Unofficial Copy E3 1999 Regular Session 9lr0998 CF 9lr0806

By: Delegate Vallario (Task Force to Examine Maryland's Crime Victims'
Rights Laws) and Delegates Amedori, Bartlett, Boschert, Boutin,
Bozman, Bronrott, Brown, Burns, Cadden, Clagett, Conway, Cryor,
DeCarlo, Dembrow, Dewberry, Doory, Dypski, Edwards, Frush, Fulton,
Giannetti, Glassman, Goldwater, Healey, Heller, Hixson, Howard,
Hubbard, Hubers, Hutchins, A. Jones, Kach, Klima, Kopp, La Vay,
Linton, Love, Mandel, McClenahan, McHale, McKee, Minnick, Moe,
Mohorovic, Morhaim, O'Donnell, Owings, Palumbo, Parrott, Patterson,
Petzold, Pitkin, Proctor, Rawlings, Redmer, Riley, Rosso, Rudolph,
Rzepkowski, Sher, Sophocleus, Swain, Turner, Valderrama, and Zirkin

Introduced and read first time: February 4, 1999

Assigned to: Judiciary

A BILL ENTITLED

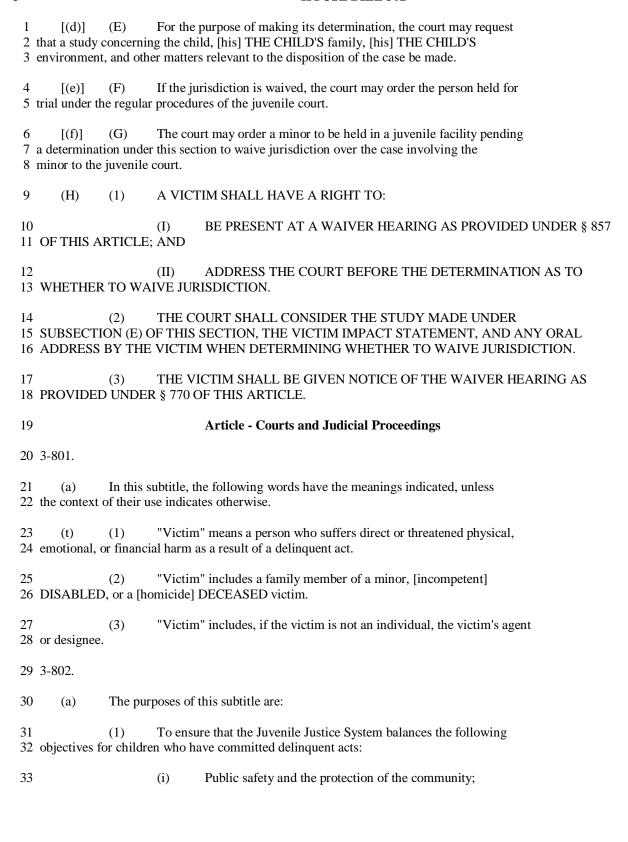
1 AN ACT concerning

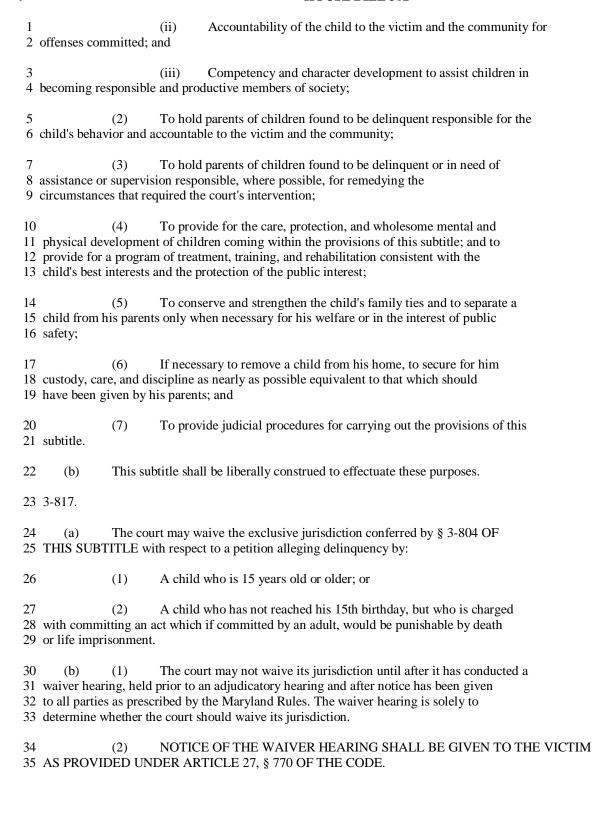
2

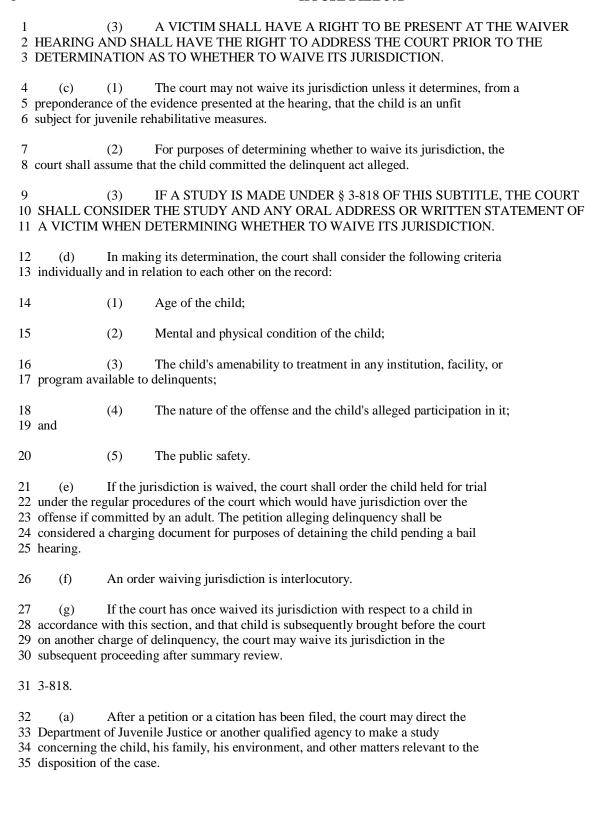
Victims' Rights - Juvenile Hearings and Dispositions

- 3 FOR the purpose of requiring that certain victims be notified of certain juvenile
- 4 proceedings; granting certain victims the right to be present and to address the
- 5 court at certain juvenile proceedings; requiring the court to consider certain
- 6 information in determining its jurisdiction in certain delinquency proceedings;
- 7 requiring the court to consider certain statements from a victim before making
- 8 a disposition on a delinquency petition; altering the court's priorities in making
- a disposition on a delinquency petition; defining a term; altering a definition of
- "victim"; making stylistic changes; and generally relating to victims' rights in
- 11 certain juvenile hearings and dispositions.
- 12 BY repealing and reenacting, with amendments,
- 13 Article 27 Crimes and Punishments
- 14 Section 594A
- 15 Annotated Code of Maryland
- 16 (1996 Replacement Volume and 1998 Supplement)
- 17 BY repealing and reenacting, with amendments,
- 18 Article Courts and Judicial Proceedings
- 19 Section 3-801(t), 3-817, and 3-820(b) and (c)
- 20 Annotated Code of Maryland
- 21 (1998 Replacement Volume)
- 22 BY repealing and reenacting, without amendments,

1 2 3 4	Article - Courts and Judicial Proceedings Section 3-801(a), 3-802, and 3-818 Annotated Code of Maryland (1998 Replacement Volume)
5 6	SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:
7	Article 27 - Crimes and Punishments
8	594A.
9 10	(a) IN THIS SECTION, "VICTIM" HAS THE MEANING STATED IN \S 3-801 OF THE COURTS ARTICLE.
13 14 15	(B) In any case, except as provided in [subsection (b)] SUBSECTION (C) OF THIS SECTION, involving a child who has reached 14 years of age but has not reached 18 years of age at the time of any alleged offense excluded under the provisions of § 3-804(e)(1), (4), or (5) of the Courts and Judicial Proceedings Article, the court exercising jurisdiction may transfer the case to the juvenile court if a waiver is believed to be in the interests of the child or society.
17 18	[(b)] (C) The court may not transfer a case to the juvenile court under subsection [(a)] (B) OF THIS SECTION if:
19 20	(1) The child has previously been waived to juvenile court and adjudicated delinquent;
	(2) The child was convicted in another unrelated case excluded from the jurisdiction of the juvenile court under § 3-804(e)(1) or (4) of the Courts and Judicial Proceedings Article; or
24 25	(3) The alleged offense is murder in the first degree and the accused child is 16 or 17 at the time the alleged offense was committed.
26 27	[(c)] (D) In making a determination as to waiver of jurisdiction the court shall consider the following:
28	(1) Age of child;
29	(2) Mental and physical condition of child;
30 31	(3) The child's amenability to treatment in any institution, facility, or program available to delinquents;
32	(4) The nature of the alleged offense; and
33	(5) The public safety.







- 1 (b) As part of the study, the child or any parent, guardian, or custodian may be 2 examined at a suitable place by a physician, psychiatrist, psychologist, or other 3 professionally qualified person. 4 The report of the study is admissible as evidence at a waiver hearing and 5 at a disposition hearing, but not at an adjudicatory hearing. However, the attorney for 6 each party has the right to inspect the report prior to its presentation to the court, to 7 challenge or impeach its findings and to present appropriate evidence with respect to 8 it. 9 3-820. 10 The priorities in making a disposition are [the public safety and a program 11 of treatment, training, and rehabilitation best suited to the physical, mental, and 12 moral welfare of the child consistent with the public interest] CONSISTENT WITH THE 13 PURPOSES SPECIFIED IN § 3-802 OF THIS SUBTITLE. 14 (c) In making a disposition on a petition, the court may: (1) 15 Place the child on probation or under supervision in his own 16 home or in the custody or under the guardianship of a relative or other fit person, 17 upon terms the court deems appropriate; 18 Subject to the provisions of paragraph (2) of this subsection, 19 commit the child to the custody or under the guardianship of the Department of 20 Juvenile Justice, a local department of social services, the Department of Health and 21 Mental Hygiene, or a public or licensed private agency on terms that the court 22 considers appropriate to meet the priorities set forth in [subsection (b) of this section] 23 § 3-802 OF THIS SUBTITLE, including designation of the type of facility where the child 24 is to be accommodated, until custody or guardianship is terminated with approval of 25 the court or as required under § 3-825 of this subtitle; or 26 Order the child, parents, guardian, or custodian of the child to (iii) 27 participate in rehabilitative services that are in the best interest of the child and the 28 family. 29 (2) A child committed under paragraph (1)(ii) of this subsection may not 30 be accommodated in a facility that has reached budgeted capacity if a bed is available 31 in another comparable facility in the State, unless the placement to the facility that 32 has reached budgeted capacity has been recommended by the Department of Juvenile 33 Justice. THE COURT SHALL CONSIDER AN ORAL ADDRESS OR WRITTEN 34 35 STATEMENT OF A VICTIM IN DETERMINING AN APPROPRIATE DISPOSITION ON A 36 PETITION.
- 37 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect 38 October 1, 1999.