

MARYLAND JUDICIAL CONFERENCE
GOVERNMENT RELATIONS AND PUBLIC AFFAIRS

Hon. Matthew J. Fader
Chief Justice

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 927
Juvenile Law – Expedited Pretrial Status Hearing
DATE: February 5, 2024
(2/8)
POSITION: Oppose

The Maryland Judiciary opposes House Bill 927. This bill would require a certain hearing for a certain child in a juvenile justice proceeding. Specifically, if a “child is charged with a violation involving” (1) a crime of violence under CL § 14–101, (2) the unlawful possession of a firearm under PS § 5–133, or (3) an unlawful taking or unauthorized use of a motor vehicle under CL § 7–105 OR § 7–203, then within 24 hours after the child is charged “a magistrate shall hold a hearing to determine the child’s pretrial status.” Proposed CJP § 3–8A–13(h)(2).

While the Judiciary supports bringing children before the juvenile court earlier in their involvement with law enforcement, particularly to provide an earlier assessment of service needs and access to those services, the Judiciary has a number of concerns with this bill.

First, procedurally, the bill does not include a clear process for the start of juvenile court jurisdiction. While it calls for a hearing “[w]ithin 24 hours after a child is charged” it does not set forth any requirement that a pleading be filed with the court concerning those charges and there is therefore no basis under which the juvenile court can hold a hearing. A petition filed with the court is needed for jurisdiction for the hearing.

In addition, the bill does not define “pretrial status” nor is that term defined elsewhere in Code or Rule. It is thus unclear what would be the scope of the hearing. If the hearing is intended to address whether the child is placed in pre-adjudication detention, community detention, or shelter care, is noted that Courts and Judicial Proceedings § 3-8A-15 already addresses pre-adjudication detention, community detention, or shelter care including court proceedings. It is unclear whether and if so, how, the hearing envisioned by this bill would duplicate or differ from the hearings addressed in that statute. If this proceeding is intended to be different, amending § 3-8A-15 to address this hearing would be more appropriate.

Finally, the bill requires the hearing to be held before a magistrate. If the jurisdiction does not have a magistrate hearing juvenile justice cases, there would be no one to hear this case. Similarly, the bill requires a hearing “within 24 hours”. If the bill intends a strict 24-hour time period and includes weekends and holidays within that 24-hours, it is noted that juvenile courts do not sit on weekends or holidays. Compare Rule 1-203.

cc. Hon. Dayla Attar
Judicial Council
Legislative Committee
Kelley O’Connor