

Department of Legislative Services
 Maryland General Assembly
 2026 Session

FISCAL AND POLICY NOTE
First Reader

Senate Bill 776 (Senator Smith)
 Judicial Proceedings

**Commission on the House of Reformation and Instruction for Colored Children -
 Establishment**

This bill establishes the Commission on the House of Reformation and Instruction for Colored Children (HRICC), to be staffed by the Office of the Attorney General (OAG). The purpose of the commission is to (1) research the history, operations, and resident deaths at HRICC; (2) provide a complete and public accounting of the children who died and were buried on the grounds of HRICC; (3) promote healing and reconciliation through truth-telling, acknowledgment, and recommendations for systemic reform; and (4) ensure descendent and community voice throughout the investigation and reconciliation process. The commission must submit its initial report and final report to the Governor and General Assembly by December 31, 2027, and December 31, 2029, respectively. **The bill takes effect July 1, 2026, and terminates on June 30, 2030.**

Fiscal Summary

State Effect: General fund expenditures increase by \$250,000 annually from FY 2027 through 2029. The FY 2027 budget as introduced includes \$250,000 of related funding, as discussed below. OAG can staff the commission with existing resources. No assumed effect on revenues.

(in dollars)	FY 2027	FY 2028	FY 2029	FY 2030	FY 2031
Revenues	\$0	\$0	\$0	\$0	\$0
GF Expenditure	250,000	250,000	250,000	0	0
Net Effect	(\$250,000)	(\$250,000)	(\$250,000)	\$0	\$0

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

Local Effect: The bill is not anticipated to materially affect local government operations or finances.

Small Business Effect: None.

Analysis

Bill Summary:

Commission Responsibilities

Among other things, the commission must:

- direct and oversee the investigation of HRICC by contracting with qualified professional experts, including universities, research institutions, and independent practitioners, to conduct (1) forensic anthropology, archeological surveys, and historical research; (2) location and documentation of all graves; (3) identification of individuals buried at the site; (4) reconstruction of institutional conditions, policies, and practices throughout the facility's history; (5) documentation of deaths, including circumstances, causes, and State responses; and (6) analysis of systemic failures that allowed harms to occur;
- when appropriate and approved by the commission, authorize contracted experts to conduct exhumation and forensic analysis of remains in accordance with best practices in forensic anthropology and bioethics;
- direct contracted experts to establish a DNA database for descendant matching and pursue genealogical research to locate and notify descendants;
- establish protocols for descendant notification, reburial, and culturally appropriate treatment of human remains in consultation with contracted experts and community stakeholders;
- oversee contracted work for restoration and preservation of the cemetery grounds;
- make findings regarding institutional failures and State accountability based on research conducted by contracted experts; and
- develop recommendations for systemic reform, which may include (1) official State acknowledgment and formal apology; (2) reparative measures for descendants and survivors; (3) reforms to prevent future deaths in custody and improve current juvenile justice policies; (4) ongoing commemoration and education initiatives; and (5) any other measure the commission deems appropriate to promote healing and reconciliation.

Agency Compliance and Legal Exemptions

All State agencies, units of State government, and political subdivisions of the State must cooperate and comply with information requests from the commission and its contracted

researchers and must provide access to facilities, records, and logistical support necessary to conduct the investigation. The commission, through OAG, may issue subpoenas for documents and testimony relevant to the investigation.

Notwithstanding any other provision of law, the commission and its contractors are authorized to conduct archaeological surveys and test excavations and carry out the disinterment of human remains on the grounds of HRICC without separate agency permits. The commission must consult with the Maryland Historical Trust and the Maryland Department of Health (MDH) regarding methods and safety for such actions.

Title 17 of the Criminal Procedure Article, which requires a law enforcement officer to submit a sworn affidavit meeting specified criteria for the initiation of a forensic genetic genealogical DNA analysis and search, does not apply to a forensic genealogical DNA analysis and a search conducted by the principal investigator if (1) the search is conducted exclusively for the humanitarian purpose of identifying the deceased and notifying descendants; (2) biological samples are not used to screen for medical conditions or traits; and (3) all DNA data is destroyed on the conclusion of the investigation.

Notwithstanding § 3-8A-27 of the Courts and Judicial Proceedings Article or the Maryland Public Information Act, the commission and the commission's contractors acting in furtherance of their duties must have full and unrestricted access to all sealed or otherwise confidential juvenile records, medical records, and administrative files related to HRICC. The commission must maintain confidentiality of any living individual mentioned in the records and may disclose the names and circumstances of deceased individuals for the purposes of the final report of the investigation and memorialization.

Commission Funding and Contracts

Funding for the commission must be as provided in the State budget. OAG may pursue federal grants and other funding sources to supplement State appropriations, subject to commission approval of grant applications. OAG must administer funding for the commission, including State appropriations, federal grants, and private donations. OAG may procure goods and services on behalf of the commission. The execution of a major contract requires approval by vote of the commission.

Reporting Requirements

On or before December 31, 2027, the commission must submit an *initial* report documenting the progress of the investigation and including any preliminary recommendations to the Governor and General Assembly. On or before December 31, 2029, the commission must submit a *final* report to the Governor and General Assembly on:

- the complete findings of the commission’s research;
- all identified individuals and the circumstances of their deaths;
- historical analysis of institutional policies and practices;
- recommendations for acknowledgment, memorial, reburial, reparative measures, and policy reforms; and
- an accounting of the commission’s expenditures.

Current Law: The Department of Juvenile Services (DJS) administers Maryland’s juvenile programs. As part of its responsibilities, the department operates several detention facilities throughout the State, including Cheltenham Youth Detention Center, which is the successor facility to HRICC. The recognition of the burial ground at HRICC was publicly announced on July 17, 2025.

State Fiscal Effect: General fund expenditures are assumed to increase by \$250,000 annually in fiscal 2027 through 2029. Although the bill terminates at the conclusion of fiscal 2030, this estimate assumes that the commission’s expenditures are incurred through fiscal 2029 and preparation of the final report (due December 31, 2029) generally occurs during fiscal 2030 using existing resources at OAG.

The fiscal 2027 budget as introduced includes \$250,000 for efforts generally related to the HRICC investigation (and is not contingent on the bill). Although the funding is included in the allowance for DJS, this analysis assumes it is made available to OAG or the commission to fulfill the commission’s responsibilities. While this analysis assumes \$250,000 annually through fiscal 2029, the Department of Legislative Services notes that the exact expenditures required to complete the work required by the bill are unknown and depend in part on challenges that may arise during the course of the investigation.

DJS also advises that it has received a \$200,000 grant from the African American Heritage Preservation Program to restore the Boy’s Village Cemetery in Cheltenham by (1) *using ground-penetrating radar to identify unmarked burials*; (2) through a hired contractor, reset and repair extant grave markers; (3) install fencing around the cemetery’s perimeter and erect commemorative signage; and (4) in collaboration with the Department of Military Families, develop a cemetery conservation plan. This available grant funding *may* mitigate some of the expenditures assumed to be incurred by the commission’s work under the bill. Furthermore, the bill authorizes OAG to pursue federal grants and other funding sources; any attainment of such funds has not been accounted for in this estimate.

This estimate assumes that the commission will coordinate with State agencies (*e.g.*, MDH’s Records Management Office and the Maryland State Archives) to develop workload distribution plans to optimize the use of existing personnel without the need for

additional staff. Any expense reimbursements for commission members are assumed to be minimal and absorbable within existing budgeted resources.

Additional Comment: The bill specifies that provisions of Title 17 of the Criminal Procedure Article do not apply to work conducted by “the Principal Independent Investigator.” However, that is the only time an individual with that title is mentioned in the bill.

Additional Information

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

Designated Cross File: None.

Information Source(s): Office of the Attorney General; Judiciary (Administrative Office of the Courts); Maryland Department of Health; Maryland Department of Planning; Department of Legislative Services

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