

HOUSE BILL 552

D1, E3

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By: **Delegates Atterbeary, Anderson, Attar, Barron, Bartlett, Boyce, Branch, Bridges, Conaway, R. Lewis, Lierman, McIntosh, Mosby, Rosenberg, Shetty, Smith, Wells, and Wilson**

Introduced and read first time: January 27, 2020

Assigned to: Environment and Transportation

A BILL ENTITLED

1 AN ACT concerning

2 **Courts – Juvenile Court – Waiver of Jurisdiction – Victim Impact Statement**

3 FOR the purpose of requiring a court to consider a victim impact statement in determining
4 whether to waive jurisdiction in a juvenile court case under certain circumstances;
5 and generally relating to victim impact statements.

6 BY repealing and reenacting, without amendments,

7 Article – Courts and Judicial Proceedings

8 Section 3–8A–06(a), (b), and (d)

9 Annotated Code of Maryland

10 (2013 Replacement Volume and 2019 Supplement)

11 BY repealing and reenacting, with amendments,

12 Article – Courts and Judicial Proceedings

13 Section 3–8A–06(c)

14 Annotated Code of Maryland

15 (2013 Replacement Volume and 2019 Supplement)

16 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

17 That the Laws of Maryland read as follows:

18 **Article – Courts and Judicial Proceedings**

19 3–8A–06.

20 (a) The court may waive the exclusive jurisdiction conferred by § 3–8A–03 of this
21 subtitle with respect to a petition alleging delinquency by:

22 (1) A child who is 15 years old or older; or

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (2) A child who has not reached his 15th birthday, but who is charged with
2 committing an act which if committed by an adult, would be punishable by life
3 imprisonment.

4 (b) The court may not waive its jurisdiction under this section until after it has
5 conducted a waiver hearing, held prior to an adjudicatory hearing and after notice has been
6 given to all parties as prescribed by the Maryland Rules. The waiver hearing is solely to
7 determine whether the court should waive its jurisdiction.

8 (c) (1) Notice of the waiver hearing shall be given to a victim as provided under
9 § 11–104 of the Criminal Procedure Article.

10 (2) (i) A victim may submit a victim impact statement to the court as
11 provided in § 11–402 of the Criminal Procedure Article.

12 (ii) This paragraph does not preclude a victim who has not filed a
13 notification request form under § 11–104 of the Criminal Procedure Article from submitting
14 a victim impact statement to the court.

15 (iii) The court [may] **SHALL** consider a victim impact statement in
16 determining whether to waive jurisdiction under this section.

17 (d) (1) The court may not waive its jurisdiction under this section unless it
18 determines, from a preponderance of the evidence presented at the hearing, that the child
19 is an unfit subject for juvenile rehabilitative measures.

20 (2) For purposes of determining whether to waive its jurisdiction under
21 this section, the court shall assume that the child committed the delinquent act alleged.

22 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
23 October 1, 2020.