

**Department of Legislative Services**  
Maryland General Assembly  
2009 Session

**FISCAL AND POLICY NOTE**

House Bill 1108  
Judiciary

(Delegate McComas, *et al.*)

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**Juvenile Law - Taking Child into Custody - Arrest Warrant**

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This bill authorizes a law enforcement officer to take a child into custody with an arrest warrant issued by the court.

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**Fiscal Summary**

**State Effect:** None. Any change in State activities will not materially affect State finances or operations.

**Local Effect:** None. Any change in local law enforcement activities will not materially affect local government finances or operations.

**Small Business Effect:** None.

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**Analysis**

**Current Law:** A child may be taken into custody by any of the following methods:

- pursuant to an order of the court;
- by a law enforcement officer pursuant to the law of arrest;
- by a law enforcement officer or other person authorized by the court if the officer or other person has reasonable grounds to believe that the child is in immediate danger from the child's surroundings and that the child's removal is necessary for the child's protection; or

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

Generally, the laws of arrest require a warrant for a police officer to arrest an individual, although certain exceptions are provided by statute. For example, an officer may arrest without a warrant a person who commits or attempts to commit a felony or misdemeanor in the presence or within the view of the police officer. A police officer who has probable cause to believe that a felony or misdemeanor is being committed in the presence or within the view of the police officer may arrest without a warrant any person whom the police officer reasonably believes to have committed the crime. A police officer may arrest a person without a warrant if the police officer has probable cause to believe that a felony has been committed or attempted and the person has committed or attempted to commit the felony whether or not in the presence or within the view of a police officer. (See Criminal Procedure Article § 2-202.) Other provisions of law authorize warrantless arrests for other specified crimes and during a state of emergency. (See Criminal Procedure Article §§ 2-203 through 2-206.)

Although the exceptions to warrantless arrests outlined above apply to juveniles, no provision in the Juvenile Causes Act permits an individual to seek and obtain an arrest warrant against a juvenile from a District Court Commissioner.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** Baltimore City, Department of Human Resources, Howard County, Montgomery County, Judiciary (Administrative Office of the Courts), Department of Juvenile Services, Department of State Police, Department of Legislative Services

**Fiscal Note History:** First Reader - March 11, 2009  
mcp/kdm

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