

HOUSE BILL 1183

E3

9lr0595

By: **Delegate Simmons**

Introduced and read first time: February 13, 2009

Assigned to: Judiciary

A BILL ENTITLED

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 a hearing or other proceeding in a case in which
5 the victim of an alleged delinquent act is a child, except under certain
6 circumstances; and generally relating to hearings in the juvenile court.

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

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

14 **Article - Courts and Judicial Proceedings**

15 3-8A-13.

16 (a) A petition shall allege that a child is either delinquent or in need of
17 supervision. If it alleges delinquency, it shall set forth in clear and simple language
18 the alleged facts which constitute the delinquency, and shall also specify the laws
19 allegedly violated by the child. If it alleges that the child is in need of supervision, the
20 petition shall set forth in clear and simple language the alleged facts supporting that
21 allegation.

22 (b) Petitions alleging delinquency or violation of § 3-8A-30 of this subtitle
23 shall be prepared and filed by the State's Attorney. A petition alleging delinquency
24 shall be filed within 30 days after the receipt of a referral from the intake officer,

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 unless that time is extended by the court for good cause shown. Petitions alleging that
2 a child is in need of supervision shall be filed by the intake officer.

3 (c) A peace order request shall be filed by the intake officer in accordance
4 with § 3-8A-19.1(b)(1) of this subtitle or the State's Attorney in accordance with §
5 3-8A-19.1(b)(2) of this subtitle.

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

9 (e) The State's Attorney, upon assigning the reasons, may dismiss in open
10 court a petition alleging delinquency.

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

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

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

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

28 [(5)] (4) (I) Except as provided in [paragraph (6) of this
29 subsection] **SUBPARAGRAPH (II) OF THIS PARAGRAPH**, the court shall announce[,]
30 in open court[,] adjudications and dispositions in cases where a child is alleged to have
31 committed a delinquent act which would be a felony if committed by an adult.

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

36 (5) **NOTWITHSTANDING THE PROVISIONS OF THIS SUBSECTION,**
37 **IN A CASE IN WHICH THE VICTIM OF AN ALLEGED DELINQUENT ACT IS A CHILD,**

1 ON PETITION OF THE STATE'S ATTORNEY, THE COURT SHALL EXCLUDE THE
2 GENERAL PUBLIC FROM A HEARING OR OTHER PROCEEDING, INCLUDING A
3 PROCEEDING AT WHICH AN ADJUDICATION OR DISPOSITION IS ANNOUNCED,
4 AND ADMIT ONLY THE VICTIM AND THOSE PERSONS HAVING A DIRECT INTEREST
5 IN THE PROCEEDING AND THEIR REPRESENTATIVES, UNLESS THE COURT FINDS
6 GOOD CAUSE TO CONDUCT THE HEARING OR PROCEEDING IN OPEN COURT.

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

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

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