

SENATE BILL 94

E3

4lr1126

(PRE-FILED)

By: **Senators Watson, Carozza, and West**

Requested: October 24, 2023

Introduced and read first time: January 10, 2024

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Juvenile Law – Intake and Probation**

3 FOR the purpose of altering provisions of law relating to the juvenile intake process such
4 that certain complaints and case files are required to be forwarded to the State's
5 Attorney under certain circumstances; altering provisions of law relating to the
6 length of juvenile probationary periods; and generally relating to juvenile causes.

7 BY repealing and reenacting, with amendments,
8 Article – Courts and Judicial Proceedings
9 Section 3–8A–10(c)(4) and 3–8A–19.6
10 Annotated Code of Maryland
11 (2020 Replacement Volume and 2023 Supplement)

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

14 **Article – Courts and Judicial Proceedings**

15 3–8A–10.

16 (c) (4) (i) [1. Except as provided in subsubparagraph 2 of this
17 subparagraph, if] **IF** a complaint is filed that alleges the commission of an act which would
18 be a felony if committed by an adult or alleges a violation of § 4–203 or § 4–204 of the
19 Criminal Law Article, and if the intake officer denies authorization to file a petition or
20 proposes an informal adjustment, the intake officer shall immediately:

21 [A.] **1.** Forward the complaint to the State's Attorney; and

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



[B.] 2. Forward a copy of the entire intake case file to the State's Attorney with information as to any and all prior intake involvement with the child.

[2. For a complaint that alleges the commission of an act that would be a felony if committed by an adult, the intake officer is not required to forward the complaint and copy of the intake case file to the State's Attorney if:

A. The intake officer proposes the matter for informal adjustment;

B. The act did not involve the intentional causing of, or attempt to cause, the death of or physical injury to another; and

C. The act would not be a crime of violence, as defined under § 14–101 of the Criminal Law Article, if committed by an adult.]

(ii) The State's Attorney shall make a preliminary review as to whether the court has jurisdiction and whether judicial action is in the best interests of the public or the child. The need for restitution may be considered as one factor in the public interest. After the preliminary review the State's Attorney shall, within 30 days of the receipt of the complaint by the State's Attorney, unless the court extends the time:

1. File a petition or a peace order request or both;

2. Refer the complaint to the Department of Juvenile Services for informal disposition; or

3. Dismiss the complaint.

(iii) This subsection may not be construed or interpreted to limit the authority of the State's Attorney to seek a waiver under § 3–8A–06 of this subtitle.

3–8A–19.6.

(a) In this section, “technical violation” means a violation of probation that does not involve:

(1) An arrest or a summons issued by a commissioner on a statement of charges filed by a law enforcement officer;

(2) A violation of a criminal prohibition, or an act that would be a violation of a criminal prohibition if committed by an adult, other than a minor traffic offense;

(3) A violation of a no-contact or stay-away order; or

(4) Absconding.

(b) This section does not apply to an offense committed by a child that, if committed by an adult, would be a felony and a crime of violence under § 14–101 of the Criminal Law Article.

(c) The court may not place a child on probation for a term exceeding that provided in this section.

(d) (1) Except as provided in paragraph (2) of this subsection, if the most serious offense committed by a child would be a misdemeanor if committed by an adult, the court may place the child on probation for a period not exceeding [6 months] **2 YEARS**.

(2) Subject to paragraph (3) of this subsection, the court may, after a hearing, extend the probation by periods not exceeding 3 months if the court finds that:

(i) There is good cause to extend the probation; and

(ii) The purpose of extending the probation is to ensure that the child completes a treatment or rehabilitative program or service.

(3) The total period of the probation, including extensions of the probation, may not exceed [1 year] **3 YEARS**.

(e) (1) Except as provided in paragraph (2) of this subsection, if the most serious offense committed by a child would be a felony **OR A CRIME INVOLVING THE USE OF A FIREARM** if committed by an adult, the court may place the child on probation for a period not exceeding [1 year] **5 YEARS**.

(2) (i) Subject to paragraph (3) of this subsection, the court may, after a hearing, extend the probation by periods not exceeding 3 months if the court finds that:

1. There is good cause to extend the probation; and

2. The purpose of extending the probation is to ensure that the child completes a treatment or rehabilitative program or service.

(ii) Except as provided in paragraph (3) of this subsection, if the probation is extended under this paragraph, the total period of the probation may not exceed [2] **6 years**.

(3) (i) Subject to subparagraph (ii) of this paragraph, the court may extend the period of the probation for a period of time greater than the period described in paragraph (2)(ii) of this subsection if, after a hearing, the court finds by clear and convincing evidence that:

1. There is good cause to extend the probation; and

2. Extending the probation is in the best interest of the child.

(ii) If the probation is extended under this paragraph, the total period of probation, including extensions under paragraph (2) of this subsection, may not exceed **[3] 6** years.

(f) Notwithstanding any other provision of this section, if a child is found to have committed a violation of probation, except for a technical violation, a court may, after a hearing, place the child on a new term of probation for a period that is consistent with the period of probation that may be imposed under this section for the delinquent act for which the child was originally placed on probation.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2024.