

BY: Judicial Proceedings Committee

AMENDMENTS TO HOUSE BILL NO. 309

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 3, after “of” insert “altering the jurisdiction of the juvenile court; establishing certain exceptions;”; strike beginning with “requiring” in line 7 down through “Repository;” in line 8; and in line 16, after “Section” insert “3-804, 3-806, and”.

AMENDMENT NO. 2

On page 2, after line 18, insert:

“3-804.

(a) The court has exclusive original jurisdiction over:

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

(2) With respect to any child who is under the jurisdiction of the juvenile court and previously has been adjudicated a child in need of assistance, all termination of parental rights proceedings and related adoption proceedings.

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

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

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in the criminal court according to the usual criminal procedure.

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

(e) The court does not have jurisdiction over:

(1) A child at least 14 years old alleged to have done an act which, if committed by an adult, would be a crime punishable by death or 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 Article 27, § 594A of the Code;

(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; [or]

(4) A child at least 16 years old alleged to have committed 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 Article 27, § 594A of the Code:

(i) Abduction;

(ii) Kidnapping;

(iii) Second degree murder;

(iv) Manslaughter, except involuntary manslaughter;

(v) Second degree rape;

(vi) Robbery with a dangerous or deadly weapon;

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

the Code;

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

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

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

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

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

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

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

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

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

(5) THE SUBSEQUENT ACTS OF A CHILD WHO HAS BEEN CONVICTED AS AN ADULT OF A CRIME OTHER THAN:

(I) A VIOLATION OF THE TRANSPORTATION ARTICLE OR OTHER TRAFFIC LAW OR ORDINANCE FOR WHICH A PENALTY OF INCARCERATION IS NOT AUTHORIZED; OR

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(II) A VIOLATION OF ANY LAW GOVERNING THE USE OR OPERATION OF A BOAT FOR WHICH A PENALTY OF INCARCERATION IS NOT AUTHORIZED.

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

3-806.

(a) If the court obtains jurisdiction over a child, that jurisdiction continues until that person reaches 21 years of age unless terminated sooner.

(b) This section does not affect the jurisdiction of other courts over a person who commits an offense after he reaches the age of 18.

(c) Unless otherwise ordered by the court, the court's jurisdiction is terminated over a person who has reached 18 years of age when he is convicted of a crime, including manslaughter by automobile, unauthorized use or occupancy of a motor vehicle, or operating a vehicle while under the influence of intoxicating liquors or drugs, but excluding a conviction for a violation of any other traffic law or ordinance or any provision of the State Boat Act, or the fish and wildlife laws of the State.

(d) FOR ANY SUBSEQUENT CRIMINAL ACT, THE COURT'S JURISDICTION IS TERMINATED OVER A PERSON WHO HAS BEEN CONVICTED AS AN ADULT OF A CRIME OTHER THAN:

(1) A VIOLATION OF THE TRANSPORTATION ARTICLE OR OTHER TRAFFIC LAW OR ORDINANCE FOR WHICH A PENALTY OF INCARCERATION IS NOT AUTHORIZED; OR

(2) A VIOLATION OF ANY LAW GOVERNING THE USE OR OPERATION OF A BOAT FOR WHICH A PENALTY OF INCARCERATION IS NOT AUTHORIZED.

(E) If the court in a child in need of assistance proceeding places a child in the care and custody of a person other than the parent, guardian, or custodian who had custody at the time the petition is filed, the custody order of the court shall continue after the termination of the child in need of assistance proceeding unless:

(1) The custody order is terminated by the court; or

(2) The custody order is modified by an order of any other court with jurisdiction.”.

AMENDMENT NO. 3

On page 5, in lines 22 and 23, strike “OF THE STATE OR OF A POLITICAL SUBDIVISION OF THE STATE”.

AMENDMENT NO. 4

On page 11, after line 3, insert:

“(2) THE SECRETARY OF PUBLIC SAFETY AND CORRECTIONAL SERVICES;”;

after line 8, insert:

“(6) THE ATTORNEY GENERAL;”;

in lines 13 and 15, in each instance, strike “THREE” and substitute “TWO”; in line 20, strike “OF A POLITICAL SUBDIVISION OF THE STATE” and substitute “IN A MAJOR METROPOLITAN AREA”; in line 21, after “COUNTY” insert “IN A MAJOR METROPOLITAN AREA”; in line 23, strike “VICTIM’S” and substitute “VICTIMS”; in lines 25 and 26, strike “WHO IS A RECOGNIZED CHILD ADVOCATE WITH EXPERIENCE IN JUVENILE JUSTICE” and substitute “WITH A BACKGROUND IN CRIMINAL AND JUVENILE JUSTICE WHO IS A RECOGNIZED EXPERT IN THE FIELD”; in line 26, strike “AND”; in line 27, after “A” insert “PERSON FAMILIAR WITH”; in line 28, strike “EXPERT”; in the same line, before the period insert “;”

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(VI) A PERSON WHO IS A RECOGNIZED CHILD ADVOCATE WITH EXPERIENCE IN JUVENILE JUSTICE; AND

(VII) A PERSON WHO IS A RECOGNIZED CIVIL RIGHTS ADVOCATE WITH EXPERIENCE IN JUVENILE JUSTICE”;

and in lines 4, 5, 6, 9, 10, 11, 13, 15, and 17, strike “(2)”, “(3)”, “(4)”, “(5)”, “(6)”, “(7)”, “(8)”, “(9)”, and “(10)”, respectively, and substitute “(3)”, “(4)”, “(5)”, “(7)”, “(8)”, “(9)”, “(10)”, “(11)”, and “(12)”, respectively.

AMENDMENT NO. 5

On page 11, in line 29, strike “THE MEMBERS” and substitute “A MEMBER”; in line 30, strike “A MEMBER OF THEIR” and substitute “AN INDIVIDUAL FROM THE MEMBER’S”; in line 31, in each instance, strike “THEM” and substitute “THE MEMBER”; and in line 32, strike “THEY” and substitute “THE MEMBER”.