

HOUSE BILL 1428

E3, D1

2lr3376

By: **Delegate Barnes (By Request) and Delegates Frush and Pena-Melnyk**
Introduced and read first time: March 1, 2012
Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Juvenile Court – Jurisdiction – Robbery**

3 FOR the purpose of establishing that a circuit court for a county sitting as the juvenile
4 court does not have jurisdiction over a child at least a certain age alleged to
5 have committed a robbery under a certain provision of law unless a certain
6 order removing the proceeding to juvenile court has been filed; and generally
7 relating to the jurisdiction of a juvenile court in an alleged robbery.

8 BY repealing and reenacting, with amendments,
9 Article – Courts and Judicial Proceedings
10 Section 3–8A–03(d)
11 Annotated Code of Maryland
12 (2006 Replacement Volume and 2011 Supplement)

13 BY repealing and reenacting, without amendments,
14 Article – Criminal Law
15 Section 3–402 and 3–403
16 Annotated Code of Maryland
17 (2002 Volume and 2011 Supplement)

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

20 **Article – Courts and Judicial Proceedings**

21 3–8A–03.

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

23 (1) A child at least 14 years old alleged to have done an act which, if
24 committed by an adult, would be a crime punishable by death or life imprisonment, as

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 well as all other charges against the child arising out of the same incident, unless an
2 order removing the proceeding to the court has been filed under § 4–202 of the
3 Criminal Procedure Article;

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

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

10 (4) A child at least 16 years old alleged to have committed any of the
11 following crimes, as well as all other charges against the child arising out of the same
12 incident, unless an order removing the proceeding to the court has been filed under §
13 4–202 of the Criminal Procedure Article:

14 (i) Abduction;

15 (ii) Kidnapping;

16 (iii) Second degree murder;

17 (iv) Manslaughter, except involuntary manslaughter;

18 (v) Second degree rape;

19 (vi) Robbery under **§ 3–402 OR** § 3–403 of the Criminal Law
20 Article;

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

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

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

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

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

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

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

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

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

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

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

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

16 (6) A peace order proceeding in which the victim, as defined in §
17 3–8A–01(cc)(1)(ii) of this subtitle, is a person eligible for relief, as defined in § 4–501 of
18 the Family Law Article.

19 **Article – Criminal Law**

20 3–402.

21 (a) A person may not commit or attempt to commit robbery.

22 (b) A person who violates this section is guilty of a felony and on conviction is
23 subject to imprisonment not exceeding 15 years.

24 3–403.

25 (a) A person may not commit or attempt to commit robbery under § 3–402 of
26 this subtitle:

27 (1) with a dangerous weapon; or

28 (2) by displaying a written instrument claiming that the person has
29 possession of a dangerous weapon.

30 (b) A person who violates this section is guilty of a felony and on conviction is
31 subject to imprisonment not exceeding 20 years.

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