

**SB0099/578971/1**

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 99  
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike “Senator Stone” and substitute “Senators Stone and Simonaire”; strike beginning with “altering” in line 3 down through “gratification;” in line 5; strike beginning with “making” in line 7 down through “circumstances;” in line 8; in line 12, strike “11-201(f) and”; and after line 14 , insert:

“BY repealing and reenacting, without amendments,

Article - Criminal Law

Section 11-201(f)

Annotated Code of Maryland

(2002 Volume and 2008 Supplement)”.

AMENDMENT NO. 2

On page 1, in line 8, before “and” insert “providing that the jurisdiction of the District Court is concurrent with that of a circuit court in a criminal case in which a person is charged with a second or subsequent offense of possession of child pornography;”; and before line 15, insert:

“BY repealing and reenacting, with amendments,

Article – Courts and Judicial Proceedings

Section 4-301 and 4-302(a) and (d)

Annotated Code of Maryland

(2006 Replacement Volume and 2008 Supplement)”.

AMENDMENT NO. 3

On page 1, in line 19, strike “(1)”; and strike lines 20 through 22, in their entirety.

(Over)

AMENDMENT NO. 4

On page 2, strike beginning with “(1)” in line 7 down through “A” in line 8 and substitute “A”; in lines 9 and 12, in each instance, strike the bracket; in line 10, strike the first bracket; in line 11, in each instance, strike the bracket; in the same line, strike the period; in line 12, strike “5” and substitute “10”; and strike beginning with the bracket in line 13 down through “YEARS” in line 15.

AMENDMENT NO. 5

On page 2, after line 25, insert:

“Article – Courts and Judicial Proceedings

4–301.

(a) Except as provided in §§ 3–803, 3–8A–03, and 4–302 of this article, the District Court has exclusive original jurisdiction in a criminal case in which a person at least 16 years old or a corporation is charged with violation of the vehicle laws, or the State Boat Act, or regulations adopted pursuant to the vehicle laws or State Boat Act.

(b) Except as provided in § 4–302 of this subtitle, the District Court also has exclusive original jurisdiction in a criminal case in which a person at least 18 years old or a corporation is charged with:

(1) Commission of a common-law or statutory misdemeanor regardless of the amount of money or value of the property involved;

(2) Violation of § 7–104, § 7–105, § 7–107, or § 7–108 of the Criminal Law Article, whether a felony or a misdemeanor;

(3) Violation of a county, municipal, or other ordinance, if the violation is not a felony;

(4) Criminal violation of a State, county, or municipal rule or regulation, if the violation is not a felony;

(5) Doing or omitting to do any act made punishable by a fine, imprisonment, or other penalty as provided by the particular law, ordinance, rule, or regulation defining the violation if the violation is not a felony;

(6) Violation of § 8–103 of the Criminal Law Article, whether a felony or a misdemeanor;

(7) Violation of §§ 8–203 through 8–209 of the Criminal Law Article, whether a felony or misdemeanor;

(8) Forgery or violation of Title 8, Subtitle 6 of the Criminal Law Article, whether a felony or misdemeanor;

(9) Violation of Title 27, Subtitle 4 of the Insurance Article, whether a felony or a misdemeanor;

(10) Violation of § 9–1106 of the Labor and Employment Article;

(11) Violation of § 8–301 of the Criminal Law Article, whether a felony or misdemeanor;

(12) Violation of § 2–209 of the Criminal Law Article;

(13) Violation of Title 2, Subtitle 5 of the Criminal Law Article;

(14) Violation of Title 11, Subtitle 5 of the Financial Institutions Article;

(15) Violation of §§ 10–604 through 10–608 of the Criminal Law Article, whether a felony or misdemeanor;

(16) Violation of Title 7, Subtitle 3, Part III of the Criminal Law Article, whether a felony or misdemeanor;

(17) Violation of § 20–102 of the Transportation Article, whether a felony or misdemeanor;

(18) Violation of § 8–801 of the Criminal Law Article;

(19) Violation of § 8–604 of the Criminal Law Article;

(20) Violation of Title 8, Subtitle 2, Part II of the Criminal Law Article;

(21) Violation of §§ 16–801 through 16–804 of the Election Law Article;

(22) Violation of § 3–203(c) of the Criminal Law Article; [or]

**(23) VIOLATION OF § 11-208 OF THE CRIMINAL LAW ARTICLE AS A SECOND OR SUBSEQUENT OFFENSE; OR**

[(23)](24) Violation of § 11–303(b) of the Criminal Law Article.

4–302.

(a) Except as provided in § 4–301(b)(2), (6), (7), (8), (9), (10), (11), (12), (13), (14), (15), (16), (17), (18), (19), (20), (21), (22), [and] (23), AND (24) of this subtitle, the District Court does not have jurisdiction to try a criminal case charging the commission of a felony.

(d) (1) Except as provided in paragraph (2) of this subsection, the jurisdiction of the District Court is concurrent with that of the circuit court in a criminal case:

(i) In which the penalty may be confinement for 3 years or more or a fine of \$2,500 or more; or

(ii) That is a felony, as provided in § 4–301(b)(2), (6), (7), (8), (9), (10), (11), (12), (13), (14), (15), (16), (17), (18), (19), (20), (21), (22), [and] (23), AND (24) of this subtitle.

(2) (i) Except as provided in subparagraph (ii) of this paragraph, a circuit court does not have jurisdiction to try a case charging a violation of § 5–601 or § 5–620 of the Criminal Law Article.

(ii) A circuit court does have jurisdiction to try a case charging a violation of § 5–601 or § 5–620 of the Criminal Law Article if the defendant:

1. Properly demands a jury trial;
2. Appeals as provided by law from a final judgment entered in the District Court; or
3. Is charged with another offense arising out of the same circumstances that is within a circuit court’s jurisdiction.”.