

BY: House Judiciary Committee

AMENDMENTS TO HOUSE BILL NO. 195
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 5, after “misdemeanor;” insert “authorizing a law enforcement officer to issue a citation to a minor under certain circumstances;”; in line 6, after “dispositions” insert “, including citation, informal adjustment, a supervised work program, and civil fine”; in the same line, after the semicolon insert “authorizing a court to take certain actions in making a disposition on a finding that a child has committed a violation of certain provisions of law; making stylistic changes;”; and after line 7, insert:

“BY repealing and reenacting, with amendments,

Article - Courts and Judicial Proceedings

Section 3-8A-10(k) through (n), 3-8A-19(e)(3), and 3-8A-33(a)

Annotated Code of Maryland

(1998 Replacement Volume and 2001 Supplement)”.

AMENDMENT NO. 2

On page 1, after line 15, insert:

“Article - Courts and Judicial Proceedings

3-8A-10.

(k) (1) If the intake officer receives a citation other than a citation authorized under § 4-101 OF THE CRIMINAL LAW ARTICLE OR Article 27, § 406 of the Code, the intake officer may:

(i) Refer the child to an alcohol education or rehabilitation program;

(Over)

(ii) Assign the child to a supervised work program for not more than 20 hours for the first violation and not more than 40 hours for the second or subsequent violation;

(iii) Require the parent or guardian of the child to withdraw the parent's or guardian's consent to the child's license to drive, and advise the Motor Vehicle Administration of the withdrawal of consent; or

(iv) Forward the citation to the State's Attorney.

(2) The intake officer shall forward the citation, other than a citation authorized under § 4-101 OF THE CRIMINAL LAW ARTICLE OR Article 27, § 406 of the Code, to the State's Attorney if:

(i) The parent or guardian of the child refuses to withdraw consent to the child's license to drive;

(ii) The child fails to comply with an alcohol education or rehabilitation program referral; or

(iii) The child fails to comply with a supervised work program assignment.

(1) (1) IF THE INTAKE OFFICER RECEIVES A CITATION AUTHORIZED UNDER § 4-101 OF THE CRIMINAL LAW ARTICLE, THE INTAKE OFFICER MAY:

(I) REFER THE CHILD TO INFORMAL ADJUSTMENT FOR A PERIOD OF 90 DAYS;

(II) ASSIGN THE CHILD TO A SUPERVISED WORK PROGRAM FOR NOT MORE THAN 20 HOURS FOR THE FIRST VIOLATION AND NOT MORE THAN 40 HOURS FOR A SECOND OR SUBSEQUENT VIOLATION; OR

(III) FORWARD THE CITATION TO THE STATE'S ATTORNEY.

(2) THE INTAKE OFFICER SHALL FORWARD THE CITATION AUTHORIZED UNDER § 4-101 OF THE CRIMINAL LAW ARTICLE TO THE STATE'S ATTORNEY IF THE CHILD FAILS TO COMPLY WITH A REFERRAL OR SUPERVISED

WORK PROGRAM ASSIGNMENT DESCRIBED UNDER PARAGRAPH (1)(I) OR (II) OF THIS SUBSECTION.

(M) (1) If the intake officer receives a citation authorized under Article 27, § 406 of the Code, the intake officer may:

(i) Refer the child to a smoking cessation clinic, or other suitable presentation of the hazards associated with tobacco use;

(ii) Assign the child to a supervised work program for not more than 20 hours for the first violation and not more than 40 hours for a second or subsequent violation; or

(iii) Forward the citation to the State's Attorney.

(2) The intake officer shall forward the citation authorized under Article 27, § 406 of the Code to the State's Attorney if the child fails to comply with a smoking program referral or a supervised work program assignment described under paragraph (1) of this subsection.

[(m)] (N) (1) Except as provided in paragraph (2) of this subsection, within 15 days after a law enforcement officer takes a child into custody under this subtitle the law enforcement officer shall file a complaint with an intake officer.

(2) If a child is referred to a diversion program, the law enforcement officer may file the complaint with an intake officer more than 30 days after but no later than 120 days after the law enforcement officer took the child into custody.

[(n)] (O) The court may dismiss a petition or a peace order request for failure to comply with this section only if the respondent has demonstrated actual prejudice.

3-8A-19.

(e) (3) (i) The provisions of paragraphs (1) and (2) of this subsection do not apply to a child found to have committed a violation [under] OF § 4-101 OF THE CRIMINAL LAW

(Over)

ARTICLE OR Article 27, § 406 of the Code.

(ii) IN MAKING A DISPOSITION ON A FINDING THAT THE CHILD HAS COMMITTED A VIOLATION OF § 4-101 OF THE CRIMINAL LAW ARTICLE, THE COURT MAY:

1. COUNSEL THE CHILD OR THE PARENT OR BOTH;
2. IMPOSE A CIVIL FINE OF NOT MORE THAN \$25 FOR THE FIRST VIOLATION AND A CIVIL FINE OF NOT MORE THAN \$100 FOR A SECOND OR SUBSEQUENT VIOLATION; OR
3. ORDER THE CHILD TO PARTICIPATE IN A SUPERVISED WORK PROGRAM FOR NOT MORE THAN 20 HOURS FOR THE FIRST VIOLATION AND NOT MORE THAN 40 HOURS FOR A SECOND OR SUBSEQUENT VIOLATION.

(III) In making a disposition on a finding that the child has committed a violation [under] OF Article 27, § 406 of the Code, the court may:

1. Counsel the child or the parent or both, or order the child to participate in a smoking cessation clinic, or other suitable presentation of the hazards associated with tobacco use that is in the best interest of the child;
2. Impose a civil fine of not more than \$25 for the first violation and a civil fine of not more than \$100 for a second or subsequent violation; or
3. Order the child to participate in a supervised work program for not more than 20 hours for the first violation and not more than 40 hours for a second or subsequent violation.

3-8A-33.

- (a) (1) A law enforcement officer authorized to make arrests shall issue a citation to a

child if the officer has probable cause to believe that the child is violating:

[(1)] (I) Article 27, § 400, § 400A, § 400B, § 401, or § 406 of the
Code; or

[(2)] (II) § 26-103 of the Education Article.

(2) A LAW ENFORCEMENT OFFICER AUTHORIZED TO MAKE ARRESTS
MAY ISSUE A CITATION TO A CHILD IF THE OFFICER HAS PROBABLE CAUSE TO
BELIEVE THAT THE CHILD IS VIOLATING § 4-101 (C)(3) OR (4) OF THE CRIMINAL LAW
ARTICLE.”.

AMENDMENT NO. 3

On page 3, after line 14, insert:

“(E) A LAW ENFORCEMENT OFFICER AUTHORIZED TO MAKE ARRESTS MAY
ISSUE A CITATION TO A MINOR IF THE LAW ENFORCEMENT OFFICER HAS PROBABLE
CAUSE TO BELIEVE THAT THE MINOR IS COMMITTING OR HAS COMMITTED A
VIOLATION OF SUBSECTION (C)(3) OR (4) OF THIS SECTION.”.