

Chapter 783

(House Bill 1023)

AN ACT concerning

Juvenile Law – Witnesses – Body Attachment

FOR the purpose of authorizing the juvenile court, in a certain case in which jurisdiction is transferred from a court exercising criminal jurisdiction, to issue body attachments for witnesses as provided by a certain Maryland Rule; and generally relating to juvenile law.

BY adding to

Article – Courts and Judicial Proceedings
Section 3–8A–18(f)
Annotated Code of Maryland
(2013 Replacement Volume and 2017 Supplement)

BY repealing and reenacting, without amendments,

Article – Criminal Procedure
Section 4–202(b)
Annotated Code of Maryland
(2008 Replacement Volume and 2017 Supplement)

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

Article – Courts and Judicial Proceedings

3–8A–18.

(F) A COURT MAY ISSUE A BODY ATTACHMENT FOR WITNESSES AS PROVIDED BY MARYLAND RULE 4–267, IF:

(1) THE WITNESS IS AT LEAST 18 YEARS OLD; AND

(2) THE CASE WAS TRANSFERRED TO THE COURT UNDER § 4–202 OF THE CRIMINAL PROCEDURE ARTICLE.

Article – Criminal Procedure

4–202.

(b) Except as provided in subsection (c) of this section, a court exercising criminal jurisdiction in a case involving a child may transfer the case to the juvenile court before

trial or before a plea is entered under Maryland Rule 4-242 if:

(1) the accused child was at least 14 but not 18 years of age when the alleged crime was committed;

(2) the alleged crime is excluded from the jurisdiction of the juvenile court under § 3-8A-03(d)(1), (4), or (5) of the Courts Article; and

(3) the court determines by a preponderance of the evidence that a transfer of its jurisdiction is in the interest of the child or society.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2018.

Approved by the Governor, May 15, 2018.