

Department of Legislative Services
Maryland General Assembly
2008 Session

FISCAL AND POLICY NOTE

House Bill 534
Judiciary

(Delegate Dumais, *et al.*)

Juvenile Law - Purposes and Hearings

This bill adds the express purpose of removing from children the taint of criminality and consequences of criminal behavior to the law related to juvenile causes.

The bill also revises the hearing process pertaining to children who commit delinquent acts that would be a felony if committed by an adult. The bill authorizes the juvenile court to exclude the general public from a hearing, upon a party's motion and after determination by the court that there is a substantial reason consistent with the express purposes of the law related to juvenile causes. The court may admit only the victim and those persons with a direct interest in the proceedings and their representatives.

The bill takes effect July 1, 2008.

Fiscal Summary

State Effect: None. The changes would not materially affect State operations or finances.

Local Effect: None. The changes would not materially affect local government operations or finances.

Small Business Effect: None.

Analysis

Current Law: The laws related to juvenile causes include as their purpose • ensuring that the juvenile justice system balances appropriate objectives for children who have

committed delinquent acts; • holding parents of children found to be delinquent responsible for the child's behavior and accountable to the victim and the community; and • providing an appropriate environment to children in State care and custody.

A court hearing juvenile causes is to conduct all hearings in an informal manner. In any proceeding in which a child is alleged to be in need of supervision or to have committed a delinquent act that would be a misdemeanor if committed by an adult or in a peace order proceeding, the court may exclude the general public from a hearing and admit only the victim and those persons with a direct interest in the proceeding.

Generally, in a proceeding in which a child is alleged to have committed a delinquent act that would be a felony if committed by an adult, the court has to conduct in open court any hearing or proceeding at which the child has a right to appear. The court is permitted, on a showing of good cause, to exclude the general public and admit only the victim and persons with a direct interest in the proceedings and their representatives. Unless there has been a showing of good cause, a court must announce, in open court, adjudications and dispositions for cases in which a child is alleged to have committed an act which would be a felony if committed by an adult. On a showing of good cause, the court may exclude the general public and admit only the victim and those persons having a direct interest in the proceeding and their representatives.

Additional Information

Prior Introductions: Similar bills were introduced in 2007. HB 644 received a hearing in the House Judiciary Committee but no further action was taken. SB 477 passed the Senate but Judiciary took no action on the bill.

Cross File: SB 705 (Senator Zirkin) – Judicial Proceedings.

Information Source(s): Department of Juvenile Services, Department of Human Resources, Judiciary (Administrative Office of the Courts), Department of Legislative Services

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mll/hlb

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