HOUSE BILL 683

E1, E3, E2 5lr2173

By: Delegates Grammer, Arikan, Chisholm, Fisher, McComas, M. Morgan, Nawrocki, and Szeliga

Introduced and read first time: January 24, 2025

Assigned to: Judiciary

AN ACT concerning

1

A BILL ENTITLED

2	Criminal Law - Criminal or Delinquent Act of a Child - Liability of a Parent
3	Guardian, or Custodian

- 4 FOR the purpose of prohibiting the parent, guardian, or custodian of a child from 5 intentionally, knowingly, recklessly, or negligently acting or failing to act in a 6 manner that results in the child committing a crime or delinquent act; requiring an 7 individual convicted under this Act to participate in certain proceedings and 8 programs and establishing the failure to do so as contempt of court; requiring the 9 court to order a parent, guardian, or custodian to pay certain court costs and 10 restitution related to a child's crime or delinquent act; and generally relating to 11 liability for a child's criminal or delinquent act.
- 12 BY repealing and reenacting, with amendments,
- 13 Article Courts and Judicial Proceedings
- 14 Section 3–8A–28 and 3–8A–29
- 15 Annotated Code of Maryland
- 16 (2020 Replacement Volume and 2024 Supplement)
- 17 BY adding to
- 18 Article Criminal Law
- 19 Section 1–403
- 20 Annotated Code of Maryland
- 21 (2021 Replacement Volume and 2024 Supplement)
- 22 BY repealing and reenacting, with amendments,
- 23 Article Criminal Procedure
- 24 Section 11–604
- 25 Annotated Code of Maryland
- 26 (2018 Replacement Volume and 2024 Supplement)



- 1 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, 2 That the Laws of Maryland read as follows: 3 **Article - Courts and Judicial Proceedings** 3-8A-28. 4 5 The court may enter a judgment of restitution against the parent, GUARDIAN, OR 6 **CUSTODIAN** of a child[,] **OR** the child[, or both] as provided under Title 11, Subtitle 6 of the Criminal Procedure Article. 7 3-8A-29. 8 9 [A] EXCEPT AS PROVIDED IN § 3-610 OF THE CRIMINAL LAW ARTICLE, A court may not order a parent, guardian, custodian, or child to pay: 10 11 (1) A fine, fee, or cost under this subtitle; or 12 (2) A sum of money to cover the support of a child under this subtitle. Article - Criminal Law 13 1-403.14 A PARENT, GUARDIAN, OR CUSTODIAN OF A CHILD MAY NOT 15 INTENTIONALLY, KNOWINGLY, RECKLESSLY, OR NEGLIGENTLY ACT OR FAIL TO ACT 16 IN A MANNER THAT RESULTS IN THE CHILD COMMITTING A CRIME OR DELINQUENT 17 18 ACT. 19 AN INDIVIDUAL WHO VIOLATES THIS SECTION IS GUILTY OF A (B) 20 MISDEMEANOR AND ON CONVICTION: 21**(1)** IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 30 DAYS, OR A 22FINE NOT EXCEEDING \$2,500, OR BOTH; 23 **(2)** SHALL PARTICIPATE IN: 24**(I)** ALL COURT PROCEEDINGS RELATED TO THE CHILD'S DELINQUENT OR CRIMINAL ACT; AND 2526 ALL TREATMENT, COUNSELING, OR DIVERSION PROGRAMS (II)THE COURT ORDERS THE CHILD TO PARTICIPATE IN; AND 27
- 28 (3) SHALL PAY ANY COURT COSTS RELATED TO THE CHILD'S 29 DELINQUENT OR CRIMINAL ACT.

1 (C) WILLFUL FAILURE OF AN INDIVIDUAL TO MEET THE REQUIREMENTS OF 2 SUBSECTION (B)(2) OF THIS SECTION IS CONTEMPT OF COURT.

Article – Criminal Procedure

4 11–604.

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- 5 (a) Subject to subsection (b) of this section and notwithstanding any other law, if 6 a child is the defendant or child respondent **AND THE COURT ORDERS PAYMENT OF** 7 **RESTITUTION**, the court [may order the child, the child's parent, or both to pay restitution]
- 8 SHALL:
- 9 (1) ORDER THE CHILD'S PARENT, GUARDIAN, OR CUSTODIAN TO PAY 10 THE RESTITUTION; OR
- 11 (2) IF THE RESTITUTION IS OWED TO THE CHILD'S PARENT, 12 GUARDIAN, OR CUSTODIAN, ORDER THE CHILD TO PAY THE RESTITUTION.
- 13 (b) A judgment of restitution for \$10,000 issued under Part I of this subtitle is the absolute limit for each child's acts arising out of a single incident.
- 15 (c) (1) A court may not enter a judgment of restitution against a parent, 16 **GUARDIAN**, **OR CUSTODIAN** under Part I of this subtitle unless the parent, **GUARDIAN**, 17 **OR CUSTODIAN** has been afforded a reasonable opportunity to be heard and to present 18 evidence.
- 19 (2) A hearing under this subsection may be held as part of the sentencing 20 or disposition hearing.
- SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect 22 October 1, 2025.