

BY: Conference 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;"; in line 16, after "Section" insert "3-804 and"; and in line 21, after "Section" insert "594A(b) and".

On page 2, in line 3, after "Section" insert "594A(a).".

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

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or the adult charged under § 3-831, the court shall waive its jurisdiction, and the adult shall be tried 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) A CHILD WHO PREVIOUSLY HAS BEEN CONVICTED AS AN ADULT OF

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A FELONY AND IS SUBSEQUENTLY ALLEGED TO HAVE COMMITTED AN ACT THAT WOULD BE A FELONY IF COMMITTED BY AN ADULT, UNLESS AN ORDER REMOVING THE PROCEEDING TO THE COURT HAS BEEN FILED UNDER ARTICLE 27, § 594A OF THE CODE.

(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.”.

AMENDMENT NO. 3

On page 6, after line 28, insert:

“594A.

(a) In any case, except as provided in subsection (b), involving a child who has reached 14 years of age but has not reached 18 years of age at the time of any alleged offense excluded under the provisions of [§ 3-804(e)(1) or (4)] § 3-804(E)(1), (4), OR (5) of the Courts and Judicial Proceedings Article, the court exercising jurisdiction may transfer the case to the juvenile court if a waiver is believed to be in the interests of the child or society.

(b) The court may not transfer a case to the juvenile court under subsection (a) if:

(1) The child has previously been waived to juvenile court and adjudicated delinquent;

(2) The child was convicted in another unrelated case excluded from the jurisdiction of the juvenile court under § 3-804(e)(1) or (4) of the Courts and Judicial Proceedings Article; or

(3) The alleged offense is murder in the first degree and the accused child is 16 or 17 at the time the alleged offense was committed.”.

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 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.