

CHAPTER 710

(House Bill 1183)

AN ACT concerning

Juvenile Law - Hearings

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

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

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

Article – Courts and Judicial Proceedings

3–8A–13.

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

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

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

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

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

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

(2) 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 having a direct interest in the proceeding and their representatives.

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

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

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

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

(5) NOTWITHSTANDING THE PROVISIONS OF THIS SUBSECTION, IN A CASE IN WHICH THE VICTIM OF AN ALLEGED DELINQUENT ACT IS A CHILD, ON PETITION OF THE STATE'S ATTORNEY, THE COURT SHALL EXCLUDE THE GENERAL PUBLIC FROM THE TESTIMONY OF THE VICTIM DURING A HEARING OR OTHER PROCEEDING, INCLUDING A PROCEEDING AT WHICH AN ADJUDICATION OR DISPOSITION IS ANNOUNCED, AND ADMIT DURING THE TESTIMONY OF THE VICTIM ONLY THE VICTIM AND THOSE PERSONS HAVING A DIRECT INTEREST IN

THE PROCEEDING AND THEIR REPRESENTATIVES, UNLESS THE COURT FINDS GOOD CAUSE TO ~~CONDUCT THE HEARING OR PROCEEDING~~ RECEIVE THE TESTIMONY OF THE VICTIM IN OPEN COURT.

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

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

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

Approved by the Governor, May 19, 2009.