

SENATE BILL 861

E3

8lr3798
CF HB 1023

By: **Senator Ferguson**

Introduced and read first time: February 5, 2018

Assigned to: Judicial Proceedings

Committee Report: Favorable

Senate action: Adopted

Read second time: March 16, 2018

CHAPTER _____

1 AN ACT concerning

2 **Juvenile Law – Witnesses – Body Attachment**

3 FOR the purpose of authorizing the juvenile court, in a certain case in which jurisdiction is
4 transferred from a court exercising criminal jurisdiction, to issue body attachments
5 for witnesses as provided by a certain Maryland Rule; and generally relating to
6 juvenile law.

7 BY adding to

8 Article – Courts and Judicial Proceedings

9 Section 3–8A–18.1

10 Annotated Code of Maryland

11 (2013 Replacement Volume and 2017 Supplement)

12 BY repealing and reenacting, without amendments,

13 Article – Criminal Procedure

14 Section 4–202(b)

15 Annotated Code of Maryland

16 (2008 Replacement Volume and 2017 Supplement)

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

19 **Article – Courts and Judicial Proceedings**

20 **3–8A–18.1.**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 IN A CASE IN WHICH JURISDICTION IS TRANSFERRED TO THE COURT UNDER §
2 4-202 OF THE CRIMINAL PROCEDURE ARTICLE, THE COURT SHALL HAVE THE
3 AUTHORITY TO ISSUE BODY ATTACHMENTS FOR WITNESSES AS PROVIDED BY
4 MARYLAND RULE 4-267.

5 Article – Criminal Procedure

6 4-202.

7 (b) Except as provided in subsection (c) of this section, a court exercising criminal
8 jurisdiction in a case involving a child may transfer the case to the juvenile court before
9 trial or before a plea is entered under Maryland Rule 4-242 if:

10 (1) the accused child was at least 14 but not 18 years of age when the
11 alleged crime was committed;

12 (2) the alleged crime is excluded from the jurisdiction of the juvenile court
13 under § 3-8A-03(d)(1), (4), or (5) of the Courts Article; and

14 (3) the court determines by a preponderance of the evidence that a transfer
15 of its jurisdiction is in the interest of the child or society.

16 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
17 October 1, 2018.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.