HOUSE BILL 1504

E3 SB 2/24 – JPR

By: Delegate Ruff

Introduced and read first time: February 14, 2025 Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 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 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.

- 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 2024 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 2024 Supplement)
- 20 BY repealing and reenacting, with amendments,
- 21 Article Criminal Procedure
- 22 Section 2–108
- 23 Annotated Code of Maryland
- 24 (2018 Replacement Volume and 2024 Supplement)
- 25 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
- 26 That the Laws of Maryland read as follows:



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1	A	Article – Courts and Judicial Proceedings	
2	3–8A–10.		
3	(b) An intake	e officer shall receive:	
45	(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		
6	(2) Cit	ations issued by a police officer under § 3–8A–33 of this subtitle.	
$7 \\ 8 \\ 9 \\ 10$	(c) (1) (i) Except as provided in subparagraph (ii) of this paragraph, in considering the complaint, the intake officer shall make an inquiry within 15 business days as to whether the court has jurisdiction and whether judicial action is in the best interests of the public or the child.		
$11 \\ 12 \\ 13 \\ 14 \\ 15$	(ii) If a law enforcement officer requests that the intake officer authorize detention for a child under § $3-8A-15$ of this subtitle and the intake officer does not authorize detention, the intake officer shall make an inquiry within 2 business days as to whether the court has jurisdiction and whether judicial action is in the best interests of the public or the child.		
16 17 18 19 20	(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 or a violation of § 5–133, § 5–134, § 5–138, § 5–142, § 5–203, or § 5–703 of the Public Safety Article.		
$\begin{array}{c} 21 \\ 22 \end{array}$	(3) In accordance with this section, the intake officer shall, immediately after such inquiry:		
23	(i)	Authorize the filing of a petition or a peace order request or both;	
24	(ii)	Propose an informal adjustment of the matter; or	
$\frac{25}{26}$	(iii both.) Refuse authorization to file a petition or a peace order request or	
27 28 29 30 31	(4) (i) 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 or a violation of § 5–133, § 5–134, § 5–138, § 5–142, § 5–203, or § 5–703 of the Public Safety Article, and if the intake officer denies authorization to file a petition or proposes an informal adjustment, the intake officer shall immediately:		
32		1. Forward the complaint to the State's Attorney; and	

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$\frac{1}{2}$	2. 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.
3 4 5 6	(ii) If a complaint is filed that alleges the commission of a delinquent act by a child who was under the supervision of the Department of Juvenile Services at the time of the alleged delinquent act, and if the intake officer denies authorization to file a petition or proposes informal adjustment, the intake officer shall immediately:
7	1. Forward the complaint to the State's Attorney; and
8 9	2. 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.
$10 \\ 11 \\ 12 \\ 13 \\ 14$	(iii) 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:
15	1. File a petition or a peace order request or both;
$\begin{array}{c} 16 \\ 17 \end{array}$	2. Refer the complaint to the Department of Juvenile Services for informal disposition; or
18	3. Dismiss the complaint.
$19 \\ 20 \\ 21$	(iv) This paragraph may not be construed to prohibit an intake officer from proceeding with an informal adjustment while the State's Attorney conducts a preliminary review under subparagraph (ii) or (iii) of this paragraph.
$\begin{array}{c} 22\\ 23 \end{array}$	(v) 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.
24 25 26 27	(5) If a complaint is filed that alleges the commission of an act by a child under the age of 13 years that, if committed by an adult, would constitute theft of a motor vehicle under § 7–105 of the Criminal Law Article, the intake officer shall authorize the filing of a petition alleging that the child is in need of supervision.
28 29 30 31	(6) 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 IN NEED OF SUPERVISION.
32	Article – Criminal Procedure
33	2–108.

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1 (a) A law enforcement officer who charges a minor with a criminal offense shall 2 make a reasonable attempt to provide actual notice to the parent or guardian of the minor 3 of the charge.

4 (b) If a law enforcement officer takes a minor into custody, the law enforcement 5 officer or the officer's designee shall make a reasonable attempt to notify the parent or 6 guardian of the minor in accordance with the requirements of § 3–8A–14 of the Courts 7 Article.

8 (c) If a law enforcement officer alleges the commission of an act by a child under 9 the age of 13 years that, if committed by an adult, would constitute theft of a motor vehicle 10 under § 7–105 of the Criminal Law Article, the law enforcement officer shall forward the 11 complaint to the Department of Juvenile Services to file a petition alleging that the child is 12 in need of supervision.

13 (D) IF A LAW ENFORCEMENT OFFICER ALLEGES THE COMMISSION OF AN 14 ACT BY A CHILD UNDER THE AGE OF 13 YEARS THAT RESULTS IN THE DEATH OF A 15 VICTIM, THE LAW ENFORCEMENT OFFICER SHALL FORWARD THE COMPLAINT TO 16 THE DEPARTMENT OF JUVENILE SERVICES FOR APPROPRIATE ACTION.

17 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect 18 October 1, 2025.

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