

HB0459/943825/1

BY: Judiciary Committee

AMENDMENT TO HOUSE BILL 459  
(First Reading File Bill)

On pages 2 through 5, strike in their entirety the lines beginning with line 27 on page 2 through line 26 on page 5, inclusive, and substitute:

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

(1) A child [who]:

(I) WHO is AT LEAST 13 YEARS OLD alleged to be delinquent;

or

(II) EXCEPT AS PROVIDED IN SUBSECTION (D) OF THIS SECTION, WHO IS AT LEAST 10 YEARS OLD ALLEGED TO HAVE COMMITTED AN ACT:

1. THAT, IF COMMITTED BY AN ADULT, WOULD CONSTITUTE:

A. A CRIME PUNISHABLE BY LIFE IMPRISONMENT;

B. FIRST DEGREE CHILD ABUSE UNDER § 3-601 OF THE CRIMINAL LAW ARTICLE;

C. SEXUAL ABUSE OF A MINOR UNDER § 3-602(B) OF THE CRIMINAL LAW ARTICLE;

D. SECOND DEGREE MURDER UNDER § 2-204 OF THE CRIMINAL LAW ARTICLE;

E. ARMED CARJACKING UNDER § 3-405 OF THE CRIMINAL LAW ARTICLE;

(Over)

**F.      SECOND DEGREE RAPE UNDER § 3-304 OF THE  
CRIMINAL LAW ARTICLE;**

**G.      CONTINUING COURSE OF CONDUCT WITH A CHILD  
UNDER § 3-315 OF THE CRIMINAL LAW ARTICLE; OR**

**H.      THIRD DEGREE SEXUAL OFFENSE UNDER § 3-307  
OF THE CRIMINAL LAW ARTICLE; OR**

**2.      ARISING OUT OF THE SAME INCIDENT AS AN ACT  
LISTED IN ITEM 1 OF THIS ITEM;**

**(2)      A CHILD WHO IS in need of supervision; [or]**

**(3)      A CHILD who has received a citation for a violation;**

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

**[(3)] (5)      Proceedings arising under the Interstate Compact on  
Juveniles.**

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

**HB0459/943825/01            Judiciary Committee**  
**Amendments to HB 459**  
**Page 3 of 5**

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

(d) The court does not have jurisdiction over:

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

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

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

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

(i) Abduction;

(ii) Kidnapping;

(iii) Second degree murder;

(iv) Manslaughter, except involuntary manslaughter;

**HB0459/943825/01            Judiciary Committee**  
**Amendments to HB 459**  
**Page 4 of 5**

- (v) Second degree rape;
- (vi) Robbery under § 3-403 of the Criminal Law Article;
- (vii) Third degree sexual offense under § 3-307(a)(1) of the Criminal Law Article;
- (viii) A crime in violation of § 5-133, § 5-134, § 5-138, or § 5-203 of the Public Safety Article;
- (ix) Using, wearing, carrying, or transporting a firearm during and in relation to a drug trafficking crime under § 5-621 of the Criminal Law Article;
- (x) Use of a firearm under § 5-622 of the Criminal Law Article;
- (xi) Carjacking or armed carjacking under § 3-405 of the Criminal Law Article;
- (xii) Assault in the first degree under § 3-202 of the Criminal Law Article;
- (xiii) Attempted murder in the second degree under § 2-206 of the Criminal Law Article;
- (xiv) Attempted rape in the second degree under § 3-310 of the Criminal Law Article;
- (xv) Attempted robbery under § 3-403 of the Criminal Law Article; or

**HB0459/943825/01                      Judiciary Committee**  
**Amendments to HB 459**  
**Page 5 of 5**

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

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

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

**(7) EXCEPT AS PROVIDED IN SUBSECTION (A)(1)(II) OF THIS SECTION, A DELINQUENCY PROCEEDING AGAINST A CHILD WHO IS UNDER THE AGE OF 13 YEARS.**

(e) If the child is charged with two or more violations of the Maryland Vehicle Law, another traffic law or ordinance, or the State Boat Act, allegedly arising out of the same incident and which would result in the child being brought before both the court and a court exercising criminal jurisdiction, the court has exclusive jurisdiction over all of the charges.

**(F) A CHILD UNDER THE AGE OF 13 YEARS MAY NOT BE CHARGED WITH A CRIME.”.**