

AN ACT CONCERNING

Juveniles - Criminal Arrest, Sentencing, and Enforcement Procedures (Child Arrest Protection Act)

FOR the purpose of establishing protective guidelines in the sentencing process of juveniles, to keep minors out of adult facilities; and prevent physical and emotional harm in arrest procedures through the prohibition of undue force.

BY adding to
Article – Criminal Procedure
Section 6-235
Annotated Code of Maryland

By adding to
Article – Courts and Judicial Proceedings
Section 3-814
Annotated Code of Maryland

SECTION 1. BE IT ENACTED BY THE MARYLAND STUDENT LEGISLATURE, That the Laws of Maryland read as follows:

Article-Criminal Procedure
6-235.

Notwithstanding any other provision of law, when sentencing a minor convicted as an adult, a court:

- (1) may impose a sentence less than the minimum term required under law; ~~and~~
- (2) may not impose a sentence of life imprisonment without the possibility of parole or release; AND,
- (3) MAY NOT PLACE A JUVENILE WHO HAS NOT BEEN CONVICTED OF A CRIME UNDER SEC 4-202 IN AN ADULT FACILITY, UNLESS SUCH JUVENILE
 - (a) HAS BEEN CONVICTED OF A FEDERAL CRIME WITH A RECOMMENDED LIFE SENTENCE; AND
 - (b) HAS REACHED THE AGE OF 17.

SECTION 2. AND LET IT BE FURTHER ENACTED,

Article-Courts and Judicial Proceedings
3–814.

- (a) A child may be taken into custody under this subtitle by any of the following methods:
 - (1) In accordance with an order of the court; or
 - (2) In accordance with § 5-709 of the Family Law Article; or
 - (3) By a law enforcement officer if the officer 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-, PROVIDED THAT THE METHOD OF REMOVAL CAUSES NO FURTHER OR UNDUE HARM.

(b) Whenever a law enforcement officer takes a child into custody under this section, the officer shall:

- (1) Immediately notify the child's parent, guardian, or custodian; and
- (2) Immediately notify the local department; and
- (3) Keep custody only until the local department either takes custody under § 3-815 of this subtitle or authorizes release of the child unless the officer determines that it is safe to return the child to the child's parent, custodian, or guardian.

(c) MINORS MAY NOT BE REMOVED FROM RESIDENCES OR SCHOOLS USING FORCE NECESSARY FOR ADULTS, INCLUDING;

- (1) RESTRAINTS INCLUDING HANDCUFFS, METAL OR PLASTIC,
- (2) JOINT MANIPULATION (PINNING LIMBS DOWN OR BEHIND THE BACK), AND
- (3) LETHAL OR NONLETHAL WEAPONS OR INCLUDING PEPPER SPRAY, HANDHELD TASERS, OR CLUBS

Mandates:

Larry Hogan, Governor of Maryland
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Senator Bill Ferguson, President of the Senate
State House, H-107
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Adrienne A. Jones, Speaker of the House
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