a telecommunication device by a person detained or confined in a place of confinement must be consecutive to any sentence that the person was serving at the time of the crime or that had been imposed but was not yet being served at the time of the sentence.

DJS will work with facility superintendents to ensure the new prohibitions regarding telecommunication devised and confined facilities. Additionally, we will update visitation materials to clearly state that delivering or attempting to deliver a telecommunication device is a crime and the potential penalty.

Underage Gaming

A video lottery operation licensee is required to ensure that individuals younger than age 21 and intoxicated individuals are not allowed to play table games or video lottery terminals (VLTs) and are not allowed in the area of the video lottery facility where table games or VLTs are located. While the State may impose financial penalties on VLT operators, the State statute currently does not impose a penalty on underage gamblers. According to the Maryland State Lottery and Gaming Control Agency, there were 47 violations for underage gambling in State casinos during calendar 2013, resulting in fines totaling $30,000.

Senate Bill 481/House Bill 275 (both passed) prohibit those younger than age 21 from playing a table game or VLT in a video lottery facility or entering or remaining in an area within a video lottery facility that is designated for table games or VLTs. An infraction is a code violation and a civil offense, which subjects an adult violator (1) to the issuance

of a citation and a maximum fine of $100 for a first violation; (2) a $500 maximum fine for a second violation; (3) and a $1,000 maximum fine and mandatory participation in gambling addiction treatment for a third or subsequent violation. A minor who violates the prohibition on underage playing of table games or VLTs is subject to juvenile court procedures and dispositions.

Victims of Crime
Victim Rights and Notification

Under Maryland law, a victim of a crime or delinquent act (or a representative in the event the victim is deceased, disabled, or a minor) has a broad range of specific rights during the criminal justice process.

Senate Bill 272 (passed) requires, if practicable, a court, in a sentencing or disposition hearing, to allow a victim or the victim's representative, at the request of the victim/representative, to address the court before imposition of sentence or other disposition. Courts are currently authorized to grant such a request but are not required to do so.

Senate Bill 922/House Bill 1245 (both passed) authorize a crime victim or a crime victim's representative to follow Maryland Electronic Courts system protocol to request specified notices in an electronic form and authorizes the prosecuting attorney and the clerk of the circuit court or juvenile court to provide notices in an electronic form to the victim or victim's representative.

Immunity
Several states and the District of Columbia have "Good Samaritan" laws to encourage individuals to summon aid in the event of an overdose. A common characteristic of these laws is immunity from being charged or prosecuted for drug-related offenses.

Similarly, Senate Bill 476 (passed) and House Bill 416 (passed) establish that a person who, in good faith, seeks, provides, or assists with the provision of medical assistance for a person experiencing a medical emergency after ingesting or using alcohol or drugs must be immune from criminal prosecution for possession of drugs or drug paraphernalia, underage consumption of alcohol, or obtaining or furnishing alcohol for underage consumption if the evidence for the criminal prosecution was obtained solely as a result of the person's seeking, providing, or assisting with the provision of medical assistance. In addition, a person who experiences a medical emergency after ingesting or using alcohol or drugs is immune from criminal prosecution for specified violations if the evidence for the criminal prosecution was obtained solely as a result of another person's seeking medical assistance.

Juvenile Law

Juvenile Detention and Placement
Extension of Transfer Authorization

Under the provisions of Chapter 198 of 2012, when necessary to appropriately administer the commitment of a child, and on approval of the Director of Behavioral Health, the Department of Juvenile Services (DJS) may transfer a child committed for residential placement from one facility to another facility that is operated, licensed, or contracted by DJS. A facility to which a child is transferred must be (1) consistent with the type of facility designated by the court or (2) more secure than the type of facility designated by the court. DJS is required to notify the court, the child's counsel, the State's Attorney, and the parent or guardian of the child prior to transfer. The juvenile court may conduct a hearing at any time for the purpose of reviewing the commitment order and the transfer of a child. Chapter 198 of 2012 terminates on June 30, 2014.

DJS advised that the authority to make transfer decisions in accordance with Chapter 198 has had a significant impact on its operations. Prior to that legislation, if DJS believed a facility with greater security than that which was originally designated by the court was necessary, a juvenile had to remain in detention pending a court hearing on the placement modification. During that time, the juvenile was not receiving the specific treatment services that may be required for rehabilitation. Chapter 198 eliminated or decreased the time a juvenile spends in detention as a result of ejection from a residential placement, which has helped to reduce the pending placement population. In fiscal 2013, the average daily population of youth in pending placement status was 110, compared to 158 youth in pending placement status in fiscal 2012. The authority to transfer a child directly to another facility may also serve to decrease the overall length of time a juvenile remains in committed status by allowing DJS to promptly address treatment concerns and issues.

Senate Bill 116 (passed) extends the termination date of Chapter 198 from June 30, 2014, to June 30, 2016. The bill also requires DJS to provide the General Assembly with a report on the bill's implementation on or before January 1, 2015. The report is required to specifically provide information on the process for removing youth from committed residential placements, including who is responsible for making the decision to remove youth and how the decision is reviewed. In addition, the department is required to provide the following data, for each fiscal year, beginning with fiscal 2011: (1) the number of youth ejected from committed residential placements, referred to the department's Central Review Committee, transferred to a new residential placement under Chapter 198 of 2012, and transferred to a new committed program and placed in detention pending relocation, (2) the average length of stay for pending placement youth who are placed in detention pending relocation to a new committed residential placement, (3) the number of pending placement youth held in detention for more than 30 days due to ejection from a committed residential placement, (4) the number of youth that request and receive a hearing as a result of a proposed change in placement, and (5) the reasons for ejection of youth from committed residential placements. The bill takes effect June 1, 2014.

Community Detention Violation Hearings

"Detention" means the temporary care of children who, pending court disposition, require secure custody for the protection of themselves or the community in physically restricting facilities. "Community detention" is a program monitored by DJS in which a

delinquent child or a child alleged to be delinquent is placed in the home of a parent, guardian, custodian, or other fit person, or in shelter care, as a condition of probation or as an alternative to detention.

"Community detention" includes electronic monitoring. As part of the Juvenile Detention Alternative Initiative in Baltimore City, DJS recently completed a statewide detention utilization study, Doors to Detention, which examined the various "doors" that were leading youth into secure detention. This study found that nearly 25% of detention placements result from youth not adhering to the conditions of an alternative to detention program (such as community detention). Many youth who were initially court-ordered or intake-authorized into the programs were ultimately being detained following a supervision or program violation. Infractions included curfew violations, absences without leave, equipment tampering, and other actions not rising to the level of a new delinquent offense.

Senate Bill 122 (Ch. 35) requires an intake officer who authorizes detention of a child for a violation of community detention to immediately file a petition to authorize the child's continued detention. The juvenile court must hold a hearing on the petition no later than the next court day unless extended for no more than five days by the court on good cause shown. The Act also requires reasonable notice, either oral or written, to be given to the child and, if they can be located, to the child's parents, guardian, or custodian.

Residential Facilities – Educational Programs

The Juvenile Services Education Program within the Maryland State Department of Education (MSDE) manages and implements educational services for youth detained and committed by DJS. The program provides instruction in core content based on the State curriculum. The program also includes instruction in life skills, computer literacy, career and technology education, special education services, and General Equivalency Diploma (GED) preparation.

Prior to 2003, DJS was responsible for developing educational programs in all of its residential facilities. Chapter 53 of 2003 required DJS to work with MSDE to transfer control of the educational program at the Charles H. Hickey, Jr., School to MSDE by July 1, 2004. Chapter 535 of 2004 required that MSDE assume responsibility for education in all DJS-operated facilitates by July 1, 2012. This requirement was extended to July 1, 2014, by Chapter 487 of 2009 (the Budget Reconciliation and Financing Act). As of July 1, 2013, MSDE had assumed responsibility for educational programming in all DJS facilities.

Senate Bill 118 (Ch. 33) repeals obsolete provisions relating to the department's responsibility for providing educational programs within residential facilities of DJS.

Transfer of Cases to Juvenile Court

In general, the juvenile court has jurisdiction over a child alleged to be delinquent, in need of supervision, or who has received a citation for alcoholic beverage violations. The juvenile court does not have jurisdiction over children at least age 16 who are alleged to have committed specified violent crimes, children age 14 and older charged

with a capital crime, and children who have previously been convicted as an adult of a felony and are subsequently alleged to have committed an act that would be a felony if committed by an adult. However, a circuit court may transfer a case involving such a child to the juvenile court if such a transfer is believed to be in the interests of the child or society ("reverse waiver"). A reverse waiver is not permitted if (1) the child was previously transferred to juvenile court and adjudicated delinquent; (2) the child was convicted in an unrelated case excluded from the jurisdiction of the juvenile court because the child was at least age 14 charged with a crime punishable by death or life imprisonment or was at least age 16 and alleged to have committed specified violent crimes; or (3) the alleged crime is murder in the first degree and the accused child was 16 or 17 years of age when the alleged crime was committed. Senate Bill 515/House Bill 1295 (both passed) repeal the provision that prohibits a court exercising criminal jurisdiction over a child from transferring the case to the juvenile court under reverse waiver provisions if the child was previously transferred to juvenile court and adjudicated delinquent.

Juvenile Records

In general, a court record concerning a child is confidential and its contents may not be divulged, by subpoena or otherwise, except by court order upon a showing of good cause or under certain circumstances relating to notification of school officials of the arrest of a student for specified "reportable offenses." This prohibition does not restrict access to and the use of court records or fingerprints of a child in court proceedings involving the child by personnel of the court, the State's Attorney, counsel for the child, a court-appointed special advocate for the child, or authorized personnel of DJS. Subject to certain exceptions, the restriction also does not prohibit access to and confidential use of the court record or fingerprints of a child by DJS or in an investigation and prosecution by a law enforcement agency.

The court, on its own motion or on petition, and for good cause shown, may order the court records of a child sealed. After a child has reached 21 years of age, on its own motion or on petition, the court must order them sealed. Once sealed, the court records of a child may not be opened for any purpose, except by order of the court upon good cause shown. In general, police records concerning a child are confidential and maintained separately from adult records. The contents of these records may not be divulged except by court order for good cause shown or specific situations in which police notify school superintendents of the arrest of a student. Records may still be accessed, however, by DJS or by any law enforcement agency involved in the investigation and prosecution of a child and under specific situations related to writs of attachment to apprehend a child named in the writ.

Expungement of Records

House Bill 79 (passed) authorizes a person to file a petition for expungement of the person's juvenile record in the court where the delinquency petition or the citation was filed. The court must have a copy of the petition for expungement served on the State's Attorney. The court may order a juvenile delinquency record expunged if:

(1) (i) the State's Attorney enters a nolle prosequi;

(ii) the petition is dismissed;
(iii) the court, in an adjudicatory hearing, does not find that the allegations in the petition are true;
(iv) the adjudicatory hearing is not held within two years after a petition is filed; or
(v) the court, in a disposition hearing, finds that the person does or does not require guidance, treatment, or rehabilitation;

(2) the person has attained the age of 18 and at least two years have elapsed since the last official action in the person's juvenile delinquency record;
(3) the person has not been adjudicated delinquent more than once;
(4) the person has not subsequently been convicted of any offense;
(5) no delinquency petition or criminal charge is pending against the person;
(6) the person has not been adjudicated delinquent for an offense which, if committed by an adult, would constitute a "crime of violence, a fourth degree sexual offense, or a felony;
(7) the person was not required to register as a sex offender under specified statutory provisions;
(8) the person has not been adjudicated delinquent for an offense involving the use of a firearm in the commission of a crime of violence; and
(9) the person has fully paid any monetary restitution ordered by the court.

The court must consider the best interests of the person, the person's stability in the community, and the safety of the public. If an objection is filed by the State's Attorney, a victim of the crime, or a specified family member of the victim within 30 days after the petition is served, the court must hold a hearing. The court may hold a hearing on its own initiative or grant the petition without a hearing if no objection is filed. However, the court may deny the petition without a hearing if the petition fails to meet the above requirements. If, after a hearing, the court finds that the person is entitled to expungement, the court must order the expungement of all court records and police records relating to the delinquency or child in need of supervision proceedings or the citation. If, after a hearing, the court finds that the person is not entitled to expungement, the court must deny the petition. The person who filed the petition for expungement or the State's Attorney may appeal an order granting or denying the petition. Unless an order is stayed pending an appeal, each custodian of police and court records subject to the order of expungement must advise, in writing, the court the petitioner, and all parties to the petition for expungement proceeding of compliance with the order within 60 days after entry of the order.

The bill's provisions are not applicable to records maintained as part of the sexual offender registry or to records maintained by a law enforcement agency for the sole purpose of collecting statistical information concerning juvenile delinquency and that do not contain any information that would reveal the identity of a person.

Reportable Offenses
Under current law, a law enforcement agency is required to notify the school superintendent and principal when a student is arrested for a reportable offense or an offense that is related to the student's membership in a criminal gang. "Reportable offenses" include specified violent crimes and various gang-, weapons-, drug-, theft-,

and intimidation-related charges. Chapter 188 of 2010, the Safe Schools Act of 2010, among other provisions, expanded the list of reportable offenses to include malicious destruction of property, second-degree assault, car theft, inducing false testimony or avoidance of subpoena, retaliation for testimony, and intimidation or corruption of a juror.

House Bill 222 (passed) adds first degree burglary and animal cruelty to the list of crimes that, when committed by a student, law enforcement agencies must report to specified school officials.

Programs

Child in Need of Supervision Pilot Program

A "child in need of supervision" (CINS) is a child who requires guidance, treatment, or rehabilitation and (1) is required by law to attend school and is habitually truant; (2) is habitually disobedient, ungovernable, and beyond the control of the person having custody of the child; (3) behaves so as to injure or endanger himself, herself, or others; or (4) has committed an offense applicable only to children. Chapter 601 of 2005 required the Secretary of the Department of Juvenile Services to establish a DJS CINS Pilot Program in Baltimore City and Baltimore County. Chapter 382 of 2011 expanded the pilot program to Cecil, Montgomery, and Prince George's counties. The pilot program terminates June 30, 2016. Chapter 601 also requires DJS and the Governor's Office for Children (formerly the Office for Children, Youth, and Families) to jointly report annually to the General Assembly on the implementation of the legislation.

Under the pilot program, local management boards must select community-based providers that offer assessment, intervention, and referral services to children in the pilot program jurisdictions who are alleged to be in need of supervision. The designated assessment service providers must be contracted and funded by the local management boards.

A juvenile intake officer who receives a complaint alleging that a child in one of the pilot program jurisdictions is in need of supervision must refer the child and the child's parents to one of the selected providers unless the intake officer concludes that the court has no jurisdiction or that neither an informal adjustment nor judicial action is appropriate. The provider must meet with the child and the child's parents two to six times to discuss the child's school performance, family interactions, peer relationships, and health, including drug and alcohol use. The provider must review all available, relevant records concerning the child, conduct an assessment of the child, and establish a case plan and record for providing services to the child.

House Bill 151 (passed) requires DJS, beginning in 2014, to include in its annual report to the General Assembly regarding the Child in Need of Supervision (CINA) Pilot Program an evaluation of the ability of DJS to expand the program to additional counties in the State. The bill takes effect July 1, 2014.

Kent County Truancy Reduction Pilot Program

Chapter 551 of 2004 authorized a three-year Truancy Reduction Pilot Program (TRPP) in the juvenile courts in Dorchester, Somerset, Wicomico, and Worcester counties. Chapter 648 of 2007 extended the term of the TRPP and authorized the establishment of the TRPP in the juvenile courts of Harford and Prince George's counties. Similar to drug courts, truancy courts are problem-solving courts in which cases are heard on a special docket by the same judge each month. The courts hold regular hearings in each case to review a child's progress toward full attendance and to address the causes of the child's truancy. Chapter 718 of 2009 repealed the termination date of the TRPP, establishing permanent truancy courts in Dorchester, Harford, Prince George's, Somerset, Wicomico, and Worcester counties. Chapters 48 and 49 of 2011 established a truancy court in Talbot County.

A family enters the TRPP when a school official files a civil petition alleging that a child who is required to attend school has failed to do so without lawful excuse. For a student younger than age 12, prior to participation in the TRPP, a criminal charge must be filed against the student's legal custodian and dismissed or placed on the inactive docket prior to participation in the TRPP. In making a disposition on the truancy petition, the court may order the student 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) comply with a curfew set by the court. Following the disposition hearing, a review hearing is scheduled to review family assessment findings and determine appropriate services. Participants are eligible for graduation from the TRPP when they have remained in the program for 90 days without any unexcused absences.

Senate Bill 282/House Bill 242 (both passed) authorize the establishment of a Truancy Reduction Pilot Program in the juvenile court in Kent County. The bills take effect June 1, 2014.

Prince George's County Juvenile Court and School Safety Workgroup

Chapter 677 of 2013 established the Prince George's County Juvenile Court and School Safety Workgroup, which is staffed by DJS. The workgroup was required to report its findings, action plan, and recommendations to the Prince George's County Delegation by December 15, 2013, and its report was issued on that date. The report noted that the workgroup met numerous times in 2013 in order to conduct an in-depth examination of current community resources and the existing youth diversion mechanisms in the county. The report included a draft collaborative action plan, which was modeled after similar national initiatives. The proposed plan established objective criteria to amend current school-based arrest practices and provide consistent responses to student behaviors. Additionally, the plan set forth a diversion mechanism to reduce formal referrals to DJS for certain identified offenses while expanding the utilization of diversion services. House Bill 1035 (passed) alters the membership and duties of the Prince George's County Juvenile Court and School Safety Workgroup and extends the date by which the workgroup must report its findings, action plan, and recommendations to the Prince George's County Delegation from December 15, 2014, to December 15, 2015.

Offenders and Ex-Offenders
Physical Restraint on Pregnant Inmates

Effective July 1, 2014, House Bill 27 (passed) specifies policy, procedures, and protocols that State and local correctional facilities must follow in connection with the care of a pregnant inmate. The bill prohibits the use of physical restraint on an inmate while the inmate is in labor or during delivery, except as determined by the medical professional responsible for the care of the inmate. In addition, a physical restraint may not be used on an inmate known to be pregnant or in postpartum recovery, except under specified circumstances.

The managing official of each local correctional facility or the managing official of the agency designated to transport inmates must develop a policy for use at each correctional facility that (1) requires a physical restraint used on a pregnant inmate during transport to be the least restrictive necessary and (2) establishes a method for reporting the use of physical restraints on pregnant inmates. The Department of Public Safety and Correctional Services (DPSCS) is required to submit a report to the Governor and the General Assembly no later than 30 days before the end of each calendar year until December 31, 2017, on the number of times physical restrains were used on a pregnant inmate during labor, delivery, and postpartum recovery during the previous calendar year in each State and local correctional facility.

With respect to juvenile detention facilities, DJS is required to adopt regulations prohibiting the use of physical restraints on an individual known to be in the third trimester of pregnancy or during labor, delivery, or postpartum recovery, including during all transports, unless a facility superintendent or the facility superintendent's designee determines that a physical restraint is necessary to protect the individual from harming herself or others or to prevent the individual's escape from custody.

Juveniles Charged as Adults
Senate Bill 718/House Bill 589 (both passed) require, by December 1 each year, the Governor's Office of Crime Control and Prevention (GOCCP) to report to the Governor and the General Assembly on the expected population of each State and local detention facility of juveniles charged as adults during the next calendar year and the methodology and assumptions used in developing the projection. The bills specify the juvenile population statistics that must be considered by GOCCP in calculating the forecast. Each State and local detention facility must provide the juvenile population data to GOCCP in a standardized format developed by GOCCP. Specified data for the GOCCP report on each juvenile charged as an adult is enumerated. The bills terminate September 30, 2017.

DJS Legislative Briefings

In prior years DJS has been requested to address issues and concerns of the members of the General Assembly through legislative briefings. There were no scheduled DJS legislative briefings during the 2014 legislative session.

JCR Reports and Obligations

The legislative budget committees, the Senate Budget and Taxation Committee and House Appropriations Committee, submit the Joint Chairmen's Report (JCR) dealing with the final actions taken the state operating and capital budget. This report incorporates detailed statements of all reductions made to the appropriations, and also contains expressions of legislative intent and policy guidelines which are an integral part of the action taken on the budgets. The JCR also outlines agency reports and obligations that are required due to the addition of specific budget language.

Report on the Fiscal 2015 State Operating Budget (SB 170) and the State Capital Budget SB 171) and Related Recommendations.

	Title	Author	Description	due to betsy	due to secretary	due to gov / dbm	due to MLIS	Assigned	Notes
p.148	Creation of a Centralized Hiring Process	DJS	DJS should develop a plan for consolidating its hiring resources, including a timeline, cost estimate and whether the consolidation can be accomplished with existing resources	8/15/2014	9/1/2014	9/15/2014	10/1/2014		
p.148	Improving Direct Care Emoloyee Retention	DJS DBM	At a minimum, DJS and DBM should consider the fiscal impact and operational benefit of a general salary increase via the Annual Salary Review process and/or provision of an employee retention bonus program.	9/15/2014	10/1/2014	10/15/2014	11/1/2014		ASR was approved in FY2015 supplemental budget request.
p.149	Utilization of Alternative to Detention Programming	DJS	The budget committees direct the Department of Juvenile Services (DJS) to conduct an evaluation on the availability and utilization of alternative to detention programs in Maryland.	1/15/2015	2/1/2015	2/15/2015	3/1/2015		
p.110	Collaboration Among State Agencies in the Provision of Services to Youthful Offenders	DPSCS DJS	Requires DPSCS and DJS to submit a report by October 31, 2015, on service provision for youthful offenders who transfer out of DJS facilities, but may not receive necessary support in DPSCS facilities.				10/1/2015		ROCA

Legislative Reports and Obligations

Legislation passed by the Maryland General Assembly this year requires DJS to submit various reports, and participate in workgroups and task forces.

Legislative Reports, Workgroups and Task Forces					
Bill	Title	Author	Description	Due Dates	Notes
SB 116	Implemention of Continuum of Care Provisions	DJS	An indepth analysis and evaluation of the CRC procuedures.	Report due on 1/1/15.	DJS is already meeting to put together this report.
SB 718 HB 589	Youth Charged as Adult Population Forecast	GOCCP	DJS will be working to put together a forecast of the youth charged as adult population statewide.	12/1/2014 (continuing each year until 2017)	DJS is working to gather data, work with a consultant and prepare a report for the GOCCP submission.
HB 1305	Prince Georges County Juvenile Court and School Safety Workgroup	DJS (Staff)	Continues the workgroup established in 2013 (Chpt. 677).	Extends the Work Gorup to December 15, 2014.	DJS will continue to staff this work group.

New Substantive Crimes

It is necessary for the agency to continually update computer database information to reflect additions, modifications, or deletions of substantive crimes in Maryland. Below is a chart of new crimes and modifications to existing crimes that should be updated in DJS case management and operations computer systems.

Bill # / Title	Synopsis	Code Section	Effective Date
Marijuana			
SB 364 - Criminal Law - Possession of Marijuana - Civil Offense	Making the use or possession of less than 10 grams of marijuana a civil rather than a criminal offense; establishing that individuals (including youth) who violate the Act must be issued a citation; establishing fines for adult offenders; requiring a court to order a specified person who has committed a third or subsequent violation of the Act to appear in court and to attend a specified drug education program; requiring a court to refer the person for assessment for substance abuse disorder and to refer the person for substance abuse treatment if necessary; etc. Individuals under the age of 18 issued a citation for the use or possession of less than	Crim. Law § 5-601; 5-601.1 Cts. & Jud. Proc. §§ 3-8A-01; 3-8A-19; 3-8A-33	10/1/2014

	10 grams of marijuana are subject to the procedures and dispositions provided for in the Courts & Judicial Proceedings Title 3, Subtitle 8A.		
Sexual Offenses and Harassment			
SB 50/HB 955 - Crimes - Use of Personal Identifying Information or the Identity of Another - Sexual Crimes	Prohibiting a person from using specified identifying information or the identity of an individual without consent to invite, encourage, or solicit another to commit a sexual crime against the individual; establishing penalties; authorizing a State's Attorney or the Attorney General to investigate and prosecute a violation of the Act; providing that when the Attorney General exercises the authority to investigate and prosecute a violation of the Act, the Attorney General has specified powers and duties; etc.	Crim. Law § 3-325	10/1/2014
HB 43 - Criminal Law - Harassment - Revenge Porn	Prohibiting a person from intentionally causing serious emotional distress to another by intentionally placing on the Internet a specified reproduction of the image of the other person knowing that the other person did not consent to the placement of the image on the Internet under specified circumstances; providing that a specified interactive computer service is not liable under the Act for content provided by another person; establishing penalties for a violation of the Act; etc.	Crim. Law § 3-809	10/1/2014
SB 460 - Criminal Law - Person in a Position of Authority - Sexual Offenses With a Minor	Altering the definition of "person in a position of authority" for purposes of a specified prohibition against engaging in sexual contact, a sexual act, or vaginal intercourse with a specified minor; repealing a requirement that the "person in a position of authority" be a full-time permanent employee of a school; etc. Expands those people in “positions of authority” prohibited from having sexual contact with minors to part-time employees and persons under contract with schools, including coaches.	Crim. Law § 3-308	10/1/2014
SB 454/ HB 701 - Criminal Law - Child Kidnapping for the Purpose of Committing a Sexual Crime - Penalty	Altering the elements of a specified prohibition so as to prohibit the act of persuading or enticing from home and knowingly secreting or harboring or aiding in the secreting or harboring of an individual under age 16 for the purpose of committing a specified sexual crime; reclassifying the offense from a misdemeanor to a felony; increasing from 10 to 25 years the maximum term of imprisonment for a violation of the Act; etc.	Crim. Law § 11-305	10/1/2014
HB 714 - Criminal Law – Identity Fraud – Prohibitions	Prohibiting a person from maliciously using an interactive computer service to disclose or assist another person to disclose specified	Crim. Law § 8-301	10/1/2014

	personal identifying information of an individual, without the consent of the individual, in order to annoy, threaten, embarrass, or harass the individual; and providing penalties for a violation of the Act.		
Violent Crimes			
SB 223/ HB 697 - Crimes - Threat of Mass Violence	Prohibiting a person from threatening to commit, or threatening to cause to be committed, a crime of violence that would place five or more people at substantial risk of death or serious physical injury if there is a specified result of the threat; establishing that a person who violates the Act is guilty of the misdemeanor of making a threat of mass violence; requiring a court to order a person convicted under the Act to reimburse specified persons; etc.	Crim. Law § 3-1001	10/1/2014
SB 337/ HB 306 - Crimes - Committing a Crime of Violence in the Presence of a Minor – Penalties	Prohibiting a person from committing a specified crime of violence when the person knows or reasonably should know that a minor who is at least 2 years old is present in a residence; establishing a specified circumstance under which a minor is present; establishing a specified enhanced penalty for a violation of the Act; authorizing a court to impose an enhanced penalty if the State's Attorney provides specified notice to the defendant in a specified manner and if specified elements have been proven beyond a reasonable doubt; etc.	Crim. Law § 3-601.1	10/1/2014
HB 807 - Criminal Law - Burglary in the First Degree - Home Invasion	Increasing the maximum penalty of imprisonment for breaking and entering the dwelling of another with the intent to commit a crime of violence; establishing penalties of up to 25 years imprisonment for specified criminal violations of the Act; etc.	Crim. Law § 6-202; abrogates Crim. Law § 3-1001	10/1/2014
Crimes Relating to Animals			
SB 827/ HB 1124 - Criminal Law - Possession of Dangerous or Wild Animals	Altering the list of entities and individuals to which specified provisions relating to dangerous or wild animals, including a prohibition on importing into the State, offering for sale, trading, bartering, possessing, breeding, or exchanging specified animals, do not apply; prohibiting specified holders of a specified federal exhibitor's license from possessing certain animals not possessed on a specified date; etc.	Crim. Law § 10-621	7/1/2014
SB 659/ HB 665 - Crimes Relating to Animals - Surgery on Dogs - Penalties	Prohibiting a person, other than a licensed veterinarian using anesthesia when appropriate, from performing specified procedures on a dog; and establishing penalties for a violation of the Act.	Crim. Law § 10-624	10/1/2014
SB 660/ HB 667 - Crimes Relating to Animals -		Crim. Law § 10-624	10/1/2014

Unauthorized Surgical Devocalization of Cat or Dog - Penalties			
Motor Vehicle Offenses			
HB 243 - Repealing a provision of law that prohibits a person who rents a motor vehicle under a specified agreement from permitting another person to drive the vehicle; repealing a provision of law specifying that if a person rents a motor vehicle under a specified agreement, no other person may drive the vehicle without the consent of the lessor or the agent of the lessor; and repealing a specified penalty.	Repeals the criminal offense of "unauthorized use of a rented motor vehicle." As a result, a person can no longer be charged with a criminal offense for (1) allowing another to drive a motor vehicle that the person rented, if the rental agreement prohibits another from driving the motor vehicle or (2) driving a rental vehicle without the consent of the lessor or the lessor's agent if the motor vehicle rental agreement prohibits a person other than the renter of the vehicle from driving the rental vehicle.	Repeals Transportation Article, § 18-106 and 27-101(c)(14)	10/1/2014
SB 390/ HB 386 - Criminal Law - Illegal Dumping and Litter Control Law - Driver's License - Points	Alter the Illegal Dumping and Litter Control Law penalties for littering violations committed while operating a motor vehicle by repealing the authorization for a court to suspend the driver's license of the convicted violator and instead requiring a court to notify the Motor Vehicle Administration (MVA) of the violation. The Chief Judge of the District Court and the Administrative Office of the Courts, in conjunction with MVA, must establish uniform procedures for reporting a violation. Under the bills, MVA must assess four points against a violator's driver's license. The bills also clarify the authority of MVA to refuse to register or transfer the registration of a vehicle for violating the Illegal Dumping and Litter Control Law.	Crim. Law § 10-110	10/1/2014
Places of Confinement – Contraband			

SB 206/ HB 175 - Criminal Law - Contraband - Telecommunication Devices and Accessories - Penalty	The current law prohibits a person from delivering a telecommunication to a detained individual and from possessing a device with the intent to deliver it to a detained person where there are signs posted that such conduct is prohibited. This legislation broadens this, prohibiting a person from ***attempting*** to deliver a "telecommunication device," ***telecommunication device charger, or subscriber identification module (SIM) card*** to a person detained or confined in a place of confinement if signs are posted indicating that the conduct is prohibited. The bills add chargers and SIM cards as prohibited items that a person may not deliver to an inmate, possess with intent to deliver to an inmate, deposit or conceal in or about a place of confinement, or knowingly possess or receive while an inmate in a place of confinement. The bills also increase the maximum penalty for offenses relating to a telecommunication device in a place of confinement from imprisonment for three years and/or a $1,000 fine to imprisonment for five years and/or a $3,000 fine. A sentence imposed for knowing possession or receipt of a telecommunication device by a person detained or confined in a place of confinement must be consecutive to any sentence that the person was serving at the time of the crime or that had been imposed but was not yet being served at the time of the sentence.	Crim. Law § 9-417	10/1/2014
Destruction of Evidence			
HB 695 - Crimes - Obstructing Justice - Tampering With or Fabricating Physical Evidence	Prohibiting a person from destroying, altering, concealing, or removing physical evidence that the person believes may be used in a pending or future official proceeding with the intent to impair the verity or availability of the physical evidence, or from fabricating physical evidence with the intent to deceive in order to impair the verity of the physical evidence, with the intent that the fabricated physical evidence be introduced in a pending or future official proceeding; etc.	Crim. Law § 9-307	10/1/2014
Underage Gaming			
SB 481/ HB 275 - Criminal Law - Table Games and Video Lottery Terminals - Individual Under the Age of 21 Years	Prohibiting an individual under the age of 21 years from playing a table game or video lottery terminal in a video lottery facility, or from entering or remaining in an area within a video lottery facility that is designated for table game or video lottery terminal activities; providing that violation of the Act is a Code violation and a civil offense; providing that a person who violates the Act shall be issued a citation; requiring that the citation contain specified information; etc.	Crim. Law § 10-136; 10-137; Cts. & Jud. Proc., § 3-8A-01; 3-8A-33	10/1/2014