

HOUSE BILL 1367

E3, D1

9lr2950
CF 9lr3239

By: **Delegates J. Lewis, Barron, D.M. Davis, W. Fisher, Ivey, and R. Watson**

Introduced and read first time: February 18, 2019

Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Juvenile Law – Diversion Program**

3 FOR the purpose of authorizing a State’s Attorney to refer a child to a diversion program
4 under certain circumstances; and generally relating to juvenile law.

5 BY repealing and reenacting, with amendments,
6 Article – Courts and Judicial Proceedings
7 Section 3–8A–10(c)(4)
8 Annotated Code of Maryland
9 (2013 Replacement Volume and 2018 Supplement)

10 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
11 That the Laws of Maryland read as follows:

12 **Article – Courts and Judicial Proceedings**

13 3–8A–10.

14 (c) (4) (i) If a complaint is filed that alleges the commission of an act which
15 would be a felony if committed by an adult or alleges a violation of § 4–203 or § 4–204 of
16 the Criminal Law Article, and if the intake officer denies authorization to file a petition or
17 proposes an informal adjustment, the intake officer shall immediately:

18 1. Forward the complaint to the State’s Attorney; and

19 2. Forward a copy of the entire intake case file to the State’s
20 Attorney with information as to any and all prior intake involvement with the child.

21 (ii) The State’s Attorney shall make a preliminary review as to
22 whether the court has jurisdiction and whether judicial action is in the best interests of the
23 public or the child. The need for restitution may be considered as one factor in the public

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 interest. After the preliminary review the State's Attorney shall, within 30 days of the
2 receipt of the complaint by the State's Attorney, unless the court extends the time:

- 3 1. File a petition or a peace order request or both;
- 4 2. Refer the complaint to the Department of Juvenile
5 Services for informal disposition; [or]
- 6 3. **REFER THE CHILD TO A DIVERSION PROGRAM; OR**
- 7 4. Dismiss the complaint.

8 (iii) This subsection may not be construed or interpreted to limit the
9 authority of the State's Attorney to seek a waiver under § 3-8A-06 of this subtitle.

10 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
11 October 1, 2019.