

Department of Legislative Services
Maryland General Assembly
2008 Session

FISCAL AND POLICY NOTE

House Bill 691
Judiciary

(Delegates Rosenberg and Oaks)

Juvenile Causes - Intake Decisions - Unauthorized Use of a Motor Vehicle

This bill establishes that an intake officer is not required to interview a child for alleged unauthorized use of a motor vehicle when making an inquiry as to the appropriate jurisdiction of a case and the best interest of the public or the child.

Upon denying authorization to file a petition or proposing informal supervision of a child alleged to have used a motor vehicle without authorization, the intake officer must immediately forward the complaint and intake case file to the State's Attorney for review.

Fiscal Summary

State Effect: Potential minimal impact on Department of Juvenile Services expenditures if the additional review by the State's Attorney generates a greater number of delinquency proceedings that result in commitments to department programs. It is expected that any such increase could be handled with existing resources.

Local Effect: Potential minimal increase in circuit court expenditures if the State's Attorney files additional delinquency petitions or peace order requests as a result of the additional review required by the bill. It is expected that any such increase could be handled with existing resources.

Small Business Effect: None.

Analysis

Current Law: Complaints involving a child alleged to have committed an act that would be a felony if committed by an adult, as well as complaints involving carrying or use of a handgun, must be forwarded to the State's Attorney if the intake officer elects

not to take formal action. The forwarded complaint must include a copy of the entire intake case file, including prior intake involvement. The opportunity then exists to file a petition and/or peace order if the State's Attorney deems it appropriate, refer the complaint to DJS for informal disposition, or dismiss the complaint. Under the bill, this same level of review would be established for unauthorized motor vehicle use.

In general, when receiving a complaint, an intake officer is required to make an inquiry as to whether the juvenile court has jurisdiction and whether judicial action is in the best interest of the public or the child. Within 25 days of receiving the complaint, the intake officer may (1) authorize the filing of a petition and/or peace order request in the juvenile court; (2) propose informal supervision; or (3) deny authorization to file a petition and/or peace order request in the juvenile court.

When the intake officer determines that the juvenile court has jurisdiction over the matter and that judicial action is in the best interest of the public or the child, the intake officer may authorize the filing of a petition alleging delinquency and/or requesting a peace order in the juvenile court. The intake officer must inform the child, his/her parents, the victim, the arresting police officer, and the person who filed the complaint of the determination.

If the intake officer proposes informal supervision, the child and his/her parents must consent to the informal adjustment procedure. If dismissed, the victim, the arresting police officer, and the person that filed the complaint may appeal the denial to the State's Attorney.

Additional Information

Prior Introductions: None.

Cross File: SB 697 (Senator Gladden) – Judicial Proceedings.

Information Source(s): State's Attorneys' Association, Department of Juvenile Services, Judiciary (Administrative Office of the Courts), Maryland Department of Transportation, Department of Legislative Services

Fiscal Note History: First Reader - February 12, 2008
mcp/hlb

Analysis by: Suzanne O. Potts

Direct Inquiries to:
(410) 946-5510
(301) 970-5510