

Department of Legislative Services
Maryland General Assembly
2004 Session

FISCAL AND POLICY NOTE

House Bill 266
Judiciary

(Delegate Sossi, *et al.*)

Juvenile Causes - Repeat Sexual Offender - Child Tried as an Adult

This bill provides that if an individual at least 14 years old is charged with a third degree or higher sexual offense, the individual shall be tried as an adult if the individual either: (1) has previously been convicted as an adult of a third degree or higher sexual offense; or (2) was adjudicated delinquent when at least 14 years old for committing an act that would be a third degree or higher sexual offense if committed by an adult, unless the court with criminal jurisdiction transfers the individual to juvenile court. Covered crimes include first and second degree rape and first, second, and third degree sexual offenses.

Fiscal Summary

State Effect: Potential minimal effect on incarceration and detention costs.

Local Effect: Potential minimal increase in incarceration costs.

Small Business Effect: None.

Analysis

Current Law: Juvenile court is a division of the circuit court. Unless otherwise provided by statute, juvenile courts have jurisdiction over actions by children, who are defined for this purpose as individuals under the age of 18 years.

Juvenile court does not have jurisdiction over a child at least 14 years old alleged to have done an act that, if committed by an adult, would be a crime punishable by death or life imprisonment. This includes first degree rape and first degree sexual offenses.

Current law also excludes from juvenile court jurisdiction children at least 16 years of age alleged to have committed a second degree rape or second or third degree sexual offense. The bill lowers this age to 14.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): State's Attorneys' Association, Department of Juvenile Services, Judiciary (Administrative Office of the Courts), Department of Public Safety and Correctional Services, Department of Legislative Services

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lc/jr

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