



# Juvenile Charging Process

## 1. Juvenile Arrest

### Police Arrest of a Juvenile Defendant

- Officer detains juvenile and brings them to the Juvenile Justice Center
- Officer calls the Justice Center to speak with DJS intake officer to see what to do with the child.

## 2. Paper Referrals

### DJS Intake Officer Reviews Charges

- Officer writes and submits report in lieu of making arrest
- Police add additional offenses to juvenile already detained
- Officer told by DJS to write report and take juvenile offender home
- Citizen complaint made to DJS

## 3. DJS Charging Determination

### Charging Decision by DJS Intake

- DJS Intake Officer reviews and determines what to do with the juvenile based on the charges, the arrest report, the juvenile's arrest record and other factors.
- DJS Officers have a 15-day mandate to send the cases to the SAO for charging.

## 4. Formal/Informal

### Charging Decision by DJS Intake Officer

- DJS makes determination to 'formal' the case and send it to the SAO to charge the juvenile but must formal all felony charges
- DJS makes a determination if a juvenile does not need court intervention, and to keep the case 'informal'.

## 5. Stacks

### State's Attorney Charging of Juvenile

- SAO has 30-days to charge and petition the case to the courts
- Case is set for arraignment with the courts

## 6. Specials

### Immediate/Emergency Court Hearings

- Typically reserved for more serious offenses, these are cases set for arraignment at the next available court date.



# New Juveniles Laws 2024

## State's Attorney for Baltimore City

Effective on November 1, 2024, HB814 redefines the conditions and procedures for detaining juveniles, changes the ages for which they can be charged in juvenile court, changes the intake process, and incurs new reporting structures related to juvenile law data.

### Children who are at least 10 years old can be charged with:

1. A crime of violence
2. Wear, carry, transport of a handgun
3. Use of a firearm in a crime of violence
4. Underage possession of a firearm
5. Illegal sale, transport, or disposal of firearms
6. Removal of serial number from a firearm
7. Illegal possession of a rifle
8. Possession of a firearm without a serial number
9. Aggravated animal cruelty
10. Third degree sexual offenses

### Juvenile Arrests – Changes to Juvenile Arrests for Children

Under the new law, Juveniles may be detained if authorized by the Department of Juvenile Services. Children generally may not be detained for misdemeanor offenses unless:

1. The act involved a handgun
2. The child has been adjudicated delinquent twice in the last two years
3. The child was under DJS supervision at the time of the offense
4. The misdemeanor act would carry at least two years of incarceration for an adult (with the exception of second-degree assault)

Those under the age of 13 can only be detained for an act involving a handgun if they have already been adjudicated delinquent for said offense. If a child was already released by DJS into community detention and violates it, DJS may authorize detention of the child.

Law enforcement officers must forward all complaints of children under 13 who are alleged to have committed car theft directly to the Department of Juvenile Services. New law provides that if a child under the age of 13 is charged with a motor vehicle theft, the department must authorize filing a Child In Need of Supervision (CINS) petition. This means that all children under 13 charged with a car theft will have to have their case heard in juvenile court. These cases cannot be dealt with outside of Court anymore.

**GPS Home Monitoring/House Arrest** – DJS now have more strict reporting requirements regarding children who violate electronic monitoring on community detention. They will have to notify the Court, the State's Attorney and the juvenile's attorney of an electronic monitoring violation within 24 hours of it happening.

**Juvenile Intake Process** – DJS now has 15 business days to conduct their intake process, reduced from the previous cap of 25 days. Specifically, the new law requires that they "shall immediately" render their decision as to whether a case belongs in Juvenile court or should be subject to an informal adjustment.

There is a new provision related to cases where **law enforcement officers request detention of a child**. In those cases - **when the intake officer does not authorize detention by law enforcement, the Department of Juvenile Services will need to conduct their intake within two business days**. This aims to bring cases into juvenile court faster when law enforcement wanted to detain a child and were denied by the Department of Juvenile Services.

New laws require that the Department immediately forward a juvenile complaint against a youth already under their supervision to the States Attorney if they believe the case can be handled outside of court by informal adjustment. They also require that DJS automatically forward cases to the States Attorney's Office where an informal was unsuccessful, even if they believe the matter should not go to juvenile court. Additionally, victims, police, or other persons filing juvenile complaints shall be notified electronically of the Department's decision regarding informal adjustments or denial of petitions.

### Changes to the Juvenile Probation Process - Misdemeanor and Felony Probation Periods

Under new law, Juvenile Courts will be able to supervise children on probation for up to one year for a misdemeanor, which effectively doubles the prior limit of six months. Children who violate probation may have their probation extended to a maximum of two years, increased from the prior maximum of one year.

Children adjudicated delinquent of a felony offense may now face up to two years of probation, which can be extended to up to four years if the Court makes specific findings of good cause to extend and that doing so is in the best interests of the child.