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**By: Delegates Bissett, M. Burns, Dewberry, Fry, Harkins, Hutchins, Minnick, and O'Donnell**

Introduced and read first time: January 27, 1997

Assigned to: Judiciary

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A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Procedure - Juveniles and Minors Identification Act**

3 FOR the purpose of allowing certain agencies and persons to request certain courts to  
4 order certain minors and juveniles in cases involving crimes and delinquent acts to  
5 appear for identification by another under certain circumstances; requiring the  
6 court, if the court orders the identification, to notify the minor or juvenile and the  
7 parent, guardian, or custodian of certain factors and rights; requiring a court to  
8 appoint an attorney under certain circumstances; providing that a violation of this  
9 Act may not result in the exclusion of certain evidence or identifications; and  
10 generally relating to identification of minors and juveniles.

11 BY adding to

12 Article 27 - Crimes and Punishments  
13 Section 594A-1  
14 Annotated Code of Maryland  
15 (1996 Replacement Volume)

16 BY adding to

17 Article - Courts and Judicial Proceedings  
18 Section 3-814.1  
19 Annotated Code of Maryland  
20 (1995 Replacement Volume and 1996 Supplement)

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

23 **Article 27 - Crimes and Punishments**

24 594A-1.

25 (A) THIS SECTION APPLIES IN CASES WHERE A MINOR IS CHARGED WITH A  
26 CRIME AND THE CASE IS UNDER THE JURISDICTION OF AN ADULT COURT.

27 (B) A LAW ENFORCEMENT AGENCY OR THE STATE'S ATTORNEY MAY  
28 REQUEST THE COURT TO ORDER THE MINOR TO APPEAR AT A PLACE AND TIME FOR  
29 IDENTIFICATION BY ANOTHER, INCLUDING IDENTIFICATION IN A POLICE LINEUP.

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1 (C) (1) IF THE COURT ORDERS A MINOR TO APPEAR FOR AN  
2 IDENTIFICATION UNDER THIS SECTION, THE COURT SHALL NOTIFY THE MINOR AND  
3 THE MINOR'S PARENT, GUARDIAN, OR CUSTODIAN:

4 (I) OF THE TIME AND PLACE OF THE IDENTIFICATION; AND

5 (II) THAT THE MINOR HAS THE RIGHT TO CONSULT WITH AN  
6 ATTORNEY AND TO HAVE AN ATTORNEY PRESENT DURING THE IDENTIFICATION.

7 (2) IF THE MINOR AND THE MINOR'S PARENT, GUARDIAN, OR  
8 CUSTODIAN REQUEST AN ATTORNEY BUT CANNOT AFFORD ONE, THE COURT SHALL  
9 APPOINT AN ATTORNEY TO REPRESENT THE MINOR.

10 (D) A VIOLATION OF THIS SECTION MAY NOT RESULT IN THE EXCLUSION OF  
11 EVIDENCE OR AN IDENTIFICATION THAT IS OTHERWISE LEGALLY OBTAINED.

12 **Article - Courts and Judicial Proceedings**

13 3-814.1.

14 (A) THIS SECTION APPLIES IN CASES WHERE A COMPLAINT IS FILED  
15 ALLEGING THAT A JUVENILE HAS COMMITTED A DELINQUENT ACT.

16 (B) A LAW ENFORCEMENT AGENCY, THE INTAKE OFFICER, OR THE STATE'S  
17 ATTORNEY MAY REQUEST THE COURT TO ORDER THE JUVENILE TO APPEAR AT A  
18 PLACE AND TIME FOR IDENTIFICATION BY ANOTHER, INCLUDING IDENTIFICATION  
19 IN A POLICE LINEUP.

20 (C) (1) IF THE COURT ORDERS A JUVENILE TO APPEAR FOR AN  
21 IDENTIFICATION UNDER THIS SECTION, THE COURT SHALL NOTIFY THE JUVENILE  
22 AND THE JUVENILE'S PARENT, GUARDIAN, OR CUSTODIAN:

23 (I) OF THE TIME AND PLACE OF THE IDENTIFICATION; AND

24 (II) THAT THE JUVENILE HAS THE RIGHT TO CONSULT WITH AN  
25 ATTORNEY AND TO HAVE AN ATTORNEY PRESENT DURING THE IDENTIFICATION.

26 (2) IF THE JUVENILE AND THE JUVENILE'S PARENT, GUARDIAN, OR  
27 CUSTODIAN REQUEST AN ATTORNEY BUT CANNOT AFFORD ONE, THE COURT SHALL  
28 APPOINT AN ATTORNEY TO REPRESENT THE JUVENILE.

29 (D) A VIOLATION OF THIS SECTION MAY NOT RESULT IN THE EXCLUSION OF  
30 EVIDENCE OR AN IDENTIFICATION THAT IS OTHERWISE LEGALLY OBTAINED.

31 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
32 October 1, 1997.