
By: **Senators Lawlah, Exum, Hooper, and Klausmeier**

Introduced and read first time: February 3, 2006

Assigned to: Judicial Proceedings

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
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

1 adult charged under § 3-8A-30 of this subtitle, the court shall waive its jurisdiction,
2 and the adult shall be tried in the criminal court according to the usual criminal
3 procedure.

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

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

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

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

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

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

23 (i) Abduction;

24 (ii) Kidnapping;

25 (iii) Second degree murder;

26 (iv) Manslaughter, except involuntary manslaughter;

27 (v) Second degree rape;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

23 (6) A peace order proceeding in which the victim, as defined in §
24 3-8A-01(cc)(1)(ii) of this subtitle, is a person eligible for relief, as defined in § 4-501
25 of the Family Law Article.

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

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

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