

Department of Legislative Services  
Maryland General Assembly  
2016 Session

FISCAL AND POLICY NOTE  
First Reader

House Bill 506  
Judiciary

(Delegate Ghrist, *et al.*)

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Juvenile Court Jurisdiction - Excluded Offenses - Natural Resources Violations

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This bill establishes that the juvenile court does not have jurisdiction over a child at least age 16 who is alleged to have done an act in violation of any provision of the Natural Resources Article, except an act that prescribes a penalty of incarceration. The juvenile court has exclusive jurisdiction over all of the charges if a child is charged with two or more violations of a provision of the Natural Resources Article that allegedly arise out of the same incident and which otherwise results in the child being brought forth before the juvenile court and a court exercising criminal jurisdiction.

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Fiscal Summary

**State Effect:** The bill does not materially impact the operations or finances of State law enforcement agencies, the Judiciary, or the Department of Juvenile Services.

**Local Effect:** The bill does not materially impact the workload or expenditures of circuit courts or local law enforcement agencies.

**Small Business Effect:** None.

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Analysis

**Current Law:** Generally, the juvenile court has jurisdiction over any child alleged to be delinquent (committing an offense that would be a crime if committed by an adult) or who has received a citation for a violation. However, the juvenile court does not have jurisdiction over (1) a child at least age 14 alleged to have committed an act which would be a crime punishable by death or life imprisonment; (2) a child at least age 16 alleged to have violated certain traffic or boating laws, unless the acts prescribe a penalty of

incarceration; (3) a child at least age 16 alleged to have committed certain violent crimes; or (4) a child who previously has been convicted as an adult of a felony and is subsequently alleged to have committed an act that would be a felony if committed by an adult. These cases are tried in adult criminal court. However, for items (1), (3), and (4) above, the criminal court may transfer the case back to juvenile court if the court determines from a preponderance of the evidence that transfer is in the interest of the child or society and certain other conditions are met.

If a child is charged with two or more violations of the Maryland Vehicle Law, another traffic law or ordinance, or the State Boat Act, that allegedly arise out of the same incident and which otherwise result in the child being brought forth before the juvenile court and a court exercising criminal jurisdiction (adult criminal court), the juvenile court has exclusive jurisdiction over all the charges.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** Judiciary (Administrative Office of the Courts), Office of the Public Defender, State's Attorneys' Association, Department of Juvenile Services, Department of Natural Resources, Department of Legislative Services

**Fiscal Note History:** First Reader - February 16, 2016  
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