

Chapter 451

(House Bill 1011)

AN ACT concerning

Juvenile Law – Lead Testing – ~~Required~~ Authorized

FOR the purpose of ~~requiring the juvenile court to order the Department of Health and Mental Hygiene to perform a blood lead level test on a child~~ authorizing the juvenile court to order a child to undergo blood lead level testing after a petition has been filed but before an adjudication; ~~requiring~~ authorizing a court exercising criminal jurisdiction in a case involving a child to order ~~the Department to perform a blood lead level test on a child~~ the child to undergo blood lead level testing before trial; requiring a copy of certain test results to be provided to certain individuals; and generally relating to juvenile law and lead testing of a child before adjudication or trial.

BY adding to

Article – Courts and Judicial Proceedings
Section 3–8A–16.1
Annotated Code of Maryland
(2006 Replacement Volume and 2009 Supplement)

BY adding to

Article – Criminal Procedure
Section 4–205
Annotated Code of Maryland
(2008 Replacement Volume and 2009 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–16.1.

(A) AFTER A PETITION HAS BEEN FILED WITH THE COURT UNDER THIS SUBTITLE, BUT BEFORE AN ADJUDICATION, THE COURT ~~SHALL~~ MAY ORDER THE ~~DEPARTMENT OF HEALTH AND MENTAL HYGIENE TO PERFORM A~~ CHILD TO UNDERGO BLOOD LEAD LEVEL ~~TEST ON THE CHILD~~ TESTING.

(B) A COPY OF THE RESULTS OF ~~THE~~ A TEST PERFORMED UNDER SUBSECTION (A) OF THIS SECTION SHALL BE PROVIDED TO:

- (1) THE CHILD;
- (2) THE CHILD'S PARENT OR GUARDIAN;
- (3) THE CHILD'S COUNSEL; AND
- (4) THE STATE'S ATTORNEY.

Article – Criminal Procedure

4-205.

(A) BEFORE TRIAL, A COURT EXERCISING CRIMINAL JURISDICTION IN A CASE INVOLVING A CHILD ~~SHALL~~ MAY ORDER THE ~~DEPARTMENT OF HEALTH AND MENTAL HYGIENE TO PERFORM A~~ CHILD TO UNDERGO BLOOD LEAD LEVEL TEST ON THE CHILD TESTING.

(B) A COPY OF THE RESULTS OF ~~THE~~ A TEST PERFORMED UNDER SUBSECTION (A) OF THIS SECTION SHALL BE PROVIDED TO:

- (1) THE CHILD;
- (2) THE CHILD'S PARENT OR GUARDIAN;
- (3) THE CHILD'S COUNSEL; AND
- (4) THE STATE'S ATTORNEY.

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

Approved by the Governor, May 4, 2010.