

SENATE BILL 863

E3

8lr1770
CF 8lr2259

By: **Senators Kelley, Conway, Currie, Lee, Madaleno, McFadden, Middleton, Muse,
Nathan–Pulliam, Oaks, Smith, and Young**

Introduced and read first time: February 5, 2018

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Juvenile Law – Juvenile Court Jurisdiction**

3 FOR the purpose of expanding the jurisdiction of the juvenile court by altering certain
4 provisions of law that exclude from the jurisdiction of the juvenile court a child of a
5 certain age alleged to have committed any of certain offenses; making certain
6 conforming changes in provisions of law relating to the distinction between an
7 accessory before the fact and a principal in a crime; and generally relating to juvenile
8 law and the jurisdiction of the juvenile court.

9 BY repealing and reenacting, with amendments,
10 Article – Courts and Judicial Proceedings
11 Section 3–8A–03(d)
12 Annotated Code of Maryland
13 (2013 Replacement Volume and 2017 Supplement)

14 BY repealing and reenacting, without amendments,
15 Article – Criminal Procedure
16 Section 4–204(a)
17 Annotated Code of Maryland
18 (2008 Replacement Volume and 2017 Supplement)

19 BY repealing and reenacting, with amendments,
20 Article – Criminal Procedure
21 Section 4–204(b)
22 Annotated Code of Maryland
23 (2008 Replacement Volume and 2017 Supplement)

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



Article – Courts and Judicial Proceedings

3–8A–03.

(d) The court does not have jurisdiction over:

(1) A child at least 14 years old alleged to have done, **AS A PRINCIPAL**, an act which, if committed by an adult, would be a crime punishable by life imprisonment, as well as all other charges against the child arising out of the same incident, unless an order removing the proceeding to the court has been filed under § 4–202 of the Criminal Procedure Article;

(2) A child at least 16 years old alleged to have done an act in violation of any provision of the Transportation Article or other traffic law or ordinance, except an act that prescribes a penalty of incarceration;

(3) A child at least 16 years old alleged to have done an act in violation of any provision of law, rule, or regulation governing the use or operation of a boat, except an act that prescribes a penalty of incarceration;

(4) A child at least 16 years old alleged to have committed, **AS A PRINCIPAL**, any of the following crimes, as well as all other charges against the child arising out of the same incident, unless an order removing the proceeding to the court has been filed under § 4–202 of the Criminal Procedure Article:

(i) Abduction;

(ii) Kidnapping;

(iii) Second degree murder;

(iv) Manslaughter, except involuntary manslaughter;

(v) Second degree rape;

(vi) Robbery under § [3–403] **3–403(A)(1)** of the Criminal Law Article;

(vii) Second degree sexual offense under § 3–306(a)(1) of the Criminal Law Article;

(viii) Third degree sexual offense under § 3–307(a)(1) of the Criminal Law Article;

(ix) A crime in violation of § 5–133, § 5–134, § 5–138, or § 5–203 of the Public Safety Article;

1 (x) Using[, wearing, carrying, or transporting] a firearm during and
2 in relation to a drug trafficking crime under § 5–621 of the Criminal Law Article;

3 (xi) [Use of a firearm under § 5–622 of the Criminal Law Article;

4 (xii)] Carjacking **BY ACTUAL FORCE OR VIOLENCE** or armed
5 carjacking under § 3–405 of the Criminal Law Article;

6 [(xiii)] **(XII)** Assault in the first degree under § 3–202 of the Criminal
7 Law Article;

8 [(xiv) Attempted murder in the second degree under § 2–206 of the
9 Criminal Law Article;

10 (xv) Attempted rape in the second degree under § 3–310 of the
11 Criminal Law Article;

12 (xvi) Attempted robbery under § 3–403 of the Criminal Law Article;]
13 or

14 [(xvii)] **(XIII)** A violation of [§ 4–203,] § 4–204, § 4–404, or §
15 4–405 of the Criminal Law Article;

16 (5) A child who previously has been convicted as an adult of a felony **AS A**
17 **PRINCIPAL** and is subsequently alleged to have committed, **AS A PRINCIPAL**, an act that
18 would be a felony if committed by an adult, unless an order removing the proceeding to the
19 court has been filed under § 4–202 of the Criminal Procedure Article; or

20 (6) A peace order proceeding in which the victim, as defined in §
21 3–8A–01(cc)(1)(ii) of this subtitle, is a person eligible for relief, as defined in § 4–501 of the
22 Family Law Article.

23 Article – Criminal Procedure

24 4–204.

25 (a) In this section, the words “accessory before the fact” and “principal” have their
26 judicially determined meanings.

27 (b) Except for a sentencing proceeding under § 2–304 of the Criminal Law Article
28 **OR AS OTHERWISE PROVIDED IN § 3–8A–03(D)(1), (4), OR (5) OF THE COURTS**
29 **ARTICLE:**

30 (1) the distinction between an accessory before the fact and a principal is
31 abrogated; and

1 (2) an accessory before the fact may be charged, tried, convicted, and
2 sentenced as a principal.

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