

HOUSE BILL 1108

E3

9lr2486

By: **Delegates McComas, Bartlett, Boteler, Eckardt, Elmore, Haddaway, Impallaria, Sossi, and Stocksdales**

Introduced and read first time: February 13, 2009

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Juvenile Law – Taking Child into Custody – Arrest Warrant**

3 FOR the purpose of authorizing a law enforcement officer to take a child into custody
4 with an arrest warrant issued by the court; and generally relating to the
5 authority of a law enforcement office to take a child into custody.

6 BY repealing and reenacting, with amendments,
7 Article – Courts and Judicial Proceedings
8 Section 3–8A–14
9 Annotated Code of Maryland
10 (2006 Replacement Volume and 2008 Supplement)

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

13 **Article – Courts and Judicial Proceedings**

14 3–8A–14.

15 (a) A child may be taken into custody under this subtitle by any of the
16 following methods:

17 (1) Pursuant to an order of the court;

18 (2) By a law enforcement officer pursuant to the law of arrest **OR AN**
19 **ARREST WARRANT ISSUED BY THE COURT;**

20 (3) By a law enforcement officer or other person authorized by the
21 court if the officer or other person has reasonable grounds to believe that the child is

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 in immediate danger from the child's surroundings and that the child's removal is
2 necessary for the child's protection; or

3 (4) By a law enforcement officer or other person authorized by the
4 court if the officer or other person has reasonable grounds to believe that the child has
5 run away from the child's parents, guardian, or legal custodian.

6 (b) If a law enforcement officer takes a child into custody, the officer shall
7 immediately notify, or cause to be notified, the child's parents, guardian, or custodian
8 of the action. After making every reasonable effort to give notice, the law enforcement
9 officer shall with all reasonable speed:

10 (1) Release the child to the child's parents, guardian, or custodian or
11 to any other person designated by the court, upon their written promise to bring the
12 child before the court when requested by the court, and such security for the child's
13 appearance as the court may reasonably require, unless the child's placement in
14 detention or shelter care is permitted and appears required by § 3-8A-15 of this
15 subtitle; or

16 (2) Deliver the child to the court or a place of detention or shelter care
17 designated by the court.

18 (c) If a parent, guardian, or custodian fails to bring the child before the court
19 when requested, the court may issue a writ of attachment directing that the child be
20 taken into custody and brought before the court. The court may proceed against the
21 parent, guardian, or custodian for contempt.

22 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
23 October 1, 2009.