
By: Delegates Bissett and Harkins

Introduced and read first time: January 16, 1997

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Juvenile Court - Jurisdiction**

3 FOR the purpose of narrowing the original jurisdiction of the juvenile court by lowering
4 the age at which a child alleged to have committed any of a certain list of crimes is
5 not subject to juvenile court jurisdiction; and generally relating to the jurisdiction of
6 the juvenile court.

7 BY repealing and reenacting, with amendments,
8 Article - Courts and Judicial Proceedings
9 Section 3-804
10 Annotated Code of Maryland
11 (1995 Replacement Volume and 1996 Supplement)

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

14 **Article - Courts and Judicial Proceedings**

15 3-804.

16 (a) The court has exclusive original jurisdiction over:

17 (1) A child alleged to be delinquent, in need of supervision, in need of
18 assistance or who has received a citation for a violation; and

19 (2) Except in Montgomery County, with respect to any child who is under
20 the jurisdiction of the juvenile court and previously has been adjudicated a child in need
21 of assistance, all termination of parental rights proceedings and related adoption
22 proceedings.

23 (b) The court has exclusive original jurisdiction over proceedings arising under
24 the Interstate Compact on Juveniles.

25 (c) The court has concurrent jurisdiction over proceedings against an adult for the
26 violation of § 3-831 of this subtitle. However, the court may waive its jurisdiction under
27 this subsection upon its own motion or upon the motion of any party to the proceeding, if
28 charges against the adult arising from the same incident are pending in the criminal court.
29 Upon motion by either the State's Attorney or the adult charged under § 3-831, the court

2

1 shall waive its jurisdiction, and the adult shall be tried in the criminal court according to
2 the usual criminal procedure.

3 (d) The jurisdiction of the court is concurrent with that of the District Court in
4 any criminal case arising under the compulsory public school attendance laws of this
5 State.

6 (e) The court does not have jurisdiction over:

7 (1) A child at least 14 years old alleged to have done an act which, if
8 committed by an adult, would be a crime punishable by death or life imprisonment, as
9 well as all other charges against the child arising out of the same incident, unless an order
10 removing the proceeding to the court has been filed under Article 27, § 594A of the Code;

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

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

17 (4) A child at least [16] 15 years old alleged to have committed any of the
18 following crimes, as well as all other charges against the child arising out of the same
19 incident, unless an order removing the proceeding to the court has been filed under
20 Article 27, § 594A of the Code:

21 (i) Abduction;

22 (ii) Kidnapping;

23 (iii) Second degree murder;

24 (iv) Manslaughter, except involuntary manslaughter;

25 (v) Second degree rape;

26 (vi) Robbery with a dangerous or deadly weapon;

27 (vii) Second degree sexual offense in violation of Article 27, §
28 464A(a)(1) of the Code;

29 (viii) Third degree sexual offense in violation of Article 27, § 464B(a)(1)
30 of the Code;

31 (ix) A crime in violation of Article 27, § 36B, § 373, § 374, § 445, § 446,
32 § 481C, or § 481E of the Code;

33 (x) Using, wearing, carrying, or transporting of firearm during and in
34 relation to a drug trafficking crime in violation of Article 27, § 281A of the Code;

35 (xi) Use of a firearm in violation of Article 27, § 291A of the Code;

36 (xii) Carjacking or armed carjacking in violation of Article 27, § 348A of
37 the Code;

3

1 (xiii) Assault in the first degree in violation of Article 27, § 12A-3 of the
2 Code;

3 (xiv) Attempted murder in the second degree in violation of Article 27,
4 § 411A of the Code;

5 (xv) Attempted rape or attempted sexual offense in the second degree
6 under Article 27, § 464F of the Code; or

7 (xvi) Attempted robbery with a dangerous or deadly weapon under
8 Article 27, § 488 of the Code.

9 (f) If the child is charged with two or more violations of the Maryland Vehicle
10 Law, another traffic law or ordinance, or the State Boat Act, allegedly arising out of the
11 same incident and which would result in the child being brought before both the court
12 and a court exercising criminal jurisdiction, the court has exclusive jurisdiction over all of
13 the charges.

14 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
15 October 1, 1997.