Unofficial Copy E3 HB 608/02 - JUD 2003 Regular Session 3lr0783

By: Delegates Marriott, Benson, Carter, Gutierrez, Hubbard, Kirk, Lee, and Menes

Introduced and read first time: February 6, 2003

Assigned to: Judiciary

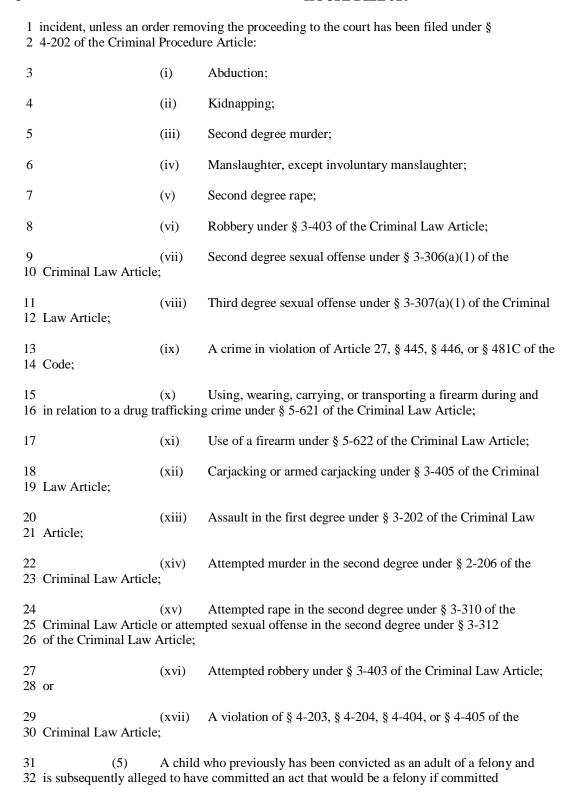
A BILL ENTITLED

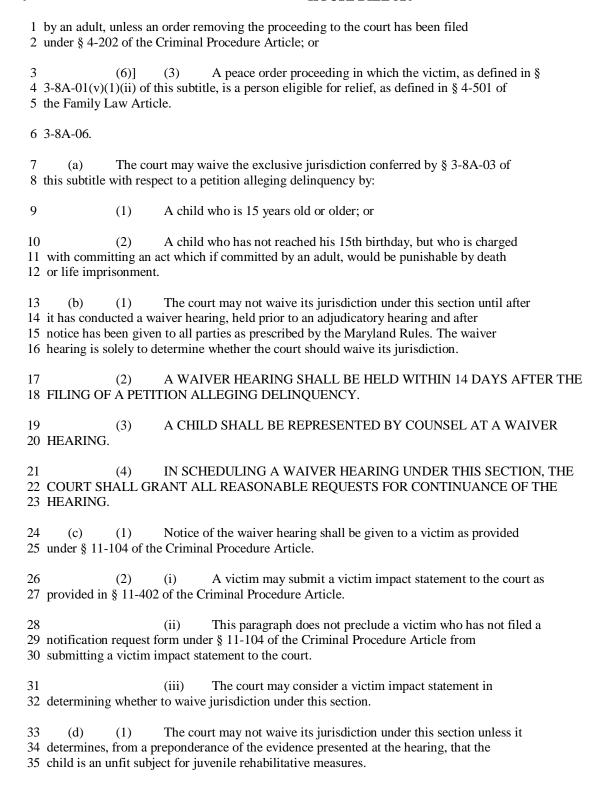
1 AN ACT concerning

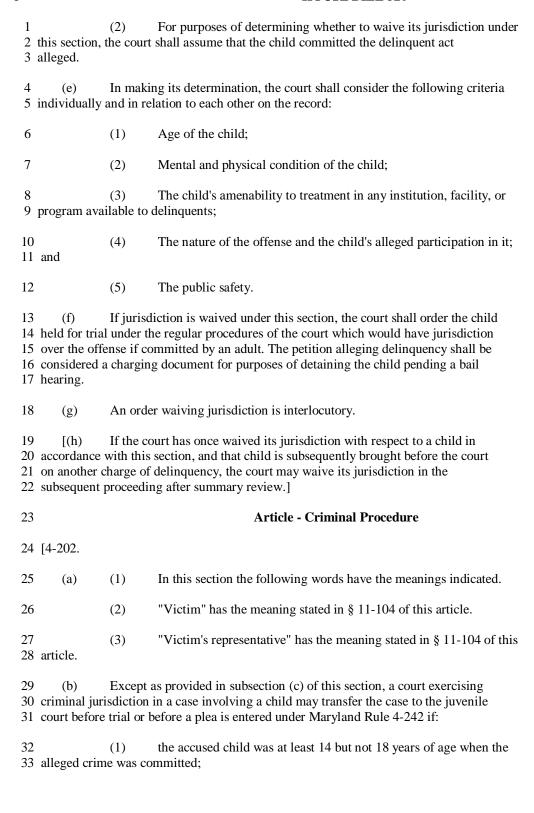
2 Juvenile Court - Expansion of Jurisdiction

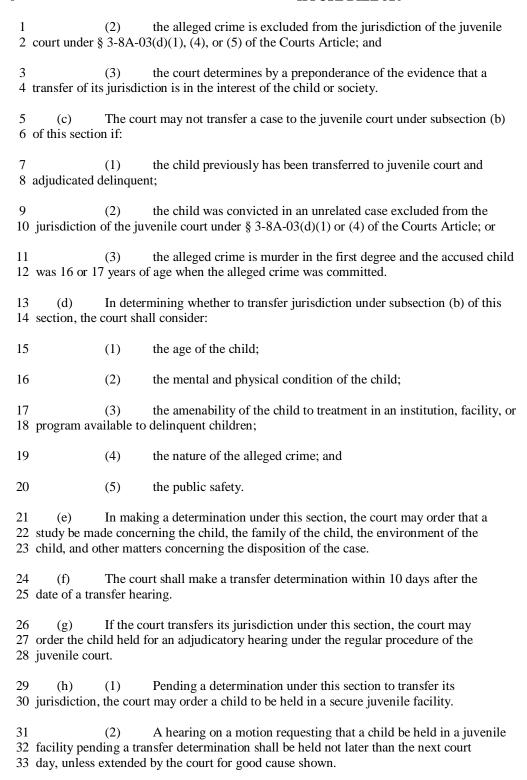
- 3 FOR the purpose of expanding the exclusive jurisdiction of the juvenile court to
- 4 include proceedings involving certain children alleged to have committed certain
- 5 acts; requiring a hearing to waive jurisdiction of the juvenile court to be held
- 6 within a certain time period; requiring a child to be represented by counsel at a
- 7 certain hearing; requiring the court to grant certain continuances; repealing
- 8 provisions of law authorizing a juvenile court exercising jurisdiction over a child
- 9 to waive its jurisdiction after summary review under certain circumstances;
- 10 repealing provisions of law authorizing a court exercising criminal jurisdiction
- to transfer jurisdiction to the juvenile court under certain circumstances;
- repealing provisions of law prohibiting a court exercising criminal jurisdiction
- from transferring jurisdiction to the juvenile court under certain circumstances;
- making certain conforming changes; providing for the application of this Act;
- and generally relating to the jurisdiction of the juvenile court.
- 16 BY repealing and reenacting, with amendments,
- 17 Article Courts and Judicial Proceedings
- 18 Section 3-8A-03(d) and 3-8A-06
- 19 Annotated Code of Maryland
- 20 (2002 Replacement Volume)
- 21 BY repealing
- 22 Article Criminal Procedure
- 23 Section 4-202
- 24 Annotated Code of Maryland
- 25 (2001 Volume and 2002 Supplement)
- 26 BY repealing and reenacting, with amendments,
- 27 Article Criminal Procedure
- 28 Section 10-215(a)(21) and 10-216(e)(1)
- 29 Annotated Code of Maryland

1 (2001 Volume and 2002 Supplement) 2 BY repealing and reenacting, without amendments, Article - Education 3 4 Section 7-303(a)(1) 5 Annotated Code of Maryland (2001 Replacement Volume and 2002 Supplement) 6 7 BY repealing and reenacting, with amendments, Article - Education 8 9 Section 7-303(a)(5)(ii) Annotated Code of Maryland 10 (2001 Replacement Volume and 2002 Supplement) 11 12 BY renumbering 13 Article - Criminal Procedure 14 Section 4-202.1 and 4-202.2, respectively, to be Section 4-202 and 4-202.1, respectively 15 16 Annotated Code of Maryland 17 (2001 Volume and 2002 Supplement) 18 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF 19 MARYLAND, That the Laws of Maryland read as follows: 20 **Article - Courts and Judicial Proceedings** 21 3-8A-03. 22 (d) The court does not have jurisdiction over: 23 [A child at least 14 years old alleged to have done an act which, if 24 committed by an adult, would be a crime punishable by death or life imprisonment, as 25 well as all other charges against the child arising out of the same incident, unless an 26 order removing the proceeding to the court has been filed under § 4-202 of the 27 Criminal Procedure Article; A child at least 16 years old alleged to have done an act in violation of 28 29 any provision of the Transportation Article or other traffic law or ordinance, except an 30 act that prescribes a penalty of incarceration; 31 A child at least 16 years old alleged to have done an act in [(3)]32 violation of any provision of law, rule, or regulation governing the use or operation of 33 a boat, except an act that prescribes a penalty of incarceration; OR A child at least 16 years old alleged to have committed any of the 34 [(4)]35 following crimes, as well as all other charges against the child arising out of the same









1 2	(i) (1) A victim or victim's representative shall be given notice of the transfer hearing as provided under § 11-104 of this article.						
3	(2) (i) A victim or a victim's representative may submit a victim impact statement to the court as provided in § 11-402 of this article.						
	(ii) This paragraph does not preclude a victim or victim's representative who has not filed a notification request form under § 11-104 of this article from submitting a victim impact statement to the court.						
8 9	(iii) The court shall consider a victim impact statement in determining whether to transfer jurisdiction under this section.						
12 13 14	(j) At a bail review or preliminary hearing before the District Court involving a child whose case is eligible for transfer under subsection (b) of this section, the District Court may order that a study be made under the provisions of subsection (e) of this section, or that the child be held in a secure juvenile facility under the provisions of subsection (h) of this section, regardless of whether the District Court has criminal jurisdiction over the case.]						
16	10-215.						
17 18	7 (a) The following events are reportable events under this subtitle that must be 8 reported to the Central Repository in accordance with § 10-214 of this subtitle:						
19	(21) an adjudication of a child as delinquent:						
22	(i) if the child is at least 14 years old, for an act [described in § 3-8A-03(d)(1) of the Courts Article; or] WHICH, IF COMMITTED BY AN ADULT, WOULD BE A CRIME PUNISHABLE BY DEATH, LIFE IMPRISONMENT, OR LIFE IMPRISONMENT WITHOUT THE POSSIBILITY OF PAROLE;						
	(ii) if the child is at least 16 years old, for an act [described in § 3-8A-03(d)(4) or (5) of the Courts Article] WHICH, IF COMMITTED BY AN ADULT, WOULD CONSTITUTE ANY OF THE FOLLOWING CRIMES:						
27	1. ABDUCTION;						
28	2. KIDNAPPING;						
29	3. SECOND DEGREE MURDER;						
30 31	4. MANSLAUGHTER, EXCEPT INVOLUNTARY MANSLAUGHTER;						
32	5. SECOND DEGREE RAPE;						
33	6. ROBBERY UNDER § 3-403 OF THE CRIMINAL LAW ARTICLE						
34 35	7. SECOND DEGREE SEXUAL OFFENSE UNDER § 3-306(A)(1) OF THE CRIMINAL LAW ARTICLE:						

2	8. THIRD DEGREE SEXUAL OFFENSE UNDER § 3-307(A)(1) OF THE CRIMINAL LAW ARTICLE;
	9. A CRIME IN VIOLATION OF ARTICLE 27, § 445, § 446, OR § 481C OF THE CODE OR § 4-203, § 4-204, § 4-404, OR § 4-405 OF THE CRIMINAL LAW ARTICLE;
	10. USING, WEARING, CARRYING, OR TRANSPORTING A FIREARM DURING AND IN RELATION TO A DRUG TRAFFICKING CRIME UNDER § 5-621 OF THE CRIMINAL LAW ARTICLE;
9 10	11. USE OF A FIREARM UNDER § 5-622 OF THE CRIMINAL LAW ARTICLE;
11 12	12. CARJACKING OR ARMED CARJACKING UNDER § 3-405 OF THE CRIMINAL LAW ARTICLE;
13 14	13. ASSAULT IN THE FIRST DEGREE UNDER § 3-202 OF THE CRIMINAL LAW ARTICLE;
15 16	14. ATTEMPTED MURDER IN THE SECOND DEGREE UNDER § 2-206 OF THE CRIMINAL LAW ARTICLE;
	15. ATTEMPTED RAPE IN THE SECOND DEGREE UNDER § 3-310 OF THE CRIMINAL LAW ARTICLE OR ATTEMPTED SEXUAL OFFENSE IN THE SECOND DEGREE UNDER § 3-312 OF THE CRIMINAL LAW ARTICLE; OR
20 21	16. ATTEMPTED ROBBERY UNDER § 3-403 OF THE CRIMINAL LAW ARTICLE; AND
	(III) IF THE CHILD IS AT LEAST 16 YEARS OLD AND HAS BEEN PREVIOUSLY CONVICTED AS AN ADULT OF A FELONY, FOR AN ACT THAT WOULD BE A FELONY IF COMMITTED BY AN ADULT;
25	10-216.
26 27	(e) (1) This subsection only applies to an adjudication of delinquency of a child:
30	(i) [for an act described in § 3-8A-03(d)(1) of the Courts Article] if the child is at least 14 years old FOR AN ACT WHICH, IF COMMITTED BY AN ADULT, WOULD BE A CRIME PUNISHABLE BY DEATH, LIFE IMPRISONMENT, OR LIFE IMPRISONMENT WITHOUT THE POSSIBILITY OF PAROLE; [or]
	(ii) [for an act described in § 3-8A-03(d)(4) or (5) of the Courts Article] if the child is at least 16 years old FOR AN ACT WHICH, IF COMMITTED BY AN ADULT, WOULD CONSTITUTE ANY OF THE FOLLOWING CRIMES:
35	1. ABDUCTION;
36	2. KIDNAPPING;

1		3.	SECOND DEGREE MURDER;
2 3	MANSLAUGHTER;	4.	MANSLAUGHTER, EXCEPT INVOLUNTARY
4		5.	SECOND DEGREE RAPE;
5		6.	ROBBERY UNDER § 3-403 OF THE CRIMINAL LAW ARTICLE;
6 7	OF THE CRIMINAL LAW A	7. RTICLE;	SECOND DEGREE SEXUAL OFFENSE UNDER § 3-306(A)(1)
8 9	THE CRIMINAL LAW ART	8. ICLE;	THIRD DEGREE SEXUAL OFFENSE UNDER § 3-307(A)(1) OF
	481C OF THE CODE OR § 4 ARTICLE;	9. 1-203, § 4	A CRIME IN VIOLATION OF ARTICLE 27, § 445, § 446, OR § -204, § 4-404, OR § 4-405 OF THE CRIMINAL LAW
	FIREARM DURING AND II OF THE CRIMINAL LAW A		USING, WEARING, CARRYING, OR TRANSPORTING A TON TO A DRUG TRAFFICKING CRIME UNDER § 5-621 ;
16 17	ARTICLE;	11.	USE OF A FIREARM UNDER § 5-622 OF THE CRIMINAL LAW
18 19	THE CRIMINAL LAW ART	12. TICLE;	CARJACKING OR ARMED CARJACKING UNDER § 3-405 OF
20 21	CRIMINAL LAW ARTICLE	13.	ASSAULT IN THE FIRST DEGREE UNDER § 3-202 OF THE
22 23	2-206 OF THE CRIMINAL I	14. LAW AR	ATTEMPTED MURDER IN THE SECOND DEGREE UNDER § FICLE;
			ATTEMPTED RAPE IN THE SECOND DEGREE UNDER § 3-310 OR ATTEMPTED SEXUAL OFFENSE IN THE SECOND RIMINAL LAW ARTICLE; OR
27 28	LAW ARTICLE; AND	16.	ATTEMPTED ROBBERY UNDER § 3-403 OF THE CRIMINAL
	(III) PREVIOUSLY CONVICTED FELONY IF COMMITTED	O AS AN	CHILD IS AT LEAST 16 YEARS OLD AND HAS BEEN ADULT OF A FELONY, FOR AN ACT THAT WOULD BE A DULT.
32			Article - Education
33	7-303.		
34	(a) (1) In this s	section the	e following words have the meanings indicated.

1	(5) "Reportab	ole offen	se" means:
2 3	(ii) A 3-8A-03(d)(4) of the Courts Arti		ne FOLLOWING offenses [enumerated in §
4	1	1.	ABDUCTION;
5	2	2.	KIDNAPPING;
6	3	3.	SECOND DEGREE MURDER;
7 8	MANSLAUGHTER;	1.	MANSLAUGHTER, EXCEPT INVOLUNTARY
9	5	5.	SECOND DEGREE RAPE;
10	6	5.	ROBBERY UNDER § 3-403 OF THE CRIMINAL LAW ARTICLE;
11 12	7 OF THE CRIMINAL LAW AR		SECOND DEGREE SEXUAL OFFENSE UNDER § 3-306(A)(1)
13 14	8 THE CRIMINAL LAW ARTIC		THIRD DEGREE SEXUAL OFFENSE UNDER § 3-307(A)(1) OF
	-		A CRIME IN VIOLATION OF ARTICLE 27, § 445, § 446, OR § 204, § 4-404, OR § 4-405 OF THE CRIMINAL LAW
		RELATI	USING, WEARING, CARRYING, OR TRANSPORTING A ION TO A DRUG TRAFFICKING CRIME UNDER § 5-621
21 22	ARTICLE;	1.	USE OF A FIREARM UNDER § 5-622 OF THE CRIMINAL LAW
23 24	THE CRIMINAL LAW ARTIC		CARJACKING OR ARMED CARJACKING UNDER § 3-405 OF
25 26	CRIMINAL LAW ARTICLE;	13.	ASSAULT IN THE FIRST DEGREE UNDER § 3-202 OF THE
27 28	1 2-206 OF THE CRIMINAL LA		ATTEMPTED MURDER IN THE SECOND DEGREE UNDER § TICLE;
		TICLE	ATTEMPTED RAPE IN THE SECOND DEGREE UNDER § 3-310 OR ATTEMPTED SEXUAL OFFENSE IN THE SECOND RIMINAL LAW ARTICLE; OR
32 33	LAW ARTICLE;	16.	ATTEMPTED ROBBERY UNDER § 3-403 OF THE CRIMINAL

- 1 SECTION 2. AND BE IT FURTHER ENACTED, That Section(s) 4-202.1 and
- 2 4-202.2, respectively, of Article Criminal Procedure of the Annotated Code of
- 3 Maryland be renumbered to be Section(s) 4-202 and 4-202.1, respectively.
- 4 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall be
- 5 construed to apply only prospectively and may not be applied or interpreted to have
- 6 any effect on or application to any case filed before the effective date of this Act.
- 7 SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect
- 8 October 1, 2003.