

(2) HAS COMMITTED A DELINQUENT ACT.

REVISOR'S NOTE: This subsection is new language derived without substantive change from former Art. 27, §§ 781(a)(2), 805A(f)(2), and 773(a)(2)(ii).

The defined term "child respondent" is substituted for the former defined term "defendant" to avoid the erroneous implication that a child who is alleged to have committed a delinquent act is involved in a criminal proceeding and to conform to the terminology of Title 11 of the Maryland Rules.

Former Art. 27, §§ 773(a)(2)(i) and 781(a)(1), which defined "defendant" in part to mean a person who is charged with a crime, are deleted as unnecessary because they did not add anything to the ordinary meaning of "defendant".

Defined terms: "Delinquent act" § 11-101

"Person" § 1-101

(C) DELINQUENT ACT.

"DELINQUENT ACT" HAS THE MEANING STATED IN § 3-801 OF THE COURTS ARTICLE.

REVISOR'S NOTE: This subsection is new language added to state expressly what was only implied in the former law – that the term "delinquent act" as used in this title has the meaning stated in § 3-801 of the Courts Article.

(D) PROSECUTING ATTORNEY.

"PROSECUTING ATTORNEY" MEANS:

- (1) THE STATE'S ATTORNEY;
- (2) THE STATE'S ATTORNEY'S DESIGNEE; OR
- (3) WHEN PERFORMING A PROSECUTORIAL FUNCTION AT THE TRIAL LEVEL, THE ATTORNEY GENERAL OR THE ATTORNEY GENERAL'S DESIGNEE.

REVISOR'S NOTE: This subsection is new language derived without substantive change from former Art. 27, § 770(a)(4).

The defined term "prosecuting attorney" is added to provide a comprehensive term encompassing the State's Attorney, the State's Attorney's designee, and the Attorney General or the Attorney General's designee, to avoid ambiguity. Consequently, in the introductory language of this subsection, the reference to "means", which is normally used to introduce an exhaustive list, is substituted for the former reference to "includes", which is normally used to introduce a nonexhaustive list.