

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 382
Juvenile Law – Conduct by Children Involving Sexually Explicit
or Nude Images
DATE: January 13, 2021
(1/21)
POSITION: Oppose

The Maryland Judiciary opposes House Bill 382. This bill would amend Maryland Code, Courts and Judicial Proceedings, to create a new Title 3, Subtitle 8D, Conduct by Children Involving Sexually Explicit or Nude Images.

The Judiciary has a number of concerns about the 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 section 3-801(f). Regarding the CINS proceedings, 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