

Department of Legislative Services  
Maryland General Assembly  
2009 Session

FISCAL AND POLICY NOTE  
Revised

House Bill 1183  
Judiciary

(Delegate Simmons)

Judicial Proceedings

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Juvenile Law - Hearings

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This bill requires 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, and, during the victim's testimony admit only the victim and those persons with a direct interest in the proceeding and their representatives. The court may receive the victim's testimony in open court on a finding of good cause. The bill specifies that a proceeding under the bill's provisions includes a proceeding at which an adjudication or disposition is announced.

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Fiscal Summary

**State Effect:** None. The bill does not directly affect governmental operations or finances.

**Local Effect:** None.

**Small Business Effect:** None.

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Analysis

**Current Law:** 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.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** Department of Human Resources, Judiciary (Administrative Office of the Courts), Department of Juvenile Services, Office of the Public Defender, State's Attorneys' Association, Department of Legislative Services

**Fiscal Note History:** First Reader - March 11, 2009  
ncs/kdm Revised - Enrolled Bill - May 15, 2009

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