

HOUSE BILL 250

R3, E2

8lr0622

By: **Delegate Dumais**

Introduced and read first time: January 19, 2018

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Drunk and Drugged Driving – Subsequent Offenders – Concurrent Jurisdiction**

3 FOR the purpose of providing for the concurrent jurisdiction of the District Court and a
4 circuit court in a criminal case in which the person is charged with certain
5 subsequent alcohol– or drug–related driving offenses; making a stylistic change; and
6 generally relating to the concurrent jurisdiction of the District Court and a circuit
7 court in a criminal case in which the person is charged with certain subsequent
8 alcohol– or drug–related driving offenses.

9 BY repealing and reenacting, with amendments,
10 Article – Courts and Judicial Proceedings
11 Section 4–302(d)
12 Annotated Code of Maryland
13 (2013 Replacement Volume and 2017 Supplement)

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

16 **Article – Courts and Judicial Proceedings**

17 4–302.

18 (d) (1) [Except as provided in paragraph (2) of this subsection, the] **THE**
19 jurisdiction of the District Court is concurrent with that of the circuit court in a criminal
20 case:

21 (i) In which, **EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS**
22 **SUBSECTION**, the penalty may be confinement for 3 years or more or a fine of \$2,500 or
23 more; [or]

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (ii) That is a felony, as provided in § 4–301(b)(2), (6), (7), (8), (9), (10),
2 (11), (12), (13), (14), (15), (16), (17), (18), (19), (20), (21), (22), (23), (24), and (25) of this
3 subtitle; **OR**

4 **(III) IN WHICH A PERSON IS CHARGED WITH A SECOND OR**
5 **SUBSEQUENT VIOLATION OF § 21–902 OF THE TRANSPORTATION ARTICLE.**

6 (2) (i) Except as provided in subparagraph (ii) of this paragraph, a
7 circuit court does not have jurisdiction to try a case charging a violation of § 5–601 or §
8 5–620 of the Criminal Law Article.

9 (ii) A circuit court does have jurisdiction to try a case charging a
10 violation of § 5–601 or § 5–620 of the Criminal Law Article if the defendant:

- 11 1. Properly demands a jury trial;
- 12 2. Appeals as provided by law from a final judgment entered
13 in the District Court; or
- 14 3. Is charged with another offense arising out of the same
15 circumstances that is within a circuit court's jurisdiction.

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