

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 414

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with the first “a” in line 3 down through “court” in line 4 and substitute “an intake officer of the Department of Juvenile Services, after conducting a certain inquiry, to file with a court an application for an arrest warrant prepared by a law enforcement officer; providing certain requirements relating to an application for an arrest warrant under this Act; providing that an arrest warrant under this Act may only be issued by the court on a finding of probable cause; requiring an arrest warrant issued under this Act to direct the law enforcement officer to take immediate custody of the child who is the subject of the warrant; making a certain conforming change”; and after line 10, insert:

“BY adding to

Article - Courts and Judicial Proceedings

Section 3-8A-14.1

Annotated Code of Maryland

(2006 Replacement Volume and 2011 Supplement)”.

AMENDMENT NO. 2

On page 1, strike beginning with “OR” in line 18 down through “COURT” in line 19.

On page 2, in line 2, strike “or”; and in line 5, after “custodian” insert: “;**OR**

(5) IN ACCORDANCE WITH § 3-8A-14.1 OF THIS SUBTITLE”.

AMENDMENT NO. 3

On page 2, after line 21, insert:

(Over)

“3-8A-14.1.

(A) AFTER AN INQUIRY CONDUCTED IN ACCORDANCE WITH § 3-8A-10 OF THIS SUBTITLE, AN INTAKE OFFICER MAY FILE WITH THE COURT AN APPLICATION FOR AN ARREST WARRANT PREPARED BY A LAW ENFORCEMENT OFFICER.

(B) AN APPLICATION FOR AN ARREST WARRANT UNDER THIS SECTION SHALL BE:

(1) IN WRITING;

(2) SIGNED AND SWORN TO BY THE LAW ENFORCEMENT OFFICER;

AND

(3) ACCOMPANIED BY AN AFFIDAVIT THAT SETS FORTH THE BASIS FOR THERE BEING PROBABLE CAUSE TO BELIEVE THAT:

(i) THE CHILD WHO IS THE SUBJECT OF THE WARRANT HAS COMMITTED A DELINQUENT ACT; AND

(ii) UNLESS THE CHILD WHO IS THE SUBJECT OF THE WARRANT IS TAKEN INTO CUSTODY, THE CHILD:

1. IS LIKELY TO LEAVE THE JURISDICTION OF THE COURT;

2. MAY NOT BE APPREHENDED;

3. MAY CAUSE PHYSICAL INJURY OR PROPERTY
DAMAGE TO ANOTHER; OR
4. MAY TAMPER WITH, DISPOSE OF, OR DESTROY
EVIDENCE.

(C) AN ARREST WARRANT REQUESTED UNDER SUBSECTION (A) OF THIS
SECTION MAY ONLY BE ISSUED BY THE COURT ON A FINDING OF PROBABLE
CAUSE AND SHALL DIRECT THE LAW ENFORCEMENT OFFICER TO TAKE
IMMEDIATE CUSTODY OF THE CHILD.”.