

HOUSE BILL 1398

E3

9lr2924

By: **Prince George's County Delegation**

Introduced and read first time: February 25, 2019

Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Prince George's County – Juvenile Law – Diversion Program**

3 **PG 307–19**

4 FOR the purpose of authorizing the State's Attorney for Prince George's County to refer a
5 certain child to a diversion program under certain circumstances; and generally
6 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 (2013 Replacement Volume and 2018 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) If a complaint is filed that alleges the commission of an act which
17 would be a felony if committed by an adult or alleges a violation of § 4–203 or § 4–204 of
18 the Criminal Law Article, and if the intake officer denies authorization to file a petition or
19 proposes an informal adjustment, the intake officer shall immediately:

20 1. Forward the complaint to the State's Attorney; and

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

- 6 1. File a petition or a peace order request or both;
- 7 2. Refer the complaint to the Department of Juvenile
8 Services for informal disposition; [or]
- 9 3. **IN PRINCE GEORGE'S COUNTY, REFER THE CHILD TO**
10 **A DIVERSION PROGRAM; OR**
- 11 4. Dismiss the complaint.

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

14 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
15 October 1, 2019.