

# HOUSE BILL 691

E3

8lr1442

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By: **Delegates Rosenberg and Oaks**

Introduced and read first time: February 1, 2008

Assigned to: Judiciary

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## A BILL ENTITLED

1 AN ACT concerning

2 **Juvenile Causes – Intake Decisions – Unauthorized Use of a Motor Vehicle**

3 FOR the purpose of establishing that, when a Department of Juvenile Services intake  
4 officer makes an inquiry as to whether the juvenile court has jurisdiction over a  
5 certain child and whether judicial action is in the best interests of the public or  
6 the child, the inquiry need not include an interview of the child if the complaint  
7 alleges a violation involving the unauthorized use of a motor vehicle; requiring  
8 the intake officer to forward the complaint and a copy of the intake case file to  
9 the State’s Attorney for review if the complaint alleges a violation involving the  
10 unauthorized use of a motor vehicle under certain circumstances; requiring the  
11 State’s Attorney to take certain actions under certain circumstances; and  
12 generally relating to juvenile causes.

13 BY repealing and reenacting, without amendments,  
14 Article – Courts and Judicial Proceedings  
15 Section 3–8A–10(a), (b), (e), and (f)  
16 Annotated Code of Maryland  
17 (2006 Replacement Volume and 2007 Supplement)

18 BY repealing and reenacting, with amendments,  
19 Article – Courts and Judicial Proceedings  
20 Section 3–8A–10(c) and (d)  
21 Annotated Code of Maryland  
22 (2006 Replacement Volume and 2007 Supplement)

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

25 **Article – Courts and Judicial Proceedings**

26 3–8A–10.

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (a) This section does not apply to allegations that a child is in need of  
2 assistance, as defined in § 3–801 of this title.

3 (b) An intake officer shall receive:

4 (1) Complaints from a person or agency having knowledge of facts  
5 which may cause a person to be subject to the jurisdiction of the court under this  
6 subtitle; and

7 (2) Citations issued by a police officer under § 3–8A–33 of this subtitle.

8 (c) (1) Except as otherwise provided in this subsection, in considering the  
9 complaint, the intake officer shall make an inquiry within 25 days as to whether the  
10 court has jurisdiction and whether judicial action is in the best interests of the public  
11 or the child.

12 (2) An inquiry need not include an interview of the child who is the  
13 subject of the complaint if the complaint alleges the commission of an act that would  
14 be a felony if committed by an adult or alleges a violation of § 4–203 or § 4–204 of the  
15 Criminal Law Article **OR A VIOLATION OF § 7–203 OF THE CRIMINAL LAW**  
16 **ARTICLE INVOLVING THE UNAUTHORIZED USE OF A MOTOR VEHICLE.**

17 (3) Subject to the provisions of § 3–8A–10.1 of this subtitle, in  
18 accordance with this section, the intake officer may, after such inquiry and within 25  
19 days of receiving the complaint:

20 (i) Authorize the filing of a petition or a peace order request or  
21 both;

22 (ii) Propose an informal adjustment of the matter; or

23 (iii) Refuse authorization to file a petition or a peace order  
24 request or both.

25 (4) (i) If a complaint is filed that alleges the commission of an act  
26 which would be a felony if committed by an adult or alleges a violation of § 4–203 or §  
27 4–204 of the Criminal Law Article **OR A VIOLATION OF § 7–203 OF THE CRIMINAL**  
28 **LAW ARTICLE INVOLVING THE UNAUTHORIZED USE OF A MOTOR VEHICLE**, and if  
29 the intake officer denies authorization to file a petition or proposes an informal  
30 adjustment, the intake officer shall immediately:

31 1. Forward the complaint to the State’s Attorney; and

32 2. Forward a copy of the entire intake case file to the  
33 State’s Attorney with information as to any and all prior intake involvement with the  
34 child.

1                   (ii) The State's Attorney shall make a preliminary review as to  
2 whether the court has jurisdiction and whether judicial action is in the best interests  
3 of the public or the child. The need for restitution may be considered as one factor in  
4 the public interest. After the preliminary review the State's Attorney shall, within 30  
5 days of the receipt of the complaint by the State's Attorney, unless the court extends  
6 the time:

- 7                   1. File a petition or a peace order request or both;
- 8                   2. Refer the complaint to the Department of Juvenile  
9 Services for informal disposition; or
- 10                  3. Dismiss the complaint.

11                   (iii) This subsection may not be construed or interpreted to limit  
12 the authority of the State's Attorney to seek a waiver under § 3-8A-06 of this subtitle.

13                  (d) (1) Subject to the provisions of § 3-8A-10.1 of this subtitle, the intake  
14 officer may authorize the filing of a petition or a peace order request or both if, based  
15 upon the complaint and the inquiry, the intake officer concludes that the court has  
16 jurisdiction over the matter and that judicial action is in the best interests of the  
17 public or the child.

18                   (2) An inquiry need not include an interview of the child who is the  
19 subject of the complaint if the complaint alleges the commission of an act that would  
20 be a felony if committed by an adult or alleges a violation of § 4-203 or § 4-204 of the  
21 Criminal Law Article **OR A VIOLATION OF § 7-203 OF THE CRIMINAL LAW**  
22 **ARTICLE INVOLVING THE UNAUTHORIZED USE OF A MOTOR VEHICLE.**

23                   (3) In delinquency cases, the need for restitution may be considered by  
24 the intake officer as one factor in the public interest.

25                   (4) The intake officer shall inform the following persons of any  
26 authorization decision specified in paragraph (1) of this subsection and the reasons for  
27 the decision:

- 28                   (i) The child who is the subject of the complaint, if practicable;
- 29                   (ii) The parent, guardian, or custodian of the child who is the  
30 subject of the complaint;
- 31                   (iii) The victim;
- 32                   (iv) The arresting police officer; and

1 (v) The person or agency that filed the complaint or caused it to  
2 be filed.

3 (e) (1) Subject to the provisions of § 3–8A–10.1 of this subtitle, the intake  
4 officer may propose an informal adjustment of the matter if, based on the complaint  
5 and the inquiry, the intake officer concludes that the court has jurisdiction but that an  
6 informal adjustment, rather than judicial action, is in the best interests of the public  
7 and the child.

8 (2) The intake officer shall propose an informal adjustment by  
9 informing the victim, the child, and the child's parent or guardian of the nature of the  
10 complaint, the objectives of the adjustment process, and the conditions and procedures  
11 under which it will be conducted.

12 (3) The intake officer may not proceed with an informal adjustment  
13 unless the victim, the child, and the child's parent or guardian consent to the informal  
14 adjustment procedure.

15 (f) (1) During the informal adjustment process, the child shall be subject  
16 to such supervision as the intake officer deems appropriate and if the intake officer  
17 decides to have an intake conference, the child and the child's parent or guardian shall  
18 appear at the intake conference.

19 (2) The informal adjustment process may not exceed 90 days unless:

20 (i) That time is extended by the court; or

21 (ii) The intake officer determines that additional time is  
22 necessary for the child to complete a substance abuse treatment program that is part  
23 of the informal adjustment process.

24 (3) If the victim, the child, and the child's parent or guardian do not  
25 consent to an informal adjustment, the intake officer shall authorize the filing of a  
26 petition or a peace order request or both or deny authorization to file a petition or a  
27 peace order request or both under subsection (g) of this section.

28 (4) If at any time before the completion of an agreed upon informal  
29 adjustment the intake officer believes that the informal adjustment cannot be  
30 completed successfully, the intake officer shall authorize the filing of a petition or a  
31 peace order request or both or deny authorization to file a petition or a peace order  
32 request or both under subsection (g) of this section.

33 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
34 October 1, 2008.