

Department of Legislative Services  
Maryland General Assembly  
2023 Session

FISCAL AND POLICY NOTE  
First Reader

House Bill 753  
Judiciary

(Delegate Kipke, *et al.*)

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Juvenile Court - Jurisdiction - Gun Offenses (Juvenile Gun Offenses  
Accountability Act of 2023)

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This bill grants the juvenile court exclusive original jurisdiction over a child who is at least 10 years old who is alleged to have committed an act that, if committed by an adult, would be a crime involving the use or possession of a “firearm,” as defined in § 5-101 of the Public Safety Article.

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Fiscal Summary

**State Effect:** The bill is not expected to materially affect State finance and operations.

**Local Effect:** The bill is not expected to materially affect local finances and operations.

**Small Business Effect:** None.

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Analysis

**Current Law:** The juvenile court has exclusive jurisdiction over (1) a child who is at least 13 years old alleged to be delinquent or a child who is at least 10 years old alleged to have committed an act that would, if committed by an adult, be a crime of violence under § 14-101 of the Criminal Law Article (as well as an act arising out of that same incident); (2) a child who is in need of supervision; (3) a child who has received a citation for a violation; (4) a peace order proceeding in which the respondent is a child; and (5) proceedings arising under the Interstate Compact on Juveniles. Otherwise, the juvenile court does not have jurisdiction over a child younger than age 13 for purposes of a delinquency proceeding, and such a child may not be charged with a crime.

The juvenile court does not have jurisdiction over (1) children at least age 16 who are alleged to have committed specified violent crimes (*e.g.*, abduction, kidnapping,

second-degree murder, second-degree rape, armed carjacking, etc.); (2) children age 14 and older charged with a crime punishable by life imprisonment; (3) 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; (4) a child at least age 16 alleged to have violated certain traffic or boating laws; or (5) a peace order proceeding in which the victim is a person eligible for relief. These cases would be tried in adult criminal court. However, procedures exist for the transfer of cases to the juvenile court.

### *Juvenile Justice Reform Council*

Chapters 252 and 253 of 2019 established the Juvenile Justice Reform Council. Among other things, the council was tasked with (1) using a data-driven approach to develop a statewide framework of policies to invest in strategies to increase public safety and reduce recidivism of youth offenders; (2) research best practices for the treatment of juveniles who are subject to the criminal and juvenile justice systems; and (3) identify and make recommendations to limit or otherwise mitigate risk factors that contribute to juvenile contact with the criminal and juvenile justice systems. The council's [final report](#) recommended, among other things, that the juvenile court have jurisdiction over a child at least 10 years old alleged to have committed certain specified crimes (all but a few of the crimes are crimes of violence under § 14-101 of the Criminal Law Article).

### *Firearm*

Under § 5-101 of the Public Safety Article, a firearm is defined as (1) a weapon that expels, is designed to expel, or may readily be converted to expel a projectile by the action of an explosive; (2) the frame or receiver of such a weapon; or (3) an unfinished frame or receiver. "Firearm" includes a starter gun.

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## **Additional Information**

**Prior Introductions:** Similar legislation has not been introduced within the last three years.

**Designated Cross File:** None.

**Information Source(s):** Baltimore City; Caroline and Prince George's counties; Maryland State Commission on Criminal Sentencing Policy; Judiciary (Administrative Office of the Courts); Office of the Public Defender; Department of Juvenile Services; Department of Public Safety and Correctional Services; Department of Legislative Services

**Fiscal Note History:** First Reader - March 2, 2023  
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