

MARYLAND JUDICIAL CONFERENCE
GOVERNMENT RELATIONS AND PUBLIC AFFAIRS

Hon. Mary Ellen Barbera
Chief Judge

187 Harry S. Truman Parkway
Annapolis, MD 21401

MEMORANDUM

TO: House Judiciary Committee
FROM: Legislative Committee
Suzanne D. Pelz, Esq.
410-260-1523
RE: House Bill 1245
Juvenile Law – Conduct by Children Involving Sexually Explicit
or Nude Images
DATE: February 19, 2020
(2/27)
POSITION: Oppose

The Maryland Judiciary opposes House Bill 1245. This bill would amend Maryland Code, Courts and Judicial Proceedings Article (CJP), to create a new Title 3, Subtitle 8D, Conduct by Children Involving Sexually Explicit or Nude Images, and make related amendments to the Criminal Law and Education Articles.

The Judiciary has concerns about this bill. In particular, in its creation of a new Subtitle 3-8D, the bill attempts to provide a basis for child in need of assistance (CINA) or child in need of supervision (CINS) proceedings in certain situations. However, the bill does not amend either the CINA subtitle (3-8) or the CINS subtitle (3-8A) to make that jurisdiction explicit. Further, on its face, the behavior set out in proposed 3-8D does not meet the definition of a CINA as set out in § 3-801(f). Regarding the CINS proceeding, in practical terms, CINS petitions rarely - if ever - come before the juvenile court in most jurisdictions.

cc. Hon. C. T. Wilson
Judicial Council
Legislative Committee
Kelley O'Connor