

Chapter 230

(House Bill 598)

AN ACT concerning

Juvenile Law – Taking Child into Custody – Arrest Warrant

FOR the purpose of authorizing ~~a law enforcement officer to take a child into custody with an arrest warrant issued by the court~~ an intake officer of the Department of Juvenile Services, after conducting a certain inquiry, to file with a court an application for an arrest warrant prepared by a law enforcement officer; providing certain requirements relating to an application for an arrest warrant under this Act; providing that an arrest warrant under this Act may only be issued by the court on a finding of probable cause; requiring an arrest warrant issued under this Act to direct the law enforcement officer to take immediate custody of the child who is the subject of the warrant; making a certain conforming change; and generally relating to the authority of a law enforcement officer to take a child into custody.

BY repealing and reenacting, with amendments,
Article – Courts and Judicial Proceedings
Section 3–8A–14
Annotated Code of Maryland
(2006 Replacement Volume and 2011 Supplement)

BY adding to
Article – Courts and Judicial Proceedings
Section 3–8A–14.1
Annotated Code of Maryland
(2006 Replacement Volume and 2011 Supplement)

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

Article – Courts and Judicial Proceedings

3–8A–14.

(a) A child may be taken into custody under this subtitle by any of the following methods:

(1) Pursuant to an order of the court;

(2) By a law enforcement officer pursuant to the law of arrest ~~OR AN ARREST WARRANT ISSUED BY THE COURT;~~

(3) By a law enforcement officer or other person authorized by the court if the officer or other person has reasonable grounds to believe that the child is in immediate danger from the child's surroundings and that the child's removal is necessary for the child's protection; ~~or~~

(4) By a law enforcement officer or other person authorized by the court if the officer or other person has reasonable grounds to believe that the child has run away from the child's parents, guardian, or legal custodian; **OR**

(5) IN ACCORDANCE WITH § 3-8A-14.1 OF THIS SUBTITLE.

(b) If a law enforcement officer takes a child into custody, the officer shall immediately notify, or cause to be notified, the child's parents, guardian, or custodian of the action. After making every reasonable effort to give notice, the law enforcement officer shall with all reasonable speed:

(1) Release the child to the child's parents, guardian, or custodian or to any other person designated by the court, upon their written promise to bring the child before the court when requested by the court, and such security for the child's appearance as the court may reasonably require, unless the child's placement in detention or shelter care is permitted and appears required by § 3-8A-15 of this subtitle; or

(2) Deliver the child to the court or a place of detention or shelter care designated by the court.

(c) If a parent, guardian, or custodian fails to bring the child before the court when requested, the court may issue a writ of attachment directing that the child be taken into custody and brought before the court. The court may proceed against the parent, guardian, or custodian for contempt.

3-8A-14.1.

(A) AFTER AN INQUIRY CONDUCTED IN ACCORDANCE WITH § 3-8A-10 OF THIS SUBTITLE, AN INTAKE OFFICER MAY FILE WITH THE COURT AN APPLICATION FOR AN ARREST WARRANT PREPARED BY A LAW ENFORCEMENT OFFICER.

(B) AN APPLICATION FOR AN ARREST WARRANT UNDER THIS SECTION SHALL BE:

(1) IN WRITING;

(2) SIGNED AND SWORN TO BY THE LAW ENFORCEMENT OFFICER;
AND

(3) ACCOMPANIED BY AN AFFIDAVIT THAT SETS FORTH THE BASIS FOR THERE BEING PROBABLE CAUSE TO BELIEVE THAT:

(i) THE CHILD WHO IS THE SUBJECT OF THE WARRANT HAS COMMITTED A DELINQUENT ACT; AND

(ii) UNLESS THE CHILD WHO IS THE SUBJECT OF THE WARRANT IS TAKEN INTO CUSTODY, THE CHILD:

1. IS LIKELY TO LEAVE THE JURISDICTION OF THE COURT;

2. MAY NOT BE APPREHENDED;

3. MAY CAUSE PHYSICAL INJURY OR PROPERTY DAMAGE TO ANOTHER; OR

4. MAY TAMPER WITH, DISPOSE OF, OR DESTROY EVIDENCE.

(C) AN ARREST WARRANT REQUESTED UNDER SUBSECTION (A) OF THIS SECTION MAY ONLY BE ISSUED BY THE COURT ON A FINDING OF PROBABLE CAUSE AND SHALL DIRECT THE LAW ENFORCEMENT OFFICER TO TAKE IMMEDIATE CUSTODY OF THE CHILD.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2012.

Approved by the Governor, May 2, 2012.