

SENATE BILL 705

E3
SB 477/07 – JPR

8lr1073
CF HB 534

By: **Senator Zirkin**

Introduced and read first time: February 1, 2008

Assigned to: Judicial Proceedings

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; authorizing the juvenile
8 court, under certain circumstances, to exclude the general public from a hearing
9 in which a child is alleged to have committed a delinquent act that would be a
10 felony if committed by an adult and to admit only the victim and certain other
11 persons; making certain stylistic changes; and generally relating to juvenile
12 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 and 2007 Supplement)

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

20 **Article – Courts and Judicial Proceedings**

21 3–8A–02.

22 (a) The purposes of this subtitle are:

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



- 1 (i) Public safety and the protection of the community;
- 2 (ii) Accountability of the child to the victim and the community
3 for offenses committed; and
- 4 (iii) Competency and character development to assist children in
5 becoming responsible and productive members of society;

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

9 [(2)] (3) To hold parents of children found to be delinquent
10 responsible for the child's behavior and accountable to the victim and the community;

11 [(3)] (4) To hold parents of children found to be delinquent or in need
12 of supervision responsible, where possible, for remedying the circumstances that
13 required the court's intervention;

14 [(4)] (5) To provide for the care, protection, and wholesome mental
15 and physical development of children coming within the provisions of this subtitle; and
16 to provide for a program of treatment, training, and rehabilitation consistent with the
17 child's best interests and the protection of the public interest;

18 [(5)] (6) To conserve and strengthen the child's family ties and to
19 separate a child from [his] **THE CHILD'S** parents only when necessary for [his] **THE**
20 **CHILD'S** welfare or in the interest of public safety;

21 [(6)] (7) If necessary to remove a child from [his] **THE CHILD'S**
22 home, to secure for [him] **THE CHILD** custody, care, and discipline as nearly as
23 possible equivalent to that which should have been given by [his] **THE CHILD'S**
24 parents;

25 [(7)] (8) To provide to children in State care and custody:

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

27 (ii) Access to required services; and

28 [(8)] (9) To provide judicial procedures for carrying out the provisions
29 of this subtitle.

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

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

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

8 (3) [Except as provided in paragraph (4) of this subsection, in a case]
9 **IN ANY PROCEEDING** in which a child is alleged to have committed a delinquent act
10 that would be a felony if committed by an adult, **ON MOTION OF A PARTY AND IF**
11 **THE COURT DETERMINES THAT THERE IS A SUBSTANTIAL REASON CONSISTENT**
12 **WITH § 3-8A-02(A) OF THIS SUBTITLE**, the court [shall conduct in open court any
13 hearing or other proceeding at which the child has a right to appear.

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

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

23 (6) For good cause shown, the court may exclude the general public
24 from a proceeding at which an adjudication or disposition is announced and admit only
25 the victim and those persons having a direct interest in the proceeding and their
26 representatives.] **MAY EXCLUDE THE GENERAL PUBLIC FROM A HEARING AND**
27 **ADMIT ONLY THE VICTIM AND THOSE PERSONS HAVING A DIRECT INTEREST IN**
28 **THE PROCEEDING AND THEIR REPRESENTATIVES.**

29 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
30 July 1, 2008.