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March 15, 2021

Testimony in Support of House Bill 1338 – Juvenile Court – Jurisdiction– Adults

Good afternoon Mr. Chairman and members of the Committee. Thank you for the opportunity to speak to you on behalf of **House Bill 1338 – Juvenile Court – Jurisdiction– Adults.**

It is a misdemeanor punishable by up to three years in prison and a \$2500 fine for an adult “to willfully contribute to, encourage, cause, or tend to cause any act, omission, or condition that renders a child a child in need of need of assistance” (§3-828 of the Courts & Judicial Proceedings Article (CJP), which is the Juvenile Law Section of the Code). Further, §3-8-30(a) of CJP (which is also under the Juvenile Law Section of CJP) provides “it is unlawful, subject to the same penalty, for an adult to willfully to contribute to, encourage, cause or tend to cause any act or omission, or a condition which renders a child delinquent or in need of supervision.” The problem this bill addresses is that when an adult is alleged to have violated the above referenced sections, the Juvenile Court and the District Court have concurrent jurisdiction over these offenses committed by an adult. Since an individual charged under the above referenced sections can request a jury trial, jurisdiction is also concurrent with the Circuit Court. House Bill 1338 removes jurisdiction from the Juvenile Court by transferring §3-828 and §3-8A-30 of the Courts & Judicial Proceedings Article to §3-610 and §3-611 of the Criminal Law Article.

The proposed changes reflect the recommendation of the Juvenile Rules Subcommittee of the Court of Appeals Standing Committee on Rules of Practice and Procedure. Juvenile Court is civil in nature and designed to have jurisdiction over children. Therefore, it is appropriate to remove Juvenile Court jurisdiction over adults. Please review the detailed written testimony submitted by retired Judge Alan Wilner, Chair of the Court of Appeals Standing Committee on Rules of Practice and Procedure, for a more detailed and comprehensive discussion on HB1338. As noted in his written testimony, these cases are simply not filed in Juvenile Court. Zero such cases have been filed in 2017, 2018 and 2019. State’s Attorneys statewide recognize that Juvenile Court is not the correct jurisdiction to file and try these cases.

I respectfully request a favorable report for House Bill 1338.