

HOUSE BILL 683

E1, E3, E2

5lr2173

By: **Delegates Grammer, Arikan, Chisholm, Fisher, McComas, M. Morgan, Nawrocki, and Szeliga**

Introduced and read first time: January 24, 2025

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Law – Criminal or Delinquent Act of a Child – Liability of a Parent,**
3 **Guardian, or Custodian**

4 FOR the purpose of prohibiting the parent, guardian, or custodian of a child from
5 intentionally, knowingly, recklessly, or negligently acting or failing to act in a
6 manner that results in the child committing a crime or delinquent act; requiring an
7 individual convicted under this Act to participate in certain proceedings and
8 programs and establishing the failure to do so as contempt of court; requiring the
9 court to order a parent, guardian, or custodian to pay certain court costs and
10 restitution related to a child's crime or delinquent act; and generally relating to
11 liability for a child's criminal or delinquent act.

12 BY repealing and reenacting, with amendments,
13 Article – Courts and Judicial Proceedings
14 Section 3–8A–28 and 3–8A–29
15 Annotated Code of Maryland
16 (2020 Replacement Volume and 2024 Supplement)

17 BY adding to
18 Article – Criminal Law
19 Section 1–403
20 Annotated Code of Maryland
21 (2021 Replacement Volume and 2024 Supplement)

22 BY repealing and reenacting, with amendments,
23 Article – Criminal Procedure
24 Section 11–604
25 Annotated Code of Maryland
26 (2018 Replacement Volume and 2024 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

Article – Courts and Judicial Proceedings

3–8A–28.

The court may enter a judgment of restitution against the parent, **GUARDIAN, OR CUSTODIAN** of a child[, **OR** the child[, or both]] as provided under Title 11, Subtitle 6 of the Criminal Procedure Article.

3–8A–29.

[A] EXCEPT AS PROVIDED IN § 3–610 OF THE CRIMINAL LAW ARTICLE, A court may not order a parent, guardian, custodian, or child to pay:

(1) A fine, fee, or cost under this subtitle; or

(2) A sum of money to cover the support of a child under this subtitle.

Article – Criminal Law

1–403.

(A) A PARENT, GUARDIAN, OR CUSTODIAN OF A CHILD MAY NOT INTENTIONALLY, KNOWINGLY, RECKLESSLY, OR NEGLIGENTLY ACT OR FAIL TO ACT IN A MANNER THAT RESULTS IN THE CHILD COMMITTING A CRIME OR DELINQUENT ACT.

(B) AN INDIVIDUAL WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION:

(1) IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 30 DAYS, OR A FINE NOT EXCEEDING \$2,500, OR BOTH;

(2) SHALL PARTICIPATE IN:

(I) ALL COURT PROCEEDINGS RELATED TO THE CHILD’S DELINQUENT OR CRIMINAL ACT; AND

(II) ALL TREATMENT, COUNSELING, OR DIVERSION PROGRAMS THE COURT ORDERS THE CHILD TO PARTICIPATE IN; AND

(3) SHALL PAY ANY COURT COSTS RELATED TO THE CHILD’S DELINQUENT OR CRIMINAL ACT.

1 **(C) WILLFUL FAILURE OF AN INDIVIDUAL TO MEET THE REQUIREMENTS OF**
2 **SUBSECTION (B)(2) OF THIS SECTION IS CONTEMPT OF COURT.**

3 **Article – Criminal Procedure**

4 11–604.

5 (a) Subject to subsection (b) of this section and notwithstanding any other law, if
6 a child is the defendant or child respondent **AND THE COURT ORDERS PAYMENT OF**
7 **RESTITUTION**, the court [may order the child, the child’s parent, or both to pay restitution]
8 **SHALL:**

9 **(1) ORDER THE CHILD’S PARENT, GUARDIAN, OR CUSTODIAN TO PAY**
10 **THE RESTITUTION; OR**

11 **(2) IF THE RESTITUTION IS OWED TO THE CHILD’S PARENT,**
12 **GUARDIAN, OR CUSTODIAN, ORDER THE CHILD TO PAY THE RESTITUTION.**

13 (b) A judgment of restitution for \$10,000 issued under Part I of this subtitle is the
14 absolute limit for each child’s acts arising out of a single incident.

15 (c) (1) A court may not enter a judgment of restitution against a parent,
16 **GUARDIAN, OR CUSTODIAN** under Part I of this subtitle unless the parent, **GUARDIAN,**
17 **OR CUSTODIAN** has been afforded a reasonable opportunity to be heard and to present
18 evidence.

19 (2) A hearing under this subsection may be held as part of the sentencing
20 or disposition hearing.

21 **SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect**
22 **October 1, 2025.**