

# SENATE BILL 477

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71r1400  
CF HB 644

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By: **Senator Zirkin**

Introduced and read first time: February 2, 2007

Assigned to: Judicial Proceedings

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Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 20, 2007

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## CHAPTER \_\_\_\_\_

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; authorizing the court, on a  
8 certain motion and if the court makes a certain determination, to exclude the  
9 general public from a hearing in which a child is alleged to have committed a  
10 delinquent act that would be a felony if committed by an adult and to admit  
11 only the victim and certain other persons; making certain stylistic changes; and  
12 generally relating to juvenile causes.

13 BY repealing and reenacting, with amendments,  
14 Article – Courts and Judicial Proceedings  
15 Section 3–8A–02 and 3–8A–13(f)  
16 Annotated Code of Maryland  
17 (2006 Replacement Volume)

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

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**EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.**

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 **Article – Courts and Judicial Proceedings**

2 3–8A–02.

3 (a) The purposes of this subtitle are:

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

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

7 (ii) Accountability of the child to the victim and the community  
8 for offenses committed; and

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

11 **(2) TO REMOVE FROM CHILDREN COMMITTING DELINQUENT**  
12 **ACTS THE TAIN OF CRIMINALITY AND THE CONSEQUENCES OF CRIMINAL**  
13 **BEHAVIOR;**

14 ~~(2) (3)~~ To hold parents of children found to be delinquent  
15 responsible for the child’s behavior and accountable to the victim and the community;

16 ~~(2) TO REMOVE FROM CHILDREN COMMITTING DELINQUENT~~  
17 ~~ACTS THE TAIN OF CRIMINALITY AND THE CONSEQUENCES OF CRIMINAL~~  
18 ~~BEHAVIOR;~~

19 ~~(3) (4)~~ To hold parents of children found to be delinquent or in need of  
20 supervision responsible, where possible, for remedying the circumstances that  
21 required the court’s intervention;

22 ~~(4) (5)~~ To provide for the care, protection, and wholesome mental and  
23 physical development of children coming within the provisions of this subtitle; and to  
24 provide for a program of treatment, training, and rehabilitation consistent with the  
25 child’s best interests and the protection of the public interest;

26 ~~(5) (6)~~ To conserve and strengthen the child’s family ties and to separate  
27 a child from [his] **THE CHILD’S** parents only when necessary for [his] **THE CHILD’S**  
28 welfare or in the interest of public safety;

1           ~~(6)~~ **(7)** If necessary to remove a child from [his] **THE CHILD'S** home, to  
2 secure for [him] **THE CHILD** custody, care, and discipline as nearly as possible  
3 equivalent to that which should have been given by [his] **THE CHILD'S** parents;

4           ~~(7)~~ **(8)** To provide to children in State care and custody:

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

6                   (ii) Access to required services; and

7           ~~(8)~~ **(9)** To provide judicial procedures for carrying out the provisions of  
8 this subtitle.

9           (b) This subtitle shall be liberally construed to effectuate these purposes.

10 3-8A-13.

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

13                   (2) ~~¶~~In any proceeding in which a child is alleged to be in need of  
14 supervision or to have committed a delinquent act that would be a misdemeanor if  
15 committed by an adult or in a peace order proceeding, ~~the~~ ~~THE~~ court may exclude the  
16 general public from a hearing, and admit only the victim and those persons having a  
17 direct interest in the proceeding and their representatives.

18                   ~~¶(3) Except as provided in paragraph (4) of this subsection, in~~ **IN** a case  
19 in which a child is alleged to have committed a delinquent act that would be a felony if  
20 committed by an adult, **ON MOTION OF A PARTY AND IF THE COURT DETERMINES**  
21 **THAT IT IS CONSISTENT WITH § 3-8A-02(A) OF THIS SUBTITLE,** the court **MAY**  
22 **EXCLUDE THE GENERAL PUBLIC FROM A HEARING AND ADMIT ONLY THE VICTIM**  
23 **AND THOSE PERSONS HAVING A DIRECT INTEREST IN THE PROCEEDING AND**  
24 **THEIR REPRESENTATIVES.** [shall conduct in open court any hearing or other  
25 proceeding at which the child has a right to appear.

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

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

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

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

Approved:

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Governor.

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President of the Senate.

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Speaker of the House of Delegates.