

Department of Legislative Services  
Maryland General Assembly  
2013 Session

FISCAL AND POLICY NOTE

House Bill 738  
Judiciary

(Allegany County Delegation)

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**Juvenile Law - Jurisdiction - False Statements About Destructive Devices or Toxic Materials**

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This bill establishes that the juvenile court does not have jurisdiction over a child at least 16 years of age who is alleged to have violated a prohibition against making a false statement about a destructive device or toxic materials.

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**Fiscal Summary**

**State Effect:** Excluding the offense from the jurisdiction of the juvenile court does not materially impact the Department of Juvenile Services, the Judiciary, or the Department of Public Safety and Correctional Services.

**Local Effect:** Excluding the offense from the jurisdiction of the juvenile court does not materially impact the circuit courts or local detention facilities.

**Small Business Effect:** None.

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**Analysis**

**Current Law:**

*Jurisdiction of the Juvenile Court*

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 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 court may waive its jurisdiction only after it has conducted a waiver hearing held prior to the adjudicatory hearing and after notice has been given to all parties. The court may not waive its jurisdiction over a case unless it determines, from a preponderance of the evidence presented at the hearing, that the child is an unfit subject for juvenile rehabilitative measures. The following criteria must be considered by the court: (1) the child's age; (2) the mental and physical condition of the child; (3) the child's amenability to any available treatment; (4) the nature of the offense and the child's alleged participation in it; and (5) public safety. These criteria must be considered individually and in relation to each other on the record. If jurisdiction is waived, the court must order the child held for trial under the regular procedures of the court which would have jurisdiction over the offense if committed by an adult.

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 such a transfer is believed to be in the interests of the child or society ("reverse waiver"). A reverse waiver is not permitted in certain circumstances, including if a child was previously transferred to juvenile court and adjudicated delinquent. At a transfer hearing, the court must consider the same criteria as set forth above relating to a waiver, and may order that a study be made concerning the child, the child's family and environment, and other matters concerning the disposition of the case.

#### *False Statements Regarding Destructive Devices or Toxic Material*

A person is prohibited from circulating or transmitting to another, with intent that it be acted on, a statement or rumor that the person knows to be false about the location or possible detonation of a destructive device or the location or possible release of toxic material. A violator is guilty of a felony, punishable by imprisonment for up to 10 years and/or a \$10,000 maximum fine. Violators may also be required to pay restitution. If the offense was committed by a minor, the minor's driving privileges may be suspended.

The prohibition does not apply to a statement made or rumor circulated by an officer, employee, or agent of a bona fide civilian defense organization or unit, if made in the regular course of the person's duties.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** Judiciary (Administrative Office of the Courts), Department of Juvenile Services, Department of Legislative Services

**Fiscal Note History:** First Reader - March 5, 2013  
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