

HOUSE BILL 1023

E3

(8lr1159)

ENROLLED BILL

— *Judiciary/Judicial Proceedings* —

Introduced by **Delegates Clippinger, Anderson, Lierman, Rosenberg, and Sydnor**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this

_____ day of _____ at _____ o'clock, _____ M.

Speaker.

CHAPTER _____

1 AN ACT concerning

2 **Juvenile Law – Witnesses – Body Attachment**

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

7 BY adding to

8 Article – Courts and Judicial Proceedings

9 Section 3–8A–18(f)

10 Annotated Code of Maryland

11 (2013 Replacement Volume and 2017 Supplement)

12 BY repealing and reenacting, without amendments,

13 Article – Criminal Procedure

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.

Italics indicate opposite chamber/conference committee amendments.



1 Section 4–202(b)
2 Annotated Code of Maryland
3 (2008 Replacement Volume and 2017 Supplement)

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

6 **Article – Courts and Judicial Proceedings**

7 3–8A–18.

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

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

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

13 **Article – Criminal Procedure**

14 4–202.

15 (b) Except as provided in subsection (c) of this section, a court exercising criminal
16 jurisdiction in a case involving a child may transfer the case to the juvenile court before
17 trial or before a plea is entered under Maryland Rule 4–242 if:

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

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

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

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