

HOUSE BILL 928

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CF SB 907

By: **Delegates Haynes, Barkley, Chang, Gaines, Glenn, Gutierrez, Healey, Hornberger, Kelly, Knotts, Krimm, Lisanti, McComas, Mosby, Pena–Melnik, Proctor, and Shoemaker**

Introduced and read first time: February 6, 2017

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Juvenile Law – Procedure – Appearance by Video Conference**

3 FOR the purpose of authorizing the juvenile court to permit a child to appear by video
4 conference in certain proceedings; and generally relating to juvenile law and
5 appearance by video conference.

6 BY repealing and reenacting, with amendments,
7 Article – Courts and Judicial Proceedings
8 Section 3–8A–13(f)
9 Annotated Code of Maryland
10 (2013 Replacement Volume and 2016 Supplement)

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

13 **Article – Courts and Judicial Proceedings**

14 3–8A–13.

15 (f) (1) The court shall conduct all hearings under this subtitle in an informal
16 manner.

17 (2) In any proceeding in which a child is alleged to be in need of supervision
18 or to have committed a delinquent act that would be a misdemeanor if committed by an
19 adult or in a peace order proceeding, the court may exclude the general public from a
20 hearing, and admit only the victim and those persons having a direct interest in the
21 proceeding and their representatives.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (3) (i) Except as provided in subparagraph (ii) of this paragraph, in a
2 case in which a child is alleged to have committed a delinquent act that would be a felony
3 if committed by an adult, the court shall conduct in open court any hearing or other
4 proceeding at which the child has a right to appear.

5 (ii) For good cause shown, the court may exclude the general public
6 from a hearing or other proceeding in a case in which a child is alleged to have committed
7 a delinquent act that would be a felony if committed by an adult and admit only the victim
8 and those persons having a direct interest in the proceeding and their representatives.

9 (4) (i) Except as provided in subparagraph (ii) of this paragraph, the
10 court shall announce in open court adjudications and dispositions in cases where a child is
11 alleged to have committed a delinquent act which would be a felony if committed by an
12 adult.

13 (ii) For good cause shown, the court may exclude the general public
14 from a proceeding at which an adjudication or disposition is announced and admit only the
15 victim and those persons having a direct interest in the proceeding and their
16 representatives.

17 (5) Notwithstanding the provisions of this subsection, in a case in which
18 the victim of an alleged delinquent act is a child, on petition of the State's Attorney, the
19 court shall exclude the general public from the testimony of the victim during a hearing or
20 other proceeding, including a proceeding at which an adjudication or disposition is
21 announced, and admit during the testimony of the victim only the victim and those persons
22 having a direct interest in the proceeding and their representatives, unless the court finds
23 good cause to receive the testimony of the victim in open court.

24 **(6) IN ANY PROCEEDING UNDER THIS SUBTITLE, THE COURT MAY**
25 **PERMIT THE CHILD TO APPEAR BY VIDEO CONFERENCE.**

26 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
27 October 1, 2017.