

# SENATE BILL 414

E3  
HB 1108/09 – JUD

2lr2546  
CF HB 598

By: **Senators Brochin, Klausmeier, Stone, and Zirkin**

Introduced and read first time: February 1, 2012

Assigned to: Judicial Proceedings

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 31, 2012

## CHAPTER \_\_\_\_\_

1 AN ACT concerning

### 2 **Juvenile Law – Taking Child into Custody – Arrest Warrant**

3 FOR the purpose of authorizing ~~a law enforcement officer to take a child into custody~~  
4 ~~with an arrest warrant issued by the court~~ an intake officer of the Department  
5 of Juvenile Services, after conducting a certain inquiry, to file with a court an  
6 application for an arrest warrant prepared by a law enforcement officer;  
7 providing certain requirements relating to an application for an arrest warrant  
8 under this Act; providing that an arrest warrant under this Act may only be  
9 issued by the court on a finding of probable cause; requiring an arrest warrant  
10 issued under this Act to direct the law enforcement officer to take immediate  
11 custody of the child who is the subject of the warrant; making a certain  
12 conforming change; and generally relating to the authority of a law enforcement  
13 officer to take a child into custody.

14 BY repealing and reenacting, with amendments,  
15 Article – Courts and Judicial Proceedings  
16 Section 3–8A–14  
17 Annotated Code of Maryland  
18 (2006 Replacement Volume and 2011 Supplement)

19 BY adding to  
20 Article – Courts and Judicial Proceedings  
21 Section 3–8A–14.1  
22 Annotated Code of Maryland  
23 (2006 Replacement Volume and 2011 Supplement)

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



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–14.

(a) A child may be taken into custody under this subtitle by any of the following methods:

(1) Pursuant to an order of the court;

(2) By a law enforcement officer pursuant to the law of arrest ~~OR AN ARREST WARRANT ISSUED BY THE COURT;~~

(3) 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~~

(4) 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; OR

**(5) IN ACCORDANCE WITH § 3–8A–14.1 OF THIS SUBTITLE.**

(b) If a law enforcement officer takes a child into custody, the officer shall immediately notify, or cause to be notified, the child's parents, guardian, or custodian of the action. After making every reasonable effort to give notice, the law enforcement officer shall with all reasonable speed:

(1) Release the child to the child's parents, guardian, or custodian or to any other person designated by the court, upon their written promise to bring the child before the court when requested by the court, and such security for the child's appearance as the court may reasonably require, unless the child's placement in detention or shelter care is permitted and appears required by § 3–8A–15 of this subtitle; or

(2) Deliver the child to the court or a place of detention or shelter care designated by the court.

(c) If a parent, guardian, or custodian fails to bring the child before the court when requested, the court may issue a writ of attachment directing that the child be taken into custody and brought before the court. The court may proceed against the parent, guardian, or custodian for contempt.

1 3-8A-14.1.

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

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

8 (1) IN WRITING;

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

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

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

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

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

19 2. MAY NOT BE APPREHENDED;

20 3. MAY CAUSE PHYSICAL INJURY OR PROPERTY  
21 DAMAGE TO ANOTHER; OR

22 4. MAY TAMPER WITH, DISPOSE OF, OR DESTROY  
23 EVIDENCE.

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

28 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
29 October 1, 2012.