

HOUSE BILL 403

E3

3lr0740

By: **Delegate Cardin**

Introduced and read first time: January 27, 2023

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Juvenile Law – Electronic Harassment and Bullying – Inquiry by Intake Officer**

3 FOR the purpose of requiring a Department of Juvenile Services intake officer to forward
4 a complaint that alleges a violation involving the misuse of electronic communication
5 or interactive computer service and a related case file to the State’s Attorney under
6 certain circumstances; and generally relating to the duties of juvenile intake officers.

7 BY repealing and reenacting, without amendments,
8 Article – Courts and Judicial Proceedings
9 Section 3–8A–10(a) and (b)
10 Annotated Code of Maryland
11 (2020 Replacement Volume and 2022 Supplement)

12 BY repealing and reenacting, with amendments,
13 Article – Courts and Judicial Proceedings
14 Section 3–8A–10(c)
15 Annotated Code of Maryland
16 (2020 Replacement Volume and 2022 Supplement)

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

19 **Article – Courts and Judicial Proceedings**

20 3–8A–10.

21 (a) This section does not apply to allegations that a child is in need of assistance,
22 as defined in § 3–801 of this title.

23 (b) An intake officer shall receive:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (1) Complaints from a person or agency having knowledge of facts which
2 may cause a person to be subject to the jurisdiction of the court under this subtitle; and

3 (2) Citations issued by a police officer under § 3–8A–33 of this subtitle.

4 (c) (1) Except as otherwise provided in this subsection, in considering the
5 complaint, the intake officer shall make an inquiry within 25 days as to whether the court
6 has jurisdiction and whether judicial action is in the best interests of the public or the child.

7 (2) An inquiry need not include an interview of the child who is the subject
8 of the complaint if the complaint alleges the commission of an act that would be a felony if
9 committed by an adult or alleges a violation of § 4–203 or § 4–204 of the Criminal Law
10 Article.

11 (3) In accordance with this section, the intake officer may, after such
12 inquiry and within 25 days of receiving the complaint:

13 (i) Authorize the filing of a petition or a peace order request or both;

14 (ii) Propose an informal adjustment of the matter; or

15 (iii) Refuse authorization to file a petition or a peace order request or
16 both.

17 (4) (i) 1. Except as provided in subparagraph 2 of this
18 subparagraph, if a complaint is filed that alleges the commission of an act which would be
19 a felony if committed by an adult or alleges a violation of **§ 3–805**, § 4–203, or § 4–204 of
20 the Criminal Law Article, and if the intake officer denies authorization to file a petition or
21 proposes an informal adjustment, the intake officer shall immediately:

22 A. Forward the complaint to the State’s Attorney; and

23 B. Forward a copy of the entire intake case file to the State’s
24 Attorney with information as to any and all prior intake involvement with the child.

25 2. For a complaint that alleges the commission of an act that
26 would be a felony if committed by an adult, the intake officer is not required to forward the
27 complaint and copy of the intake case file to the State’s Attorney if:

28 A. The intake officer proposes the matter for informal
29 adjustment;

30 B. The act did not involve the intentional causing of, or
31 attempt to cause, the death of or physical injury to another; and

32 C. The act would not be a crime of violence, as defined under
33 § 14–101 of the Criminal Law Article, if committed by an adult.

1 (ii) The State's Attorney shall make a preliminary review as to
2 whether the court has jurisdiction and whether judicial action is in the best interests of the
3 public or the child. The need for restitution may be considered as one factor in the public
4 interest. After the preliminary review the State's Attorney shall, within 30 days of the
5 receipt of the complaint by the State's Attorney, unless the court extends the time:

- 6 1. File a petition or a peace order request or both;
- 7 2. Refer the complaint to the Department of Juvenile
8 Services for informal disposition; or
- 9 3. Dismiss the complaint.

10 (iii) This subsection may not be construed or interpreted to limit the
11 authority of the State's Attorney to seek a waiver under § 3-8A-06 of this subtitle.

12 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
13 October 1, 2023.