

Department of Legislative Services
Maryland General Assembly
2010 Session

FISCAL AND POLICY NOTE

House Bill 998
Judiciary

(Delegates Conaway and Anderson)

Criminal Law - Juvenile Court Jurisdiction - Repeat Violent Offender

This bill establishes that a juvenile court does not have jurisdiction over a child at least 16 years of age who is alleged to have committed a “crime of violence” after previously being adjudicated and found to have committed at least three “crimes of violence” unless an order removing the proceeding to the juvenile court has been filed.

Fiscal Summary

State Effect: Although this bill may result in additional sentences of incarceration for juveniles who are repeat violent offenders, it is not expected to significantly affect incarceration costs for the Division of Correction.

Local Effect: The bill’s changes do not materially affect the workload of the circuit courts.

Small Business Effect: None.

Analysis

Current Law: In general, the juvenile court has jurisdiction over a child alleged to be delinquent, in need of supervision, or who has received a citation for alcoholic beverage violations. The juvenile court does not have jurisdiction over children at least age 16 who are alleged to have committed specified violent crimes, children age 14 and older charged with a capital crime, and children who have previously been convicted as an adult of a felony and are subsequently alleged to have committed an act that would be a felony if committed by an adult.

However, a circuit court may transfer a case involving such a child to the juvenile court if a transfer is believed to be in the interests of the child or society (“reverse waiver”). Reverse waiver is not permitted in certain circumstances, including if a child was previously transferred to juvenile court and adjudicated delinquent. The District Court also has the authority to transfer cases to juvenile court under certain circumstances. In addition, the juvenile court may waive jurisdiction over a child alleged to be delinquent who is age 15 or older, or who is younger than age 15 and is charged with committing an act which if committed by an adult, would be punishable by death or life imprisonment.

The following crimes are specified in statute as “crimes of violence:”

- abduction;
- first degree arson;
- kidnapping;
- manslaughter, except involuntary manslaughter;
- mayhem;
- maiming;
- murder;
- rape;
- robbery;
- robbery with a dangerous weapon;
- carjacking and armed carjacking;
- first or second degree sexual offense;
- use of a handgun in the commission of a felony;
- first degree child abuse;
- sexual abuse of a minor (under specified circumstances);
- an attempt to commit any of the above crimes;
- continuing course of conduct with a child;
- first degree assault;
- assault with intent to murder, rape, or rob; and
- assault with intent to commit first or second degree sexual offense.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Commission on Criminal Sentencing Policy, Judiciary (Administrative Office of the Courts), Department of State Police, Department of Public Safety and Correctional Services, State's Attorneys' Association, Department of Legislative Services

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ncs/kdm

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