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By: **Delegates Kelley, Benson, Conroy, D. Davis, Dumais, Frush, Gaines,  
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Introduced and read first time: February 10, 2006

Assigned to: Judiciary

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A BILL ENTITLED

1 AN ACT concerning

2 **Juvenile Law - Juvenile Court Jurisdiction - Motor Vehicle Theft**

3 FOR the purpose of excluding from the jurisdiction of the juvenile court a certain  
4 child alleged to have committed motor vehicle theft, except under certain  
5 circumstances; providing for the application of this Act; and generally relating to  
6 the jurisdiction of the juvenile court.

7 BY repealing and reenacting, with amendments,  
8 Article - Courts and Judicial Proceedings  
9 Section 3-8A-03  
10 Annotated Code of Maryland  
11 (2002 Replacement Volume and 2005 Supplement)

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

14 **Article - Courts and Judicial Proceedings**

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

1 jurisdiction under this subsection upon its own motion or upon the motion of any  
2 party to the proceeding, if charges against the adult arising from the same incident  
3 are pending in the criminal court. Upon motion by either the State's Attorney or the  
4 adult charged under § 3-8A-30 of this subtitle, the court shall waive its jurisdiction,  
5 and the adult shall be tried in the criminal court according to the usual criminal  
6 procedure.

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

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

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

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

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

22 (4) A child at least 16 years old alleged to have committed any of the  
23 following crimes, as well as all other charges against the child arising out of the same  
24 incident, unless an order removing the proceeding to the court has been filed under §  
25 4-202 of the Criminal Procedure Article:

26 (i) Abduction;

27 (ii) Kidnapping;

28 (iii) Second degree murder;

29 (iv) Manslaughter, except involuntary manslaughter;

30 (v) Second degree rape;

31 (vi) Robbery under § 3-403 of the Criminal Law Article;

32 (vii) Second degree sexual offense under § 3-306(a)(1) of the  
33 Criminal Law Article;

34 (viii) Third degree sexual offense under § 3-307(a)(1) of the Criminal  
35 Law Article;

1 (ix) A crime in violation of § 5-133, § 5-134, § 5-138, or § 5-203 of  
2 the Public Safety Article;

3 (x) Using, wearing, carrying, or transporting a firearm during and  
4 in relation to a drug trafficking crime under § 5-621 of the Criminal Law Article;

5 (xi) Use of a firearm under § 5-622 of the Criminal Law Article;

6 (xii) Carjacking or armed carjacking under § 3-405 of the Criminal  
7 Law Article;

8 (xiii) Assault in the first degree under § 3-202 of the Criminal Law  
9 Article;

10 (xiv) Attempted murder in the second degree under § 2-206 of the  
11 Criminal Law Article;

12 (xv) Attempted rape in the second degree under § 3-310 of the  
13 Criminal Law Article or attempted sexual offense in the second degree under § 3-312  
14 of the Criminal Law Article;

15 (xvi) Attempted robbery under § 3-403 of the Criminal Law Article;  
16 [or]

17 (xvii) A violation of § 4-203, § 4-204, § 4-404, or § 4-405 of the  
18 Criminal Law Article; OR

19 (XVIII) MOTOR VEHICLE THEFT UNDER § 7-105 OF THE CRIMINAL  
20 LAW ARTICLE;

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

25 (6) A peace order proceeding in which the victim, as defined in §  
26 3-8A-01(cc)(1)(ii) of this subtitle, is a person eligible for relief, as defined in § 4-501  
27 of the Family Law Article.

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

33 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall apply only  
34 to offenses committed on or after the effective date of this Act.

35 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
36 October 1, 2006.

