

SENATE BILL 195

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4lr1134

(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 **Juveniles – Arrest by Law Enforcement – Report to Local Department of Social**
3 **Services**

4 FOR the purpose of requiring a law enforcement officer to make a certain report to a local
5 department of social services after a certain arrest of a child under a certain age for
6 the purpose of a neglect investigation; and generally relating to juvenile causes.

7 BY repealing and reenacting, without amendments,
8 Article – Courts and Judicial Proceedings
9 Section 3–8A–03(a)
10 Annotated Code of Maryland
11 (2020 Replacement Volume and 2023 Supplement)

12 BY repealing and reenacting, with amendments,
13 Article – Courts and Judicial Proceedings
14 Section 3–8A–14
15 Annotated Code of Maryland
16 (2020 Replacement Volume and 2023 Supplement)

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

19 **Article – Courts and Judicial Proceedings**

20 3–8A–03.

21 (a) In addition to the jurisdiction specified in Subtitle 8 of this title, the court has
22 exclusive original jurisdiction over:

23 (1) A child:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



(i) Who is at least 13 years old alleged to be delinquent; or

(ii) Except as provided in subsection (d) of this section, who is at least 10 years old alleged to have committed an act:

1. That, if committed by an adult, would constitute a crime of violence, as defined in § 14–101 of the Criminal Law Article; or

2. Arising out of the same incident as an act listed in item 1 of this item;

(2) A child who is in need of supervision;

(3) A child who has received a citation for a violation;

(4) Except as provided in subsection (d)(6) of this section, a peace order proceeding in which the respondent is a child; and

(5) Proceedings arising under the Interstate Compact on Juveniles.

3–8A–14.

(a) A child may be taken into custody under this subtitle by any of the following methods:

(1) Pursuant to an order of the court;

(2) By a law enforcement officer pursuant to the law of arrest;

(3) By a law enforcement officer or other person authorized by the court if the officer or other person has reasonable grounds to believe that the child is in immediate danger from the child's surroundings and that the child's removal is necessary for the child's protection;

(4) By a law enforcement officer or other person authorized by the court if the officer or other person has reasonable grounds to believe that the child has run away from the child's parents, guardian, or legal custodian; or

(5) In accordance with § 3–8A–14.1 of this subtitle.

(b) (1) (i) If a law enforcement officer takes a child into custody, the officer shall immediately notify, or cause to be notified, the child's parents, guardian, or custodian in a manner reasonably calculated to give actual notice of the action.

(ii) The notice required under subparagraph (i) of this paragraph shall:

1 1. Include the child's location;

2 2. Provide the reason for the child being taken into custody;

3 and

4 3. Instruct the parent, guardian, or custodian on how to
5 make immediate in-person contact with the child.

6 (2) After making every reasonable effort to give actual notice to a child's
7 parent, guardian, or custodian, the law enforcement officer shall with all reasonable speed:

8 (i) Release the child to the child's parents, guardian, or custodian or
9 to any other person designated by the court, upon their written promise to bring the child
10 before the court when requested by the court, and such security for the child's appearance
11 as the court may reasonably require, unless the child's placement in detention or shelter
12 care is permitted and appears required by § 3–8A–15 of this subtitle; or

13 (ii) Deliver the child to the court or a place of detention or shelter
14 care designated by the court.

15 (c) If a parent, guardian, or custodian fails to bring the child before the court
16 when requested, the court may:

17 (1) Issue a writ of attachment directing that the child be taken into custody
18 and brought before the court; and

19 (2) Proceed against the parent, guardian, or custodian for contempt.

20 (d) (1) (i) In this subsection the following words have the meanings
21 indicated.

22 (ii) “Qualifying offense” has the meaning stated in § 8–302 of the
23 Criminal Procedure Article.

24 (iii) “Sex trafficking” has the meaning stated in § 5–701 of the Family
25 Law Article.

26 (iv) “Victim of human trafficking” has the meaning stated in § 8–302
27 of the Criminal Procedure Article.

28 (2) In addition to the requirements for reporting child abuse and neglect
29 under § 5–704 of the Family Law Article, if a law enforcement officer has reason to believe
30 that a child who has been detained is a victim of sex trafficking or a victim of human
31 trafficking, the law enforcement officer shall, as soon as practicable:

(i) Notify an appropriate regional navigator, as defined in § 5–704.4 of the Family Law Article, for the jurisdiction where the child was taken into custody or where the child is a resident that the child is a suspected victim of sex trafficking or a suspected victim of human trafficking so the regional navigator can coordinate a service response;

(ii) Report to the local child welfare agency that the child is a suspected victim of sex trafficking or a suspected victim of human trafficking; and

(iii) Release the child to the child’s parents, guardian, or custodian if it is safe and appropriate to do so, or to the local child welfare agency if there is reason to believe that the child’s safety will be at risk if the child is returned to the child’s parents, guardian, or custodian.

(3) A law enforcement officer who takes a child who is a suspected victim of sex trafficking or a suspected victim of human trafficking into custody under subsection (a)(3) of this section may not detain the child in a juvenile detention facility, as defined under § 9–237 of the Human Services Article, if the reason for detaining the child is a suspected commission of a qualifying offense or § 3–1102 of the Criminal Law Article.

(E) (1) THIS SUBSECTION:

(I) EXCEPT AS PROVIDED IN ITEM (II) OF THIS PARAGRAPH, APPLIES TO A CHILD UNDER THE AGE OF 13 YEARS AT THE TIME OF ARREST; AND

(II) DOES NOT APPLY TO A CHILD DESCRIBED IN § 3–8A–03(A)(1)(II) OF THIS SUBTITLE.

(2) ON THE FIRST ARREST OF A CHILD FOR AN OFFENSE INVOLVING THE USE AND POSSESSION OF A FIREARM, AS DEFINED IN § 5–101 OF THE PUBLIC SAFETY ARTICLE, OR ON THE SECOND ARREST OF A CHILD FOR ANY OTHER OFFENSE, A LAW ENFORCEMENT OFFICER SHALL MAKE A REPORT TO THE LOCAL DEPARTMENT OF SOCIAL SERVICES IN ACCORDANCE WITH TITLE 5, SUBTITLE 7 OF THE FAMILY LAW ARTICLE FOR PURPOSES OF A NEGLECT INVESTIGATION AS PROVIDED BY LAW.

[(e)] (F) The Supreme Court of Maryland may adopt rules concerning age-appropriate language to be used to advise a child who is taken into custody of the child’s rights.

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