

HOUSE BILL 999

D3, F1

11r2752

By: **Delegate James**

Introduced and read first time: February 11, 2011

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Harford County – Juvenile Court – Truancy Court Petition**

3 FOR the purpose of repealing, in Harford County, a certain requirement that a certain
4 criminal charge against a certain person must be filed and dismissed or steted
5 before filing a truancy petition in the juvenile court under the Truancy
6 Reduction Pilot Program; providing that certain requirements relating to
7 criminal charges being filed against a certain person with legal custody of a
8 child do not apply to a Truancy Reduction Pilot Program in Harford County;
9 and generally relating to a petition filed in truancy court in Harford County.

10 BY repealing and reenacting, with amendments,
11 Article – Courts and Judicial Proceedings
12 Section 3–8C–04
13 Annotated Code of Maryland
14 (2006 Replacement Volume and 2010 Supplement)

15 BY repealing and reenacting, without amendments,
16 Article – Education
17 Section 7–301(e)
18 Annotated Code of Maryland
19 (2008 Replacement Volume and 2010 Supplement)

20 BY repealing and reenacting, with amendments,
21 Article – Education
22 Section 7–301(e–1)
23 Annotated Code of Maryland
24 (2008 Replacement Volume and 2010 Supplement)

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **Article – Courts and Judicial Proceedings**

2 3–8C–04.

3 (a) An authorized school official may file with the juvenile court a petition
4 alleging a violation of this subtitle.

5 (b) **(1) THIS SUBSECTION DOES NOT APPLY TO THE TRUANCY**
6 **REDUCTION PILOT PROGRAM IN THE JUVENILE COURT IN HARFORD COUNTY.**

7 **(2)** If a child is under the age of 12 years, an authorized school official
8 may file a petition under this subtitle only if:

9 **[(1)] (I)** A criminal charge was filed under § 7–301 of the Education
10 Article against the person with legal custody or care and control of the child at the
11 time of the alleged violation; and

12 **[(2)] (II)** The court dismissed or stетted the charge in accordance with
13 § 7–301(e–1) of the Education Article.

14 **Article – Education**

15 7–301.

16 (e) (1) Any person who induces or attempts to induce a child to absent
17 himself unlawfully from school or employs or harbors any child who is absent
18 unlawfully from school while school is in session is guilty of a misdemeanor and on
19 conviction is subject to a fine not to exceed \$500 or imprisonment not to exceed 30
20 days, or both.

21 (2) Any person who has legal custody or care and control of a child
22 who is 5 years old or older and under 16 who fails to see that the child attends school
23 or receives instruction under this section is guilty of a misdemeanor and:

24 (i) For a first conviction is subject to a fine not to exceed \$50
25 per day of unlawful absence or imprisonment not to exceed 10 days, or both; and

26 (ii) For a second or subsequent conviction is subject to a fine not
27 to exceed \$100 per day of unlawful absence or imprisonment not to exceed 30 days, or
28 both.

29 (3) As to any sentence imposed under this section, the court may
30 suspend the fine or the prison sentence and establish terms and conditions which
31 would promote the child’s attendance. The suspension authority provided for in this
32 subsection is in addition to and not in limitation of the suspension authority under §
33 6–221 of the Criminal Procedure Article.

1 (e-1) (1) (I) [This] EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF
2 THIS PARAGRAPH, THIS subsection applies only:

3 [(i)] 1. In a county in which the circuit administrative judge
4 has established a Truancy Reduction Pilot Program under § 3-8C-02 of the Courts
5 Article; and

6 [(ii)] 2. To the extent that funds are provided in an annual
7 State budget for a Truancy Reduction Pilot Program.

8 (II) THIS SUBSECTION DOES NOT APPLY TO THE TRUANCY
9 REDUCTION PILOT PROGRAM IN THE JUVENILE COURT IN HARFORD COUNTY.

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

13 (3) (i) For a person with legal custody or care and control of a child
14 at the time of an alleged violation of this section, it is an affirmative defense to a
15 charge under this section that the person made reasonable and substantial efforts to
16 see that the child attended school as required by law but was unable to cause the child
17 to attend school.

18 (ii) If the court finds the affirmative defense is valid, the court
19 shall dismiss the charge under this section against the defendant.

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

23 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
24 October 1, 2011.