

HOUSE BILL 1183

E3

(9lr0595)

ENROLLED BILL

—*Judiciary / Judicial Proceedings*—

Introduced by **Delegate Simmons**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this

_____ day of _____ at _____ o'clock, _____ M.

Speaker.

CHAPTER _____

1 AN ACT concerning

2 **Juvenile Law - Hearings**

3 FOR the purpose of requiring the juvenile court, on petition of the State's Attorney, to
4 exclude the general public from *the testimony of a victim during* a hearing or
5 other proceeding in a case in which the victim of an alleged delinquent act is a
6 child, except under certain circumstances; and generally relating to hearings in
7 the juvenile court.

8 BY repealing and reenacting, with amendments,
9 Article – Courts and Judicial Proceedings
10 Section 3–8A–13
11 Annotated Code of Maryland
12 (2006 Replacement Volume and 2008 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.

Italics indicate opposite chamber / conference committee amendments.



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

3 **Article – Courts and Judicial Proceedings**

4 3–8A–13.

5 (a) A petition shall allege that a child is either delinquent or in need of
6 supervision. If it alleges delinquency, it shall set forth in clear and simple language
7 the alleged facts which constitute the delinquency, and shall also specify the laws
8 allegedly violated by the child. If it alleges that the child is in need of supervision, the
9 petition shall set forth in clear and simple language the alleged facts supporting that
10 allegation.

11 (b) Petitions alleging delinquency or violation of § 3–8A–30 of this subtitle
12 shall be prepared and filed by the State’s Attorney. A petition alleging delinquency
13 shall be filed within 30 days after the receipt of a referral from the intake officer,
14 unless that time is extended by the court for good cause shown. Petitions alleging that
15 a child is in need of supervision shall be filed by the intake officer.

16 (c) A peace order request shall be filed by the intake officer in accordance
17 with § 3–8A–19.1(b)(1) of this subtitle or the State’s Attorney in accordance with §
18 3–8A–19.1(b)(2) of this subtitle.

19 (d) The form of petitions, peace order requests, and all other pleadings under
20 this subtitle, and except as otherwise provided in this subtitle, the procedures to be
21 followed by the court under this subtitle, shall be as specified in the Maryland Rules.

22 (e) The State’s Attorney, upon assigning the reasons, may dismiss in open
23 court a petition alleging delinquency.

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

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

31 (3) (I) Except as provided in [paragraph (4) of this subsection]
32 **SUBPARAGRAPH (II) OF THIS PARAGRAPH**, in a case in which a child is alleged to
33 have committed a delinquent act that would be a felony if committed by an adult, the
34 court shall conduct in open court any hearing or other proceeding at which the child
35 has a right to appear.

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

6 [(5)] (4) (I) Except as provided in [paragraph (6) of this
 7 subsection] **SUBPARAGRAPH (II) OF THIS PARAGRAPH**, the court shall announce[,]
 8 in open court[,] adjudications and dispositions in cases where a child is alleged to have
 9 committed a delinquent act which would be a felony if committed by an adult.

10 [(6)] (II) For good cause shown, the court may exclude the general
 11 public from a proceeding at which an adjudication or disposition is announced and
 12 admit only the victim and those persons having a direct interest in the proceeding and
 13 their representatives.

14 (5) **NOTWITHSTANDING THE PROVISIONS OF THIS SUBSECTION,**
 15 **IN A CASE IN WHICH THE VICTIM OF AN ALLEGED DELINQUENT ACT IS A CHILD,**
 16 **ON PETITION OF THE STATE'S ATTORNEY, THE COURT SHALL EXCLUDE THE**
 17 **GENERAL PUBLIC FROM THE TESTIMONY OF THE VICTIM DURING A HEARING OR**
 18 **OTHER PROCEEDING, INCLUDING A PROCEEDING AT WHICH AN ADJUDICATION**
 19 **OR DISPOSITION IS ANNOUNCED, AND ADMIT DURING THE TESTIMONY OF THE**
 20 **VICTIM ONLY THE VICTIM AND THOSE PERSONS HAVING A DIRECT INTEREST IN**
 21 **THE PROCEEDING AND THEIR REPRESENTATIVES, UNLESS THE COURT FINDS**
 22 **GOOD CAUSE TO ~~CONDUCT THE HEARING OR PROCEEDING~~ RECEIVE THE**
 23 **TESTIMONY OF THE VICTIM IN OPEN COURT.**

24 (g) The court shall try cases without a jury.

25 (h) The court shall hear and rule on a petition seeking an order for
 26 emergency medical treatment on an expedited basis.

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

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.