

HOUSE BILL 506

E3

6lr2079

By: **Delegates Ghrist, Arentz, Hornberger, and Jacobs**

Introduced and read first time: February 1, 2016

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Juvenile Court Jurisdiction – Excluded Offenses – Natural Resources Violations**

3 FOR the purpose of excluding from the jurisdiction of the juvenile court a certain child
4 alleged to have violated any provision of the Natural Resources Article, except under
5 certain circumstances; granting the juvenile court exclusive jurisdiction over a child
6 charged with two or more violations of a provision of the Natural Resources Article
7 under certain circumstances; and generally relating to juvenile court jurisdiction.

8 BY repealing and reenacting, with amendments,
9 Article – Courts and Judicial Proceedings
10 Section 3–8A–03
11 Annotated Code of Maryland
12 (2013 Replacement Volume and 2015 Supplement)

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

15 **Article – Courts and Judicial Proceedings**

16 3–8A–03.

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

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

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

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (b) The court has concurrent jurisdiction over proceedings against an adult for
2 the violation of § 3–8A–30 of this subtitle. However, the court may waive its jurisdiction
3 under this subsection upon its own motion or upon the motion of any party to the
4 proceeding, if charges against the adult arising from the same incident are pending in the
5 criminal court. Upon motion by either the State’s Attorney or the adult charged under
6 § 3–8A–30 of this subtitle, the court shall waive its jurisdiction, and the adult shall be tried
7 in the criminal court according to the usual criminal procedure.

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

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

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

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

18 (3) A child at least 16 years old alleged to have done an act in violation of
19 any provision of law, rule, or regulation governing the use or operation of a boat, except an
20 act that prescribes a penalty of incarceration;

21 (4) A child at least 16 years old alleged to have committed any of the
22 following crimes, as well as all other charges against the child arising out of the same
23 incident, unless an order removing the proceeding to the court has been filed under
24 § 4–202 of the Criminal Procedure Article:

25 (i) Abduction;

26 (ii) Kidnapping;

27 (iii) Second degree murder;

28 (iv) Manslaughter, except involuntary manslaughter;

29 (v) Second degree rape;

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

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

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

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

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

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

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

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

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

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

17 (xvi) Attempted robbery under § 3–403 of the Criminal Law Article; or

18 (xvii) A violation of § 4–203, § 4–204, § 4–404, or § 4–405 of the
19 Criminal Law Article;

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

24 (6) A peace order proceeding in which the victim, as defined in §
25 3–8A–01(cc)(1)(ii) of this subtitle, is a person eligible for relief, as defined in § 4–501 of the
26 Family Law Article; **OR**

27 **(7) A CHILD AT LEAST 16 YEARS OLD ALLEGED TO HAVE DONE AN ACT**
28 **IN VIOLATION OF ANY PROVISION OF THE NATURAL RESOURCES ARTICLE, EXCEPT**
29 **AN ACT THAT PRESCRIBES A PENALTY OF INCARCERATION.**

30 (e) If the child is charged with two or more violations of the Maryland Vehicle
31 Law, another traffic law or ordinance, [or] the State Boat Act, **OR A PROVISION OF THE**
32 **NATURAL RESOURCES ARTICLE**, allegedly arising out of the same incident and which

1 would result in the child being brought before both the court and a court exercising criminal
2 jurisdiction, the court has exclusive jurisdiction over all of the charges.

3 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
4 October 1, 2016.