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By: **Delegate Vallario (Task Force to Examine Maryland's Crime Victims' Rights Laws) and Delegates Amedori, Arnick, R. Baker, W. Baker, Barkley, Barve, Benson, Boschert, Boutin, Bozman, Brinkley, Bronrott, Burns, Cadden, Clagett, Cole, Conroy, Conway, Cryor, DeCarlo, Dembrow, Dewberry, Doory, Dypski, Edwards, Elliott, Finifter, Flanagan, Franchot, Frush, Fulton, Giannetti, Glassman, Goldwater, Hammen, Harrison, Healey, Hecht, Heller, Hixson, Howard, Hubbard, Hubers, Hurson, Hutchins, A. Jones, V. Jones, Kach, K. Kelly, Klausmeier, Klima, Kopp, La Vay, Leopold, Linton, Love, Mandel, McHale, McIntosh, McKee, Menes, Moe, Mohorovic, Morhaim, O'Donnell, Owings, Paige, Parrott, Petzold, Pitkin, Proctor, Rawlings, Redmer, Riley, Rosso, Rudolph, Rzepkowski, Shank, Sher, Shriver, Snodgrass, Stern, Valderrama, Weir, and Wood**

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Assigned to: Judiciary

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Committee Report: Favorable

House action: Adopted

Read second time: March 7, 2000

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CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Victim's Rights - Transfer to Juvenile Court - Definitions**

3 FOR the purpose of altering and expanding certain definitions of victim relating to  
4 transfer of criminal cases to the juvenile court and other rights and procedures  
5 relating to victims; and generally relating to victim's rights.

6 BY repealing and reenacting, with amendments,  
7 Article 27 - Crimes and Punishments  
8 Section 594A and 770(a)(2)  
9 Annotated Code of Maryland  
10 (1996 Replacement Volume and 1999 Supplement)

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

**Article 27 - Crimes and Punishments**

2 594A.

3 (a) In this section, "victim" has the meaning stated in [§ 3-801 of the Courts  
4 Article] § 770 OF THIS ARTICLE.

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

11 (c) The court may not transfer a case to the juvenile court under subsection (b)  
12 of this section if:

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

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

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

20 (d) In making a determination as to waiver of jurisdiction the court shall  
21 consider the following:

22 (1) Age of child;

23 (2) Mental and physical condition of child;

24 (3) The child's amenability to treatment in any institution, facility, or  
25 program available to delinquents;

26 (4) The nature of the alleged offense; and

27 (5) The public safety.

28 (e) For the purpose of making its determination, the court may request that a  
29 study concerning the child, the child's family, the child's environment, and other  
30 matters relevant to the disposition of the case be made.

31 (f) If the jurisdiction is waived, the court may order the person held for trial  
32 under the regular procedures of the juvenile court.

33 (g) The court may order a minor to be held in a juvenile facility pending a  
34 determination under this section to waive jurisdiction over the case involving the  
35 minor to the juvenile court.

1 (h) (1) (i) A victim may submit a victim impact statement to the court as  
2 provided in § 781 of this article.

3 (ii) This paragraph does not preclude a victim who has not filed a  
4 notification request form under § 770 of this article from submitting a victim impact  
5 statement to the court.

6 (iii) The court may consider a victim impact statement in  
7 determining whether to waive jurisdiction under this section.

8 (2) A victim shall be given notice of the waiver hearing as provided under  
9 § 770 of this article.

10 770.

11 (a) (2) (I) "Victim" means an individual who suffers direct or threatened  
12 physical, emotional, or financial harm as a direct result of a crime or delinquent act[,  
13 including a family member or guardian of a minor, incompetent, or homicide victim].

14 (II) "VICTIM" INCLUDES A FAMILY MEMBER OR GUARDIAN OF A  
15 VICTIM WHO IS:

- 16 1. A MINOR;
- 17 2. DECEASED; OR
- 18 3. DISABLED.

19 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
20 October 1, 2000.