Unofficial Copy D4 2003 Regular Session 3lr0757 CF 3lr0756

By: Chairman, Judicial Proceedings Committee (Maryland Judicial Conference)				
ntroduc	eed and read first time: January 31, 2003			
Assigned to: Judicial Proceedings				
	tee Report: Favorable			
Senate action: Adopted				
Read se	cond time: March 6, 2003			
	CHAPTER			
1 437	A CITE			
I AN	ACT concerning			
2	Family Law - Desertion and Nonsupport of Child - Jurisdiction,			
3	Enforcement, and Penalties			
4 FOI 5 6 7 8 9 10 11 12 13 14 15 16	R the purpose of granting a circuit court exclusive original jurisdiction over desertion of a minor child, willful nonsupport of a minor child, and constructive criminal contempt for a violation of a child support provision of a court order; eliminating the right to a jury trial under certain circumstances; altering certain penalties for willful nonsupport of a minor child; requiring certain notice of an intent to prosecute an individual as a subsequent offender; specifying certain penalties for constructive criminal contempt for a violation of a child support provision of a court order; making certain provisions relating to the authority of a court to place an individual on probation under certain circumstances and provisions relating to the collection of support during incarceration applicable to certain constructive criminal contempt cases; providing for the application of this Act; and generally relating to child support and desertion.			
17 BY 18 19 20 21 22	Trenumbering Article - Family Law Section 10-204, 10-205, 10-206, 10-207, 10-208, and 10-209, respectively to be Section 10-205, 10-206, 10-207, 10-208, 10-209, and 10-210, respectively Annotated Code of Maryland (1999 Replacement Volume and 2002 Supplement)			

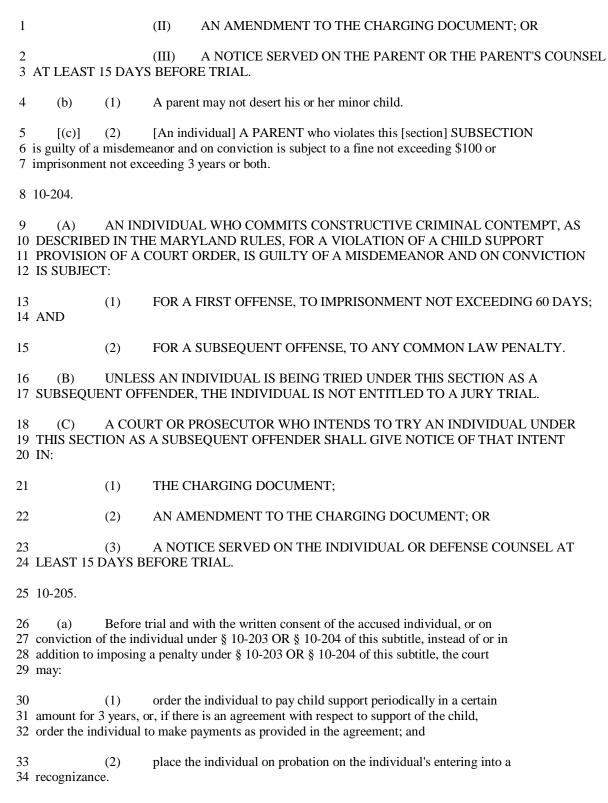
23 BY repealing and reenacting, with amendments,
 24 Article - Courts and Judicial Proceedings

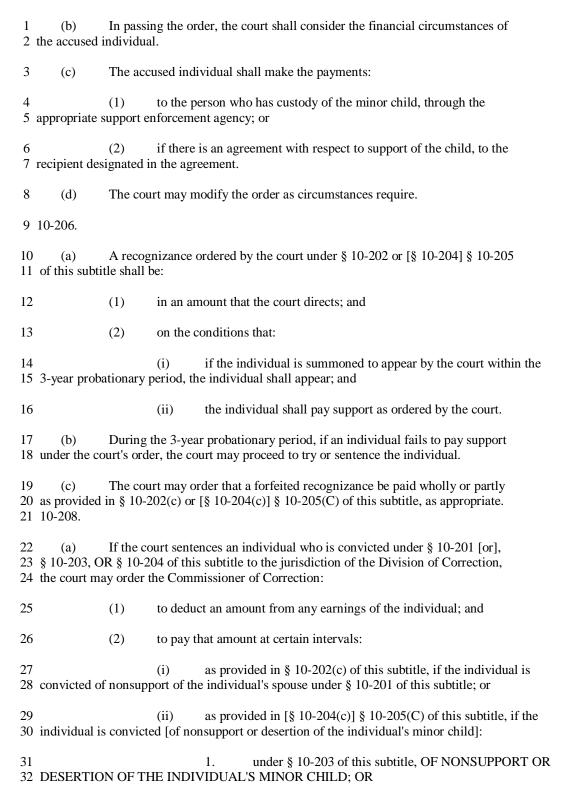
- **SENATE BILL 265** 1 Section 4-302(f) Annotated Code of Maryland 2 3 (2002 Replacement Volume) 4 BY repealing and reenacting, with amendments, 5 Article - Criminal Procedure Section 6-101 6 7 Annotated Code of Maryland 8 (2001 Volume and 2002 Supplement) 9 BY repealing and reenacting, with amendments, Article - Family Law 10 Section 10-203 and 10-215(b) 11 Annotated Code of Maryland 12 (1999 Replacement Volume and 2002 Supplement) 13 14 BY repealing and reenacting, with amendments, Article - Family Law 15 16 Section 10-205, 10-206, and 10-208 17 Annotated Code of Maryland (1999 Replacement Volume and 2002 Supplement) 18 19 (As enacted by Section 1 of this Act) 20 BY adding to Article - Family Law 21 Section 10-204 22 23 Annotated Code of Maryland 24 (1999 Replacement Volume and 2002 Supplement) SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF 25 26 MARYLAND, That Section(s) 10-204, 10-205, 10-206, 10-207, 10-208, and 10-209, 27 respectively, of Article - Family Law of the Annotated Code of Maryland be 28 renumbered to be Section(s) 10-205, 10-206, 10-207, 10-208, 10-209, and 10-210, 29 respectively. 30 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland 31 read as follows:
- 32 Article Courts and Judicial Proceedings
- 33 4-302.
- 34 (f) (1) Except as provided in Title 4, Subtitle 5 of the Family Law Article,
- 35 the District Court does not have jurisdiction of an offense otherwise within the
- 36 District Court's jurisdiction if a person is charged:

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1 2	not within the District	(i) Court's j	With another offense arising out of the same circumstances but urisdiction; [or]		
			In the circuit court with an offense arising out of the same oncurrent jurisdictions of the District Court and the absection (d) of this section; OR		
6		(III)	UNDER § 10-203 OR § 10-204 OF THE FAMILY LAW ARTICLE.		
7 8	(2) In the cases described under paragraph (1) of this subsection, the circuit court for the county has exclusive original jurisdiction over all the offenses.				
9			Article - Criminal Procedure		
10	6-101.				
11 12	1 (A) In a criminal case tried in a court of general jurisdiction, there is [no] A 2 right to a jury trial [unless] ONLY IF:				
13	(1)	the crim	e charged is subject to a penalty of imprisonment; or		
14	(2)	there is	a constitutional right to a jury trial for the crime.		
	(B) NOTWITHSTANDING SUBSECTION (A) OF THIS SECTION, THERE IS NO RIGHT TO A JURY TRIAL IF A PERSON IS CHARGED UNDER § 10-203(A) OR § 10-204(A) OF THE FAMILY LAW ARTICLE FOR A FIRST OFFENSE.				
18			Article - Family Law		
19	10-203.				
20 21	(a) (1) minor child.	A paren	t may not willfully fail to provide for the support of his or her		
22 23			ENT WHO VIOLATES THIS SUBSECTION IS GUILTY OF A CONVICTION IS SUBJECT:		
24 25	DAYS; AND	(I)	FOR A FIRST OFFENSE, TO IMPRISONMENT NOT EXCEEDING 60		
26 27		(II) T NOT I	FOR A SUBSEQUENT OFFENSE, TO A FINE NOT EXCEEDING \$100 EXCEEDING 3 YEARS OR BOTH.		
28 29	` /		S A PARENT IS BEING TRIED UNDER THIS SUBSECTION AS A THE PARENT IS NOT ENTITLED TO A JURY TRIAL.		
30 31			ECUTOR WHO INTENDS TO TRY A PARENT UNDER THIS QUENT OFFENDER SHALL GIVE NOTICE OF THAT INTENT IN:		
32		(I)	THE CHARGING DOCUMENT;		

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- 1 2. UNDER § 10-204 OF THIS SUBTITLE, OF CONSTRUCTIVE
- 2 CRIMINAL CONTEMPT.
- 3 (b) During the defendant's imprisonment, the court may modify or revoke the 4 order.
- 5 10-215.
- 6 (b) After an information is filed and before trial, the court, with the written
- 7 consent of the accused individual, may pass an order under $\ 10\ -202$ or $[\ 10\ -204]\ \$
- 8 10-205 of this subtitle.
- 9 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall apply only
- 10 to cases filed on or after the effective date of this Act.
- SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect
- 12 October 1, 2003.