

SENATE BILL 65

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11r0112

By: **Chair, Judicial Proceedings Committee (By Request – Departmental – Juvenile Services)**

Introduced and read first time: January 18, 2011

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Courts – Natural Resources Violations – Jurisdiction**

3 FOR the purpose of expanding the exclusions to which juvenile court jurisdiction does
4 not apply to include charges of certain natural resources violations alleged
5 against certain persons; expanding the jurisdiction of the District Court to
6 include charges of certain natural resources violations alleged against certain
7 persons; including certain natural resources charges as charges for which the
8 juvenile court has exclusive jurisdiction under certain circumstances; excluding
9 certain natural resources convictions from the convictions that result in the
10 termination of juvenile court jurisdiction under certain circumstances; and
11 generally relating to the jurisdiction of courts over natural resources violations.

12 BY repealing and reenacting, without amendments,
13 Article – Courts and Judicial Proceedings
14 Section 3–8A–01(a) and (j)
15 Annotated Code of Maryland
16 (2006 Replacement Volume and 2010 Supplement)

17 BY repealing and reenacting, with amendments,
18 Article – Courts and Judicial Proceedings
19 Section 3–8A–03, 3–8A–07, and 4–301(a)
20 Annotated Code of Maryland
21 (2006 Replacement Volume and 2010 Supplement)

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

24 **Article – Courts and Judicial Proceedings**

25 3–8A–01.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (a) In this subtitle the following words have the meanings indicated, unless
2 the context of their use indicates otherwise.

3 (j) "Court" means the circuit court for a county sitting as the juvenile court.

4 3-8A-03.

5 (a) In addition to the jurisdiction specified in Subtitle 8 of this title, the court
6 has exclusive original jurisdiction over:

7 (1) A child who is alleged to be delinquent or in need of supervision or
8 who has received a citation for a violation;

9 (2) Except as provided in subsection (d)(6) of this section, a peace
10 order proceeding in which the respondent is a child; and

11 (3) Proceedings arising under the Interstate Compact on Juveniles.

12 (b) The court has concurrent jurisdiction over proceedings against an adult
13 for the violation of § 3-8A-30 of this subtitle. However, the court may waive its
14 jurisdiction under this subsection upon its own motion or upon the motion of any party
15 to the proceeding, if charges against the adult arising from the same incident are
16 pending in the criminal court. Upon motion by either the State's Attorney or the adult
17 charged under § 3-8A-30 of this subtitle, the court shall waive its jurisdiction, and the
18 adult shall be tried in the criminal court according to the usual criminal procedure.

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

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

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

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

31 (3) A child at least 16 years old alleged to have done an act in violation
32 of [any provision of law, rule, or regulation governing the use or operation of a boat]
33 **THE NATURAL RESOURCES ARTICLE OR ANY REGULATIONS ADOPTED IN**

1 ACCORDANCE WITH THAT ARTICLE, except an act that prescribes a penalty of
2 incarceration;

3 (4) A child at least 16 years old alleged to have committed any of the
4 following crimes, as well as all other charges against the child arising out of the same
5 incident, unless an order removing the proceeding to the court has been filed under §
6 4–202 of the Criminal Procedure Article:

7 (i) Abduction;

8 (ii) Kidnapping;

9 (iii) Second degree murder;

10 (iv) Manslaughter, except involuntary manslaughter;

11 (v) Second degree rape;

12 (vi) Robbery under § 3–403 of the Criminal Law Article;

13 (vii) Second degree sexual offense under § 3–306(a)(1) of the
14 Criminal Law Article;

15 (viii) Third degree sexual offense under § 3–307(a)(1) of the
16 Criminal Law Article;

17 (ix) A crime in violation of § 5–133, § 5–134, § 5–138, or § 5–203
18 of the Public Safety Article;

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

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

22 (xii) Carjacking or armed carjacking under § 3–405 of the
23 Criminal Law Article;

24 (xiii) Assault in the first degree under § 3–202 of the Criminal
25 Law Article;

26 (xiv) Attempted murder in the second degree under § 2–206 of the
27 Criminal Law Article;

28 (xv) Attempted rape in the second degree under § 3–310 of the
29 Criminal Law Article or attempted sexual offense in the second degree under § 3–312
30 of the Criminal Law Article;

1 (xvi) Attempted robbery under § 3-403 of the Criminal Law
2 Article; or

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

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

9 (6) A peace order proceeding in which the victim, as defined in §
10 3-8A-01(cc)(1)(ii) of this subtitle, is a person eligible for relief, as defined in § 4-501 of
11 the Family Law Article.

12 (e) If the child is charged with two or more violations of the Maryland
13 Vehicle Law, another traffic law or ordinance, or the [State Boat Act] **NATURAL**
14 **RESOURCES ARTICLE OR ANY REGULATIONS ADOPTED IN ACCORDANCE WITH**
15 **THAT ARTICLE**, allegedly arising out of the same incident and which would result in
16 the child being brought before both the court and a court exercising criminal
17 jurisdiction, the court has exclusive jurisdiction over all of the charges.

18 3-8A-07.

19 (a) If the court obtains jurisdiction over a child under this subtitle, that
20 jurisdiction continues until that person reaches 21 years of age unless terminated
21 sooner.

22 (b) This section does not affect the jurisdiction of other courts over a person
23 who commits an offense after the person reaches the age of 18.

24 (c) Unless otherwise ordered by the court, the court's jurisdiction is
25 terminated over a person who has reached 18 years of age when he is convicted of a
26 crime, including manslaughter by automobile, unauthorized use or occupancy of a
27 motor vehicle, any violation of Title 2, Subtitle 5 or § 3-211 of the Criminal Law
28 Article, or § 21-902 of the Transportation Article, but excluding a conviction for a
29 violation of any other traffic law or ordinance or any provision of the [State Boat Act,
30 or the fish and wildlife laws of the State] **NATURAL RESOURCES ARTICLE OR**
31 **REGULATIONS ADOPTED IN ACCORDANCE WITH THAT ARTICLE**.

32 (d) A person subject to the jurisdiction of the court may not be prosecuted for
33 a criminal offense committed before he reached 18 years of age unless jurisdiction has
34 been waived.

35 (e) The court has exclusive original jurisdiction, but only for the purpose of
36 waiving it, over a person 21 years of age or older who is alleged to have committed a
37 delinquent act while a child.

1 4-301.

2 (a) Except as provided in §§ 3-803 and 3-8A-03 of this article and 4-302 of
3 this subtitle, the District Court has exclusive original jurisdiction in a criminal case in
4 which a person at least 16 years old or a corporation is charged with violation of the
5 vehicle laws, or the [State Boat Act] **NATURAL RESOURCES ARTICLE**, or
6 regulations adopted pursuant to the vehicle laws or [State Boat Act] **THE NATURAL**
7 **RESOURCES ARTICLE**.

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