

HOUSE BILL 644

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71r1398
CF SB 477

By: **Delegates Dumais, Anderson, Carter, Gutierrez, Haynes, Kelly, Lee, McIntosh, Pena-Melnyk, Schuler, Simmons, and Waldstreicher**

Introduced and read first time: February 8, 2007

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Juvenile Law - Purposes and Hearings**

3 FOR the purpose of altering the express purposes of certain laws pertaining to
4 children who commit delinquent acts and children in need of supervision;
5 repealing certain provisions requiring the juvenile court to conduct certain
6 proceedings in open court and announce certain adjudications and dispositions
7 in open court except under certain circumstances; making certain stylistic
8 changes; and generally relating to juvenile causes.

9 BY repealing and reenacting, with amendments,
10 Article – Courts and Judicial Proceedings
11 Section 3–8A–02 and 3–8A–13(f)
12 Annotated Code of Maryland
13 (2006 Replacement Volume)

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

16 **Article – Courts and Judicial Proceedings**

17 3–8A–02.

18 (a) The purposes of this subtitle are:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (1) To ensure that the Juvenile Justice System balances the following
2 objectives for children who have committed delinquent acts:

3 (i) Public safety and the protection of the community;

4 (ii) Accountability of the child to the victim and the community
5 for offenses committed; and

6 (iii) Competency and character development to assist children in
7 becoming responsible and productive members of society;

8 **(2) TO REMOVE FROM CHILDREN COMMITTING DELINQUENT**
9 **ACTS THE TAIN OF CRIMINALITY AND THE CONSEQUENCES OF CRIMINAL**
10 **BEHAVIOR;**

11 **[(2)] (3)** To hold parents of children found to be delinquent
12 responsible for the child's behavior and accountable to the victim and the community;

13 **[(3)] (4)** To hold parents of children found to be delinquent or in need
14 of supervision responsible, where possible, for remedying the circumstances that
15 required the court's intervention;

16 **[(4)] (5)** To provide for the care, protection, and wholesome mental
17 and physical development of children coming within the provisions of this subtitle; and
18 to provide for a program of treatment, training, and rehabilitation consistent with the
19 child's best interests and the protection of the public interest;

20 **[(5)] (6)** To conserve and strengthen the child's family ties and to
21 separate a child from [his] **THE CHILD'S** parents only when necessary for [his] **THE**
22 **CHILD'S** welfare or in the interest of public safety;

23 **[(6)] (7)** If necessary to remove a child from [his] **THE CHILD'S**
24 home, to secure for [him] **THE CHILD** custody, care, and discipline as nearly as
25 possible equivalent to that which should have been given by [his] **THE CHILD'S**
26 parents;

27 **[(7)] (8)** To provide to children in State care and custody:

28 (i) A safe, humane, and caring environment; and

29 (ii) Access to required services; and

1 ~~[(8)]~~ **(9)** To provide judicial procedures for carrying out the provisions
2 of this subtitle.

3 (b) This subtitle shall be liberally construed to effectuate these purposes.
4 3-8A-13.

5 (f) (1) The court shall conduct all hearings under this subtitle in an
6 informal manner.

7 (2) [In any proceeding in which a child is alleged to be in need of
8 supervision or to have committed a delinquent act that would be a misdemeanor if
9 committed by an adult or in a peace order proceeding, the] **THE** court may exclude the
10 general public from a hearing, and admit only the victim and those persons having a
11 direct interest in the proceeding and their representatives.

12 (3) Except as provided in paragraph (4) of this subsection, in a case in
13 which a child is alleged to have committed a delinquent act that would be a felony if
14 committed by an adult, the court shall conduct in open court any hearing or other
15 proceeding at which the child has a right to appear.

16 (4) For good cause shown, the court may exclude the general public
17 from a hearing or other proceeding in a case in which a child is alleged to have
18 committed a delinquent act that would be a felony if committed by an adult and admit
19 only the victim and those persons having a direct interest in the proceeding and their
20 representatives.

21 (5) Except as provided in paragraph (6) of this subsection, the court
22 shall announce, in open court, adjudications and dispositions in cases where a child is
23 alleged to have committed a delinquent act which would be a felony if committed by an
24 adult.

25 (6) For good cause shown, the court may exclude the general public
26 from a proceeding at which an adjudication or disposition is announced and admit only
27 the victim and those persons having a direct interest in the proceeding and their
28 representatives.]

29 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
30 July 1, 2007.