

SENATE BILL 15

E3

3lr0995

(PRE-FILED)

By: **Senator Carter**

Requested: November 20, 2022

Introduced and read first time: January 11, 2023

Assigned to: Judicial Proceedings

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: February 25, 2023

CHAPTER _____

1 AN ACT concerning

2 **Juvenile Law – Child in Need of Supervision – Mandatory Petition and Notice**
3 **(NyKayla Strawder Memorial Act)**

4 FOR the purpose of requiring an intake officer to file a petition alleging that a child under
5 a certain age is either delinquent or a child in need of supervision if the child is
6 alleged to have committed an act that results in the death of a victim; requiring a
7 law enforcement officer to forward a complaint alleging that a child under a certain
8 age committed an act that resulted in the death of a victim to the Department of
9 Juvenile Services; and generally relating to juvenile law.

10 BY repealing and reenacting, without amendments,
11 Article – Courts and Judicial Proceedings
12 Section 3–8A–10(b)
13 Annotated Code of Maryland
14 (2020 Replacement Volume and 2022 Supplement)

15 BY repealing and reenacting, with amendments,
16 Article – Courts and Judicial Proceedings
17 Section 3–8A–10(c)
18 Annotated Code of Maryland
19 (2020 Replacement Volume and 2022 Supplement)

20 BY repealing and reenacting, with amendments,
21 Article – Criminal Procedure

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.



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

4 A. The intake officer proposes the matter for informal
5 adjustment;

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

8 C. The act would not be a crime of violence, as defined under
9 § 14-101 of the Criminal Law Article, if committed by an adult.

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

15 1. File a petition or a peace order request or both;

16 2. Refer the complaint to the Department of Juvenile
17 Services for informal disposition; or

18 3. Dismiss the complaint.

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

21 **(5) IF A COMPLAINT IS FILED THAT ALLEGES THE COMMISSION OF AN**
22 **ACT BY A CHILD UNDER THE AGE OF ~~10~~ 13 YEARS THAT RESULTS IN THE DEATH OF**
23 **A VICTIM, THE INTAKE OFFICER SHALL FILE A PETITION ALLEGING THAT THE CHILD**
24 **IS EITHER DELINQUENT OR IN NEED OF SUPERVISION.**

25 Article – Criminal Procedure

26 2-108.

27 (a) A law enforcement officer who charges a minor with a criminal offense shall
28 make a reasonable attempt to provide actual notice to the parent or guardian of the minor
29 of the charge.

30 (b) If a law enforcement officer takes a minor into custody, the law enforcement
31 officer or the officer's designee shall make a reasonable attempt to notify the parent or
32 guardian of the minor in accordance with the requirements of § 3-8A-14 of the Courts
33 Article.

1 **(C) IF A LAW ENFORCEMENT OFFICER ALLEGES THE COMMISSION OF AN**
 2 **ACT BY A CHILD UNDER THE AGE OF 13 YEARS THAT RESULTS IN THE DEATH OF A**
 3 **VICTIM, THE LAW ENFORCEMENT OFFICER SHALL FORWARD THE COMPLAINT TO**
 4 **THE DEPARTMENT OF JUVENILE SERVICES FOR APPROPRIATE ACTION.**

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

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.