

HOUSE BILL 316

E2
SB 467/05 – JPR

11r1690

By: **Delegates Frush and Hubbard**
Introduced and read first time: February 2, 2011
Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Procedure – Dual Jurisdiction – Juvenile Offenders**

3 FOR the purpose of authorizing a circuit court that has jurisdiction over certain
4 criminal cases involving a juvenile to impose simultaneously a juvenile
5 disposition and an adult sentence; authorizing the court to order the child to
6 complete the juvenile disposition and to suspend the adult sentence under
7 certain circumstances; authorizing the court to change a disposition while a
8 child is under the court's jurisdiction under certain circumstances; and
9 generally relating to juvenile offenders.

10 BY adding to
11 Article – Criminal Procedure
12 Section 4–202.3
13 Annotated Code of Maryland
14 (2008 Replacement Volume and 2010 Supplement)

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

17 **Article – Criminal Procedure**

18 **4–202.3.**

19 **(A) IN A CRIMINAL PROSECUTION INVOLVING A CHILD THAT RESULTS**
20 **IN A CONVICTION OR A GUILTY PLEA BASED ON AN ACT THAT IS EXCLUDED**
21 **FROM JUVENILE COURT JURISDICTION UNDER § 3–8A–03(D) OF THE COURTS**
22 **ARTICLE, OR IN WHICH JUVENILE COURT JURISDICTION IS WAIVED UNDER §**
23 **3–8A–06 OF THE COURTS ARTICLE, A CIRCUIT COURT EXERCISING CRIMINAL**
24 **JURISDICTION MAY, AT THE SAME TIME:**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter deleted from existing law.



1 **(1) MAKE ANY DISPOSITION LISTED IN § 3-8A-19 OF THE COURTS**
2 **ARTICLE; AND**

3 **(2) IMPOSE AN ADULT CRIMINAL SENTENCE PROVIDED BY LAW.**

4 **(B) IF THE CIRCUIT COURT IMPOSES BOTH A DISPOSITION AND A**
5 **SENTENCE UNDER SUBSECTION (A) OF THIS SECTION, THE COURT MAY ORDER**
6 **THE CHILD TO COMPLETE THE JUVENILE DISPOSITION AND SUSPEND THE**
7 **ADULT CRIMINAL SENTENCE, SUBJECT TO CONDITIONS ESTABLISHED BY THE**
8 **COURT.**

9 **(C) IF THE CIRCUIT COURT ORDERS THE CHILD TO COMPLETE THE**
10 **JUVENILE DISPOSITION UNDER SUBSECTION (B) OF THIS SECTION, THE COURT,**
11 **AT ANY TIME DURING THE JUVENILE DISPOSITION, MAY:**

12 **(1) REVOKE THE JUVENILE DISPOSITION;**

13 **(2) IMPOSE THE ADULT CRIMINAL SENTENCE; OR**

14 **(3) ENTER ANY ORDER IT CONSIDERS APPROPRIATE.**

15 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
16 October 1, 2011.