

HOUSE BILL 266

E3

6lr1908

By: **Delegates Carter, Anderson, Dumais, and Morales**

Introduced and read first time: January 25, 2016

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Juvenile Court – Jurisdiction**

3 FOR the purpose of repealing the jurisdiction of the juvenile court over a child at least 14
4 years old alleged to have done certain acts and over a child at least 16 years old
5 alleged to have committed certain crimes; and generally relating to the jurisdiction
6 of the juvenile court.

7 BY repealing and reenacting, with amendments,
8 Article – Courts and Judicial Proceedings
9 Section 3–8A–03(d)
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–03.

16 (d) The court does not have jurisdiction over:

17 (1) [A child at least 14 years old alleged to have done an act which, if
18 committed by an adult, would be a crime punishable by life imprisonment, as well as all
19 other charges against the child arising out of the same incident, unless an order removing
20 the proceeding to the court has been filed under § 4–202 of the Criminal Procedure Article;

21 (2)] A child at least 16 years old alleged to have done an act in violation of
22 any provision of the Transportation Article or other traffic law or ordinance, except an act
23 that prescribes a penalty of incarceration;

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 ~~[(3)]~~ (2) A child at least 16 years old alleged to have done an act in
2 violation of any provision of law, rule, or regulation governing the use or operation of a boat,
3 except an act that prescribes a penalty of incarceration;

4 [(4) A child at least 16 years old alleged to have committed any of the
5 following crimes, as well as all other charges against the child arising out of the same
6 incident, unless an order removing the proceeding to the court has been filed under
7 § 4–202 of the Criminal Procedure Article:

8 (i) Abduction;

9 (ii) Kidnapping;

10 (iii) Second degree murder;

11 (iv) Manslaughter, except involuntary manslaughter;

12 (v) Second degree rape;

13 (vi) Robbery under § 3–403 of the Criminal Law Article;

14 (vii) Second degree sexual offense under § 3–306(a)(1) of the Criminal
15 Law Article;

16 (viii) Third degree sexual offense under § 3–307(a)(1) of the Criminal
17 Law Article;

18 (ix) A crime in violation of § 5–133, § 5–134, § 5–138, or § 5–203 of
19 the Public Safety Article;

20 (x) Using, wearing, carrying, or transporting a firearm during and
21 in relation to a drug trafficking crime under § 5–621 of the Criminal Law Article;

22 (xi) Use of a firearm under § 5–622 of the Criminal Law Article;

23 (xii) Carjacking or armed carjacking under § 3–405 of the Criminal
24 Law Article;

25 (xiii) Assault in the first degree under § 3–202 of the Criminal Law
26 Article;

27 (xiv) Attempted murder in the second degree under § 2–206 of the
28 Criminal Law Article;

1 (xv) Attempted rape in the second degree under § 3–310 of the
2 Criminal Law Article or attempted sexual offense in the second degree under § 3–312 of the
3 Criminal Law Article;

4 (xvi) Attempted robbery under § 3–403 of the Criminal Law Article; or

5 (xvii) A violation of § 4–203, § 4–204, § 4–404, or § 4–405 of the
6 Criminal Law Article;]

7 **[(5) (3)** A child who previously has been convicted as an adult of a felony
8 and is subsequently alleged to have committed an act that would be a felony if committed
9 by an adult, unless an order removing the proceeding to the court has been filed under
10 § 4–202 of the Criminal Procedure Article; or

11 **[(6) (4)** A peace order proceeding in which the victim, as defined in
12 § 3–8A–01(cc)(1)(ii) of this subtitle, is a person eligible for relief, as defined in § 4–501 of
13 the Family Law Article.

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