

HOUSE BILL 94

D4, E3

0lr1010
CF 0lr1009

By: **Chair, Judiciary Committee (By Request – Maryland Judicial Conference)**

Introduced and read first time: January 15, 2010

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Juvenile Causes – Exceptions – Hearings**

3 FOR the purpose of repealing a provision authorizing a party who files exceptions to a
4 master's findings, conclusions, or recommendations in certain juvenile
5 proceedings to elect a hearing de novo; authorizing the court to decide
6 exceptions without a hearing under certain circumstances; requiring that, in
7 certain juvenile proceedings, the exceptions be decided on the evidence
8 presented to the master; authorizing the court to consider additional evidence
9 only under certain circumstances; authorizing the court to take certain actions
10 under certain circumstances; and generally relating to exceptions to a master's
11 findings, conclusions, and recommendations in juvenile proceedings.

12 BY repealing and reenacting, with amendments,
13 Article – Courts and Judicial Proceedings
14 Section 3–807(c)
15 Annotated Code of Maryland
16 (2006 Replacement Volume and 2009 Supplement)

17 BY repealing and reenacting, without amendments,
18 Article – Courts and Judicial Proceedings
19 Section 3–807(d) and (e)
20 Annotated Code of Maryland
21 (2006 Replacement Volume and 2009 Supplement)

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

24 **Article – Courts and Judicial Proceedings**

25 3–807.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (c) (1) Any party, in accordance with the Maryland Rules, may file
2 written exceptions to any or all of the master's findings, conclusions, and
3 recommendations, but shall specify those items to which the party objects.

4 (2) [The party who files exceptions may elect a hearing de novo or a
5 hearing on the record before the court unless the party is the State in proceedings
6 involving juvenile delinquency under Subtitle 8A of this title.] **THE COURT MAY
7 DECIDE EXCEPTIONS WITHOUT A HEARING, UNLESS A REQUEST FOR A HEARING
8 IS FILED WITH THE EXCEPTIONS OR BY AN OPPOSING PARTY WITHIN 10 DAYS
9 AFTER SERVICE OF THE EXCEPTIONS.**

10 (3) (I) **IN PROCEEDINGS NOT INVOLVING JUVENILE
11 DELINQUENCY UNDER SUBTITLE 8A OF THIS TITLE, THE EXCEPTIONS SHALL BE
12 DECIDED ON THE EVIDENCE PRESENTED TO THE MASTER.**

13 (II) **THE COURT MAY CONSIDER ADDITIONAL EVIDENCE
14 ONLY IF:**

15 1. **THE EXCEPTING PARTY SETS FORTH WITH
16 PARTICULARITY THE ADDITIONAL EVIDENCE TO BE OFFERED AND THE
17 REASONS WHY THE EVIDENCE WAS NOT OFFERED BEFORE THE MASTER; AND**

18 2. **THE COURT DETERMINES THAT THE ADDITIONAL
19 EVIDENCE SHOULD BE CONSIDERED.**

20 (III) **IF THE REQUIREMENTS OF SUBPARAGRAPH (II) OF THIS
21 PARAGRAPH ARE MET, THE COURT MAY:**

22 1. **HEAR AND CONSIDER THE ADDITIONAL
23 EVIDENCE; OR**

24 2. **REMAND THE MATTER TO THE MASTER TO HEAR
25 AND CONSIDER THE ADDITIONAL EVIDENCE.**

26 (4) (I) **IN PROCEEDINGS INVOLVING JUVENILE DELINQUENCY
27 UNDER SUBTITLE 8A OF THIS TITLE, UNLESS THE EXCEPTING PARTY IS THE
28 STATE, THE PARTY WHO FILES EXCEPTIONS MAY ELECT A HEARING DE NOVO OR
29 A HEARING ON THE RECORD BEFORE THE COURT.**

30 [(3)] (II) **If the State is the excepting party in proceedings involving
31 juvenile delinquency, the hearing shall be on the record, supplemented by additional
32 evidence as the judge considers relevant and to which the parties raise no objection.**

1 ~~[(4)]~~ **(5)** [In either case, the] **A** hearing **UNDER THIS SUBSECTION**
2 shall be limited to those matters to which exceptions have been taken.

3 (d) (1) The proposals and recommendations of a master for juvenile
4 causes do not constitute orders or final action of the court.

5 (2) The proposals and recommendations shall be promptly reviewed by
6 the court, and, in the absence of timely and proper exceptions, they may be adopted by
7 the court and appropriate orders entered based on them.

8 (3) Detention, community detention, or shelter care may be ordered by
9 a master pending court review of the master's findings, conclusions, and
10 recommendations.

11 (e) If the court, on its own motion and in the absence of timely and proper
12 exceptions, decides not to adopt the master's findings, conclusions, and
13 recommendations, or any of them, the court shall conduct a de novo hearing, unless all
14 parties and the court agree to a hearing on the record.

15 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
16 October 1, 2010.