

HOUSE BILL 322

E3

4lr1645

By: **Delegate Attar**

Introduced and read first time: January 15, 2024

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Juvenile Law – Complaints – Forwarding to State’s Attorney**

3 FOR the purpose of repealing an exception to the requirement that a complaint that alleges
4 the commission of an act by a child that would be a felony if committed by an adult
5 must be forwarded to the State’s Attorney under certain circumstances; and
6 generally relating to juvenile law.

7 BY repealing and reenacting, with amendments,
8 Article – Courts and Judicial Proceedings
9 Section 3–8A–10(c)(4)
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 subparagraph 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

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

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

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

8 C. The act would not be a crime of violence, as defined under
9 § 14–101 of the Criminal Law Article, if committed by an adult.]

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

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

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

18 3. Dismiss the complaint.

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

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