

HOUSE BILL 1023

E3

8lr1159
CF SB 861

By: **Delegates Clippinger, Anderson, Lierman, Rosenberg, and Sydnor**

Introduced and read first time: February 7, 2018

Assigned to: Judiciary

Committee Report: Favorable

House action: Adopted

Read second time: March 10, 2018

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

14 Section 4–202(b)

15 Annotated Code of Maryland

16 (2008 Replacement Volume and 2017 Supplement)

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

19 **Article – Courts and Judicial Proceedings**

20 3–8A–18.

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.



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

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

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

6 **Article – Criminal Procedure**

7 4-202.

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

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

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

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

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

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.