

Maryland Criminal Defense Attorneys' Association



Md Senate – Judicial Proceedings Committee

February 16, 2023

Hearing on SB 93

Juvenile Court - Jurisdiction

MCDAA POSITION: SUPPORT

Brief bill explanation: This bill expands the jurisdiction of the juvenile court to establish original jurisdiction over (1) children age 14 and older who are alleged to have done an act which, if committed by an adult, would be a crime punishable by life imprisonment; (2) children age 16 and older who are alleged to have committed specified crimes; and (3) children who have previously been convicted as an adult of a felony and are subsequently alleged to have committed an act that would be a felony if committed by an adult. The bill repeals existing statutory provisions that (1) govern the potential transfer of such children from (adult) criminal court to the juvenile court (“reverse waiver”) under specified circumstances and (2) designate the acts currently excluded from the juvenile court’s jurisdiction as “reportable offenses” in the Criminal Procedure and Education Articles.

MCDAA’s position: MCDAA sees this legislation as one of the most important and far-reaching bills in the 2023 session. Its implementation would dramatically reduce the time needed to bring resolution to charges against juveniles. Currently, defense attorneys bring THOUSANDS of “reverse waiver” motions each year on behalf of juvenile defendants in order to have the charges heard and resolved in juvenile court instead of adult criminal court. This legislation requires the enumerated charges to begin in juvenile court, thus obviating the need to file such motions, saving time and expense for the courts and the parties, both prosecution and defense.

For additional information or questions regarding this legislation, please contact MCDAA Government Relations Contact John Giannetti 410.300.6393, JohnGiannetti.mcdaa@gmail.com