

SENATE BILL 684

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1998 Regular Session
8lr2516
CF 8lr2107

By: **Senator Haines**
Introduced and read first time: February 12, 1998
Assigned to: Rules
Re-referred to: Judicial Proceedings, February 18, 1998

Committee Report: Favorable with amendments
Senate action: Adopted
Read second time: March 18, 1998

CHAPTER _____

1 AN ACT concerning

2 **Juvenile Court Jurisdiction - Controlled Dangerous Substance Offenses -**
3 **Limitation**

4 FOR the purpose of ~~adding certain controlled dangerous substance offenses to a list of~~
5 ~~offenses over which the juvenile court lacks jurisdiction~~ eliminating the
6 jurisdiction of the juvenile court over certain controlled dangerous substance
7 offenses if committed by a child at least ~~16~~ 17 years old unless a certain order
8 has been filed removing the proceeding to the juvenile court.

9 BY repealing and reenacting, with amendments,
10 Article - Courts and Judicial Proceedings
11 Section 3-804(e)
12 Annotated Code of Maryland
13 (1995 Replacement Volume and 1997 Supplement)

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

16 **Article - Courts and Judicial Proceedings**

17 3-804.

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

19 (1) A child at least 14 years old alleged to have done an act which, if
20 committed by an adult, would be a crime punishable by death or life imprisonment, as
21 well as all other charges against the child arising out of the same incident, unless an

1 order removing the proceeding to the court has been filed under Article 27, § 594A of
2 the Code;

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

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

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

13 (i) Abduction;

14 (ii) Kidnapping;

15 (iii) Second degree murder;

16 (iv) Manslaughter, except involuntary manslaughter;

17 (v) Second degree rape;

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

19 (vii) Second degree sexual offense in violation of Article 27, §
20 464A(a)(1) of the Code;

21 (viii) Third degree sexual offense in violation of Article 27, §
22 464B(a)(1) of the Code;

23 (ix) A crime in violation of Article 27, § 36B, § 373, § 374, § 445, §
24 446, or § 481C of the Code;

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

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

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

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

32 (xiv) Attempted murder in the second degree in violation of Article
33 27, § 411A of the Code;

1 (xv) Attempted rape or attempted sexual offense in the second
2 degree under Article 27, § 464F of the Code; {or}

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

5 ~~(XVII)~~ (5) A CHILD AT LEAST 17 YEARS OLD ALLEGED TO HAVE
6 COMMITTED A CRIME IN VIOLATION OF ARTICLE 27, § 286, § 286A, § 286B, § 286C, OR §
7 286D OF THE CODE, AS WELL AS ALL OTHER CHARGES AGAINST THE CHILD ARISING
8 OUT OF THE SAME INCIDENT, UNLESS AN ORDER REMOVING THE PROCEEDING TO
9 THE COURT HAS BEEN FILED UNDER ARTICLE 27, § 594A OF THE CODE.

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