

SENATE BILL 2

E3
SB 15/23 – JPR

(PRE-FILED)

4lr1078

By: **Senator Carter**

Requested: October 23, 2023

Introduced and read first time: January 10, 2024

Assigned to: Judicial Proceedings

A BILL ENTITLED

AN ACT concerning

Juvenile Law – Child in Need of Supervision – Mandatory Petition (NyKayla Strawder Memorial Act)

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

BY repealing and reenacting, without amendments,
Article – Courts and Judicial Proceedings
Section 3–8A–10(b)
Annotated Code of Maryland
(2020 Replacement Volume and 2023 Supplement)

BY repealing and reenacting, with amendments,
Article – Courts and Judicial Proceedings
Section 3–8A–10(c)
Annotated Code of Maryland
(2020 Replacement Volume and 2023 Supplement)

BY repealing and reenacting, with amendments,
Article – Criminal Procedure
Section 2–108
Annotated Code of Maryland
(2018 Replacement Volume and 2023 Supplement)

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



Article – Courts and Judicial Proceedings

3–8A–10.

(b) An intake officer shall receive:

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

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

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

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

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

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

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

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

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

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

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

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

A. The intake officer proposes the matter for informal

adjustment;

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

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

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

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

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

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

Article – Criminal Procedure

2–108.

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

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

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

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2024.