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By: **Delegates Vallario and Turner**

Introduced and read first time: January 28, 1998

Assigned to: Judiciary

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A BILL ENTITLED

1 AN ACT concerning

2 **District Court - Criminal Jurisdiction - Child Abduction and Custody**  
3 **Interference**

4 FOR the purpose of granting the District Court jurisdiction over criminal cases in  
5 which a relative is charged with abducting a child to a place outside of this  
6 State, detaining, harboring, or hiding a child outside of this State, or acting as  
7 an accessory to any of these acts; establishing that the jurisdiction of the District  
8 Court is concurrent with the jurisdiction of the circuit court in these cases; and  
9 generally relating to the jurisdiction of the District Court.

10 BY repealing and reenacting, with amendments,  
11 Article - Courts and Judicial Proceedings  
12 Section 4-301(b) and 4-302(a) and (d)(1)  
13 Annotated Code of Maryland  
14 (1995 Replacement Volume and 1997 Supplement)

15 BY repealing and reenacting, without amendments,  
16 Article - Family Law  
17 Section 9-305 and 9-307(b) and (c)  
18 Annotated Code of Maryland  
19 (1991 Replacement Volume and 1997 Supplement)

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

22 **Article - Courts and Judicial Proceedings**

23 4-301.

24 (b) Except as provided in § 4-302 of this subtitle, the District Court also has  
25 exclusive original jurisdiction in a criminal case in which a person at least 18 years  
26 old or a corporation is charged with:

27 (1) Commission of a common-law or statutory misdemeanor regardless  
28 of the amount of money or value of the property involved;

1 (2) Violation of §§ 342 through 344 of Article 27 of the Code, whether a  
2 felony or a misdemeanor;

3 (3) Violation of a county, municipal, or other ordinance, if the violation is  
4 not a felony;

5 (4) Criminal violation of a State, county, or municipal rule or regulation,  
6 if the violation is not a felony;

7 (5) Doing or omitting to do any act made punishable by a fine,  
8 imprisonment, or other penalty as provided by the particular law, ordinance, rule, or  
9 regulation defining the violation if the violation is not a felony;

10 (6) Violation of Article 27, § 141 of this Code, whether a felony or a  
11 misdemeanor;

12 (7) Violation of Article 27, § 145 of this Code, whether a felony or  
13 misdemeanor;

14 (8) Violation of Article 27, § 44 of the Code;

15 (9) Violation of Title 27, Subtitle 4 of the Insurance Article, whether a  
16 felony or a misdemeanor;

17 (10) Violation of § 9-1106 of the Labor and Employment Article;

18 (11) Violation of § 14-1403 of the Commercial Law Article;

19 (12) Violation of Article 27, § 388 of the Code; [or]

20 (13) Violation of Article 27, § 388A of the Code; OR

21 (14) VIOLATION OF § 9-305 OF THE FAMILY LAW ARTICLE.

22 4-302.

23 (a) Except as provided in § 4-301(b)(2), (6), (7), (8), (9), (10), (11), (12), [and]  
24 (13), AND (14) of this subtitle, the District Court does not have jurisdiction to try a  
25 criminal case charging the commission of a felony.

26 (d) (1) Except as provided in paragraph (2) of this subsection, the  
27 jurisdiction of the District Court is concurrent with that of the circuit court in a  
28 criminal case:

29 (i) In which the penalty may be confinement for three years or  
30 more or a fine of \$2,500 or more; or

31 (ii) Which is a felony, as provided in § 4-301(b)(2), (6), (7), (8), (9),  
32 (10), (11), (12), [and] (13), AND (14) of this subtitle.

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**Article - Family Law**

2 9-305.

3 If a child is under the age of 16 years, a relative who knows that another person  
4 is the lawful custodian of the child may not:

5 (1) abduct, take, or carry away the child from the lawful custodian to a  
6 place outside of this State;

7 (2) having acquired lawful possession of the child, detain the child  
8 outside of this State for more than 48 hours after the lawful custodian demands that  
9 the child be returned;

10 (3) harbor or hide the child outside of this State knowing that possession  
11 of the child was obtained by another relative in violation of this section; or

12 (4) act as an accessory to an act prohibited by this section.

13 9-307.

14 (b) If the child is out of the custody of the lawful custodian for not more than  
15 30 days, a person who violates any provision of § 9-305 of this subtitle is guilty of a  
16 felony and on conviction is subject to a fine not exceeding \$250 or imprisonment not  
17 exceeding 30 days, or both.

18 (c) If the child is out of the custody of the lawful custodian for more than 30  
19 days, a person who violates any provision of § 9-305 of this subtitle is guilty of a  
20 felony and on conviction is subject to a fine not exceeding \$1,000 or imprisonment not  
21 exceeding 1 year, or both.

22 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take  
23 effect October 1, 1998.