

SENATE BILL 209

E3

6lr0871

By: **Senators Kelley, Astle, Benson, Conway, Currie, Feldman, Ferguson, Jennings, King, Klausmeier, Lee, Madaleno, Mathias, McFadden, Middleton, Miller, Nathan-Pulliam, Norman, Peters, Pinsky, Pugh, Ramirez, Raskin, and Rosapepe**

Introduced and read first time: January 21, 2016

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Juvenile Law – Adjudication of Delinquency – Collateral Consequences**

3 FOR the purpose of requiring that, before a child admits to the commission of a delinquent
4 act, the child’s counsel inform the child in a certain manner of certain collateral
5 consequences that may result from an adjudication of delinquency; and generally
6 relating to juvenile law.

7 BY repealing and reenacting, with amendments,
8 Article – Courts and Judicial Proceedings
9 Section 3–8A–18
10 Annotated Code of Maryland
11 (2013 Replacement Volume and 2015 Supplement)

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

14 **Article – Courts and Judicial Proceedings**

15 3–8A–18.

16 (a) The provisions of this section do not apply to a peace order request or a peace
17 order proceeding.

18 (b) After a petition or citation has been filed with the court under this subtitle,
19 and unless jurisdiction has been waived, the court shall hold an adjudicatory hearing.

20 (c) (1) Before a child is adjudicated delinquent, the allegations in the petition
21 that the child has committed a delinquent act must be proved beyond a reasonable doubt.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (2) Before a child is found to have committed the violation charged in a
2 citation, the allegations in the citation must be proved beyond a reasonable doubt.

3 (d) If an adult is charged under this subtitle, the allegations must be proved
4 beyond a reasonable doubt.

5 (e) In all other cases under this subtitle the allegations must be proved by a
6 preponderance of the evidence.

7 **(F) BEFORE A CHILD ADMITS TO THE COMMISSION OF A DELINQUENT ACT,
8 THE CHILD'S COUNSEL SHALL INFORM THE CHILD IN DEVELOPMENTALLY AND AGE
9 APPROPRIATE LANGUAGE OF THE FOLLOWING COLLATERAL CONSEQUENCES THAT
10 MAY RESULT FROM AN ADJUDICATION OF DELINQUENCY:**

11 **(1) THAT AN ADJUDICATION OF DELINQUENCY MAY BE USED IN
12 FUTURE CRIMINAL PROCEEDINGS, INCLUDING BAIL DETERMINATIONS AND
13 SENTENCING;**

14 **(2) THAT AN ADJUDICATION OF DELINQUENCY MAY BE DISCLOSED TO
15 THE SCHOOL SYSTEM;**

16 **(3) THAT FUTURE EMPLOYERS, INCLUDING THE MILITARY, MAY
17 INQUIRE ABOUT PAST ADJUDICATIONS OF DELINQUENCY;**

18 **(4) THAT AN ADJUDICATION OF DELINQUENCY MAY IMPEDE THE
19 ABILITY TO OBTAIN PUBLIC HOUSING;**

20 **(5) IF APPLICABLE:**

21 **(I) THE REQUIREMENT TO REGISTER AS A SEX OFFENDER;**

22 **(II) IMMIGRATION CONSEQUENCES; AND**

23 **(III) THAT AN ADJUDICATION OF DELINQUENCY FOR A
24 QUALIFYING OFFENSE MAY PROHIBIT AN INDIVIDUAL FROM POSSESSING A
25 FIREARM;**

26 **(6) THAT AN ADJUDICATION OF DELINQUENCY MAY AFFECT
27 ELIGIBILITY FOR COLLEGE ADMISSION OR PELL GRANTS; AND**

28 **(7) ANY OTHER COLLATERAL CONSEQUENCES THAT THE CHILD'S
29 COUNSEL DETERMINES ARE APPLICABLE.**

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
2 October 1, 2016.