

HB0842/932911/1

BY: House Judiciary Committee

AMENDMENTS TO HOUSE BILL 842
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 3, strike “a certain” and substitute “the juvenile”; in line 6, strike “requiring a certain petition to be dismissed under certain circumstances;” and substitute “requiring the juvenile court to take certain actions under certain circumstances; providing for the application of certain provisions of law; making certain conforming changes; requiring the Department to report to the General Assembly on or before a certain date each year;”; in line 10, strike “3-8A-18(b)” and substitute “(f)”; and after line 12, insert:

“BY adding to

Article - Courts and Judicial Proceedings

Section 3-8A-10(e-1)

Annotated Code of Maryland

(2013 Replacement Volume and 2019 Supplement)”.

AMENDMENT NO. 2

On pages 1 and 2, strike in their entirety the lines beginning with line 17 on page 1 through line 19 on page 2, inclusive, and substitute:

“(e) (1) **THIS SUBSECTION APPLIES BEFORE A PETITION, IF ANY, IS FILED UNDER THIS SUBTITLE.**

(2) The intake officer may propose an informal adjustment of the matter if, based on the complaint and the inquiry, the intake officer concludes that the court has jurisdiction but that an informal adjustment, rather than judicial action, is in the best interests of the public and the child.

(Over)

[(2)] (3) The intake officer shall propose an informal adjustment by informing the victim, the child, and the child's parent or guardian of the nature of the complaint, the objectives of the adjustment process, and the conditions and procedures under which it will be conducted.

[(3)] (4) The intake officer may not proceed with an informal adjustment unless the victim, the child, and the child's parent or guardian consent to the informal adjustment procedure.

(5) IF THE INTAKE OFFICER DECIDES TO HAVE AN INTAKE CONFERENCE, THE CHILD AND THE CHILD'S PARENT OR GUARDIAN SHALL APPEAR AT THE INTAKE CONFERENCE.

(6) IF THE VICTIM, THE CHILD, AND THE CHILD'S PARENT OR GUARDIAN DO NOT CONSENT TO AN INFORMAL ADJUSTMENT, THE INTAKE OFFICER SHALL AUTHORIZE THE FILING OF A PETITION OR A PEACE ORDER REQUEST OR BOTH OR DENY AUTHORIZATION TO FILE A PETITION OR A PEACE ORDER REQUEST OR BOTH UNDER SUBSECTION (G) OF THIS SECTION.

(7) IF AT ANY TIME BEFORE THE COMPLETION OF AN AGREED ON INFORMAL ADJUSTMENT THE INTAKE OFFICER BELIEVES THAT THE INFORMAL ADJUSTMENT CANNOT BE COMPLETED SUCCESSFULLY, THE INTAKE OFFICER SHALL AUTHORIZE THE FILING OF A PETITION OR A PEACE ORDER REQUEST OR BOTH OR DENY AUTHORIZATION TO FILE A PETITION OR A PEACE ORDER REQUEST OR BOTH UNDER SUBSECTION (G) OF THIS SECTION.

(E-1) (1) AFTER A PETITION IS FILED, THE COURT MAY, ON MOTION OF ANY PARTY, REFER THE MATTER TO THE DEPARTMENT OF JUVENILE SERVICES FOR AN INFORMAL ADJUSTMENT IN ACCORDANCE WITH SUBSECTION (F) OF THIS SECTION IF:

(i) THE TIME FOR AN ADJUDICATORY HEARING UNDER MARYLAND RULE 11-114(B) HAS BEEN WAIVED;

(ii) THERE HAS NOT BEEN A PRIOR UNSUCCESSFUL INFORMAL ADJUSTMENT OF THE MATTER; AND

(iii) THE CHILD, THE CHILD'S ATTORNEY, AND THE STATE'S ATTORNEY ALL CONSENT TO THE MOTION.

(2) (i) ON NOTICE FROM THE DEPARTMENT OF JUVENILE SERVICES THAT AN INFORMAL ADJUSTMENT UNDER THIS SUBSECTION HAS BEEN SUCCESSFULLY COMPLETED, THE COURT SHALL DISMISS THE PETITION.

(ii) ON NOTICE FROM THE DEPARTMENT OF JUVENILE SERVICES THAT AN INFORMAL ADJUSTMENT UNDER THIS SUBSECTION HAS NOT BEEN SUCCESSFULLY COMPLETED, THE COURT SHALL PROCEED WITH THE PETITION.

(f) (1) During the informal adjustment process, the child shall be subject to such supervision as the intake officer deems appropriate [and if the intake officer decides to have an intake conference, the child and the child's parent or guardian shall appear at the intake conference].

(2) The informal adjustment process may not exceed 90 days unless:

(i) That time is extended by the court; or

(ii) The intake officer determines that additional time is necessary for the child to participate in a substance-related disorder treatment program or a mental health program that is part of the informal adjustment process.

[(3) If the victim, the child, and the child's parent or guardian do not consent to an informal adjustment, the intake officer shall authorize the filing of a petition or a peace order request or both or deny authorization to file a petition or a peace order request or both under subsection (g) of this section.

(4) If at any time before the completion of an agreed upon informal adjustment the intake officer believes that the informal adjustment cannot be completed successfully, the intake officer shall authorize the filing of a petition or a peace order request or both or deny authorization to file a petition or a peace order request or both under subsection (g) of this section.]

(Over)

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SECTION 2. AND BE IT FURTHER ENACTED, That, on or before December 31 each year, beginning in 2020, the Department of Juvenile Services shall report to the General Assembly, in accordance with § 2-1257 of the State Government Article, on:

(1) the number of cases referred by the court to the Department of Juvenile Services for informal adjustment; and

(2) the outcomes of the children referred for informal adjustment.”.

On page 2, in line 20, strike “2.” and substitute “3.”; and in line 21, strike “October” and substitute “July”.