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**HOUSE FLOOR AMENDMENTS**

2023 Regular Session

Amendments proposed by Representative LaCombe to Engrossed House Bill No. 523 by Representative LaCombe

1 AMENDMENT NO. 1

2 On page 1, line 2, after "reenact" delete the remainder of the line and insert "Children's Code  
3 Article"

4 AMENDMENT NO. 2

5 On page 1, line 3, after "(2)," delete the remainder of the line and insert "(C), and (G) and  
6 to enact Children's Code Article 815(F), relative to the custody of juveniles;"

7 AMENDMENT NO. 3

8 On page 1, delete line 4 in its entirety and on line 5, delete "juvenile detention facilities;"

9 AMENDMENT NO. 4

10 On page 1, delete lines 8 through 21 in their entirety and on page 2, delete lines 1 through  
11 14 in their entirety and insert the following:

12 "Section 1. Children's Code Article 306(B)(introductory paragraph) and (2), (C), and  
13 (G) are hereby amended and reenacted and Children's Code Article 815(F) is hereby enacted  
14 to read as follows:"

15 AMENDMENT NO. 5

16 On page 2, after line 25, add the following:

17 "C. If an indictment has not been returned, a bill of information filed, or a  
18 continued custody hearing not held within ~~twenty-four~~ forty-eight hours, the child  
19 held in an adult jail or lockup in a nonmetropolitan area shall be released or removed  
20 to a juvenile detention facility.

21 \* \* \*

22 G. Notwithstanding any provision of law to the contrary, a child who is  
23 subject to criminal jurisdiction pursuant to Article 305 ~~shall not be detained prior to~~  
24 ~~trial in a juvenile detention facility after reaching the age of eighteen if the governing~~  
25 ~~authority with funding responsibility for the juvenile detention facility objects to~~  
26 ~~such detention. and being held in a juvenile detention facility before trial shall be~~  
27 transferred to the appropriate adult facility for continued pretrial detention upon  
28 reaching the age of eighteen.

29 \* \* \*

30 Art. 815. Child taken into custody; place of detention

31 \* \* \*

32 F. If a juvenile detention center is not available, a juvenile may be held in an  
33 adult jail or lockup for purposes of and only as long as necessary to complete  
34 identification or processing procedures or while awaiting transportation, but not to  
35 exceed six hours. However, in nonmetropolitan areas, he may be held for up to  
36 forty-eight hours if all of the following occur:

- 1                   (1) The juvenile is accused of a nonstatus offense.
- 2                   (2) A continued custody hearing in accordance with Articles 820 and 821 is
- 3 held within forty-eight hours after his arrest.
- 4                   (3) There is no acceptable alternative placement to the jail or lockup in
- 5 which he is being held.
- 6                   (4) The sheriff or the administrator of the adult jail or lockup has certified
- 7 to the court that facilities exist that provide for sight and sound separation of the
- 8 juvenile from adult offenders and the juvenile can be given continuous visual
- 9 supervision while placed in the jail or lockup."