

SENATE BILL 606

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2002 Regular Session
2lr2102
CF 2lr2101

By: **Senator Jimeno**
Introduced and read first time: February 1, 2002
Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Juvenile Causes - Children Other than CINAs and Adults - Judges'**
3 **Assignments and Qualifications**

4 FOR the purpose of altering the qualifications of judges assigned to hear certain
5 juvenile cases; requiring certain judges to have certain training and a certain
6 knowledge of certain available resources and services in the juvenile justice
7 system; making certain stylistic changes; and generally relating to the
8 qualifications of judges assigned to hear certain juvenile cases.

9 BY repealing and reenacting, with amendments,
10 Article - Courts and Judicial Proceedings
11 Section 3-806
12 Annotated Code of Maryland
13 (1998 Replacement Volume and 2001 Supplement)
14 (As enacted by Chapter 29 of the Acts of the General Assembly of 2001)

15 BY repealing and reenacting, without amendments,
16 Article - Courts and Judicial Proceedings
17 Section 3-8A-03
18 Annotated Code of Maryland
19 (1998 Replacement Volume and 2001 Supplement)

20 BY repealing and reenacting, with amendments,
21 Article - Courts and Judicial Proceedings
22 Section 3-8A-04
23 Annotated Code of Maryland
24 (1998 Replacement Volume and 2001 Supplement)

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

1 **Article - Courts and Judicial Proceedings**

2 3-806.

3 (a) (1) In every county, one or more judges shall be assigned specially to
4 handle cases arising under this subtitle [and Subtitle 8A of this title].

5 (2) The assignment shall be made by the circuit administrative judge,
6 subject to the approval of the Chief Judge of the Court of Appeals.

7 (3) The judges so assigned are not subject to an automatic regular
8 rotation.

9 (b) To the extent feasible, the judges assigned under this section shall:

10 (1) Desire to be so assigned;

11 (2) Have the temperament necessary to deal properly with the cases and
12 children likely to come before the court; and

13 (3) Have special experience or training in juvenile causes and the
14 problems of children likely to come before the court.

15 3-8A-03.

16 (a) In addition to the jurisdiction specified in Subtitle 8 of this title, the court
17 has exclusive original jurisdiction over:

18 (1) A child who is alleged to be delinquent or in need of supervision or
19 who has received a citation for a violation;

20 (2) Except as provided in subsection (d)(6) of this section, a peace order
21 proceeding in which the respondent is a child; and

22 (3) Proceedings arising under the Interstate Compact on Juveniles.

23 (b) The court has concurrent jurisdiction over proceedings against an adult for
24 the violation of § 3-8A-30 of this subtitle. However, the court may waive its
25 jurisdiction under this subsection upon its own motion or upon the motion of any
26 party to the proceeding, if charges against the adult arising from the same incident
27 are pending in the criminal court. Upon motion by either the State's Attorney or the
28 adult charged under § 3-8A-30 of this subtitle, the court shall waive its jurisdiction,
29 and the adult shall be tried in the criminal court according to the usual criminal
30 procedure.

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

34 (d) The court does not have jurisdiction over:

1 (1) A child at least 14 years old alleged to have done an act which, if
2 committed by an adult, would be a crime punishable by death or life imprisonment, as
3 well as all other charges against the child arising out of the same incident, unless an
4 order removing the proceeding to the court has been filed under § 4-202 of the
5 Criminal Procedure Article;

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

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

12 (4) A child at least 16 years old alleged to have committed any of the
13 following crimes, as well as all other charges against the child arising out of the same
14 incident, unless an order removing the proceeding to the court has been filed under §
15 4-202 of the Criminal Procedure Article:

16 (i) Abduction;

17 (ii) Kidnapping;

18 (iii) Second degree murder;

19 (iv) Manslaughter, except involuntary manslaughter;

20 (v) Second degree rape;

21 (vi) Robbery under Article 27, § 487 of the Code;

22 (vii) Second degree sexual offense in violation of Article 27, §
23 464A(a)(1) of the Code;

24 (viii) Third degree sexual offense in violation of Article 27, §
25 464B(a)(1) of the Code;

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

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

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

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

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

1 (xiv) Attempted murder in the second degree in violation of Article
2 27, § 411A of the Code;

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

5 (xvi) Attempted robbery under Article 27, § 487 of the Code;

6 (5) A child who previously has been convicted as an adult of a felony and
7 is subsequently alleged to have committed an act that would be a felony if committed
8 by an adult, unless an order removing the proceeding to the court has been filed
9 under § 4-202 of the Criminal Procedure Article; or

10 (6) A peace order proceeding in which the victim, as defined in §
11 3-8A-01(v)(1)(ii) of this subtitle, is a person eligible for relief, as defined in § 4-501 of
12 the Family Law Article.

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

18 3-8A-04.

19 (A) The provisions of §§ [3-806, 3-807,] 3-807 and 3-829 of this title govern
20 judges, masters, and local juvenile court committees under this subtitle.

21 (B) (1) IN EACH COUNTY, ONE OR MORE JUDGES SHALL BE ASSIGNED
22 SPECIALLY TO HANDLE CASES ARISING UNDER THIS SUBTITLE.

23 (2) SUBJECT TO THE APPROVAL OF THE CHIEF JUDGE OF THE COURT OF
24 APPEALS, THE CIRCUIT ADMINISTRATIVE JUDGE SHALL MAKE THE ASSIGNMENT.

25 (3) EACH JUDGE ASSIGNED UNDER THIS SECTION IS NOT SUBJECT TO
26 AN AUTOMATIC REGULAR ROTATION.

27 (C) TO THE EXTENT FEASIBLE, A CIRCUIT ADMINISTRATIVE JUDGE SHALL
28 ASSIGN A JUDGE UNDER THIS SECTION WHO HAS THE DESIRE TO BE ASSIGNED AND
29 THE TEMPERAMENT NECESSARY TO DEAL PROPERLY WITH THE CASES AND
30 CHILDREN LIKELY TO COME BEFORE THE COURT.

31 (D) BEFORE BEING ASSIGNED TO HEAR A JUVENILE CASE UNDER THIS
32 SUBTITLE, A JUDGE SHALL HAVE:

33 (1) UPDATED TRAINING IN JUVENILE CASES AND THE PROBLEMS OF
34 CHILDREN LIKELY TO COME BEFORE THE COURT; AND

35 (2) A CURRENT WORKING KNOWLEDGE OF THE RESOURCES AND
36 SERVICES AVAILABLE IN THE JUVENILE JUSTICE SYSTEM.

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
2 October 1, 2002.