

HOUSE BILL 1433

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5lr3273
CF SB 422

By: **Delegates Toles, McCaskill, Pasteur, Patterson, Wilkins, and Williams**

Introduced and read first time: February 7, 2025

Assigned to: Judiciary and Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 **Juvenile Court – Jurisdiction**

3 FOR the purpose of altering the jurisdiction of the juvenile court by repealing provisions
4 specifying that the juvenile court does not have jurisdiction over a child alleged to
5 have committed certain acts; and generally relating to the jurisdiction of the juvenile
6 court.

7 BY repealing and reenacting, with amendments,
8 Article – Courts and Judicial Proceedings
9 Section 3–8A–03 and 3–8A–27(a)(2)(iv)
10 Annotated Code of Maryland
11 (2020 Replacement Volume and 2024 Supplement)

12 BY repealing and reenacting, with amendments,
13 Article – Criminal Procedure
14 Section 4–202(b), (c), and (i), 4–202.2(a), 10–215(a)(20), and 10–216(d)
15 Annotated Code of Maryland
16 (2018 Replacement Volume and 2024 Supplement)

17 BY repealing and reenacting, with amendments,
18 Article – Education
19 Section 7–303(a)(6)
20 Annotated Code of Maryland
21 (2022 Replacement Volume and 2024 Supplement)

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

24 **Article – Courts and Judicial Proceedings**

25 3–8A–03.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

3 (1) A child:

4 (i) Who is at least 13 years old alleged to be delinquent; or

5 (ii) Except as provided in subsection (d) of this section, who is at least
6 10 years old alleged to have committed an act:

7 1. That, if committed by an adult, would constitute:

8 A. A crime of violence, as defined in § 14–101 of the Criminal
9 Law Article;

10 B. A crime involving handguns under § 4–203 or § 4–204 of
11 the Criminal Law Article;

12 C. A crime involving firearms under § 5–133, § 5–134, §
13 5–138, § 5–142, § 5–203, or § 5–703 of the Public Safety Article;

14 D. Aggravated cruelty to animals under § 10–606 of the
15 Criminal Law Article; or

16 E. Sexual offense in the third degree under § 3–307 of the
17 Criminal Law Article; or

18 2. Arising out of the same incident as an act listed in item 1
19 of this item;

20 (2) A child who is in need of supervision;

21 (3) A child who has received a citation for a violation;

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

24 (5) Proceedings arising under the Interstate Compact on Juveniles.

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

1 (c) (1) The jurisdiction of the court is concurrent with that of the District Court
2 in any criminal case arising under the compulsory public school attendance laws of this
3 State.

4 (2) The jurisdiction of the court is concurrent with that of a federal court
5 sitting in the State over proceedings involving a violation of federal law committed by a
6 child on a military installation of the U.S. Department of Defense if:

7 (i) The federal court waives exclusive jurisdiction; and

8 (ii) The violation of federal law is also a crime under State law.

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

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

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

17 [(3)] (2) A child at least 16 years old alleged to have done an act in
18 violation of any provision of law, rule, or regulation governing the use or operation of a boat,
19 except an act that prescribes a penalty of incarceration;

20 [(4)] (3) A child at least 16 years old alleged to have committed any of the
21 following crimes, as well as all other charges against the child arising out of the same
22 incident, unless an order removing the proceeding to the court has been filed under §
23 4–202 of the Criminal Procedure Article:

24 (I) ANY CRIME PUNISHABLE BY LIFE IMPRISONMENT;

25 [(i)] Abduction;

26 [(ii)] Kidnapping;

27 [(iii)] (II) Second degree murder;

28 [(iv)] (III) Manslaughter, except involuntary manslaughter;

29 [(v)] (IV) Second degree rape;

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

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

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

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

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

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

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

14 [(xiv) **(VII)** Attempted rape in the second degree under § 3–310 of the
15 Criminal Law Article;

16 [(xv) Attempted robbery under § 3–403 of the Criminal Law Article;]
17 or

18 [(xvi) **(VIII)** A violation of [~~§ 4–203,~~ § 4–204[, § 4–404, or § 4–405] of
19 the 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;

24 **(6) (4)** 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) (5)** Except as provided in subsection (a)(1)(ii) of this section, a
28 delinquency proceeding against a child who is under the age of 13 years.

29 (e) If the child is charged with two or more violations of the Maryland Vehicle
30 Law, another traffic law or ordinance, or the State Boat Act, allegedly arising out of the
31 same incident and which would result in the child being brought before both the court and

1 a court exercising criminal jurisdiction, the court has exclusive jurisdiction over all of the
2 charges.

3 (f) A child under the age of 13 years may not be charged with a crime.

4 3-8A-27.

5 (a) (2) This subsection does not prohibit:

6 (iv) A law enforcement agency of the State or of a political subdivision
7 of the State, when necessary and for the sole purposes of facilitating apprehension of a child
8 and ensuring public safety, from releasing to the public photographs and identifying
9 information of a child who:

10 1. Has escaped from:

11 A. A detention center for juveniles;

12 B. A secure residential facility for juveniles; or

13 C. A correctional unit as defined in § 2-401 of the

14 Correctional Services Article;

15 2. Is a missing child as defined in § 9-401 of the Family Law

16 Article; or

17 3. The court does not have jurisdiction over pursuant to [§
18 3-8A-03(d)(1), (4), or (5)] **§ 3-8A-03(D)(3)** of this subtitle and who is subject to:

19 A. Arrest; or

20 B. An arrest warrant issued by a criminal court.

21 Article – Criminal Procedure

22 4-202.

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

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

28 (2) the alleged crime is excluded from the jurisdiction of the juvenile court
29 under [§ 3-8A-03(d)(1), (4), or (5)] **§ 3-8A-03(D)(3)** of the Courts Article; and

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

3 (c) The court may not transfer a case to the juvenile court under subsection (b) of
4 this section if:

5 (1) the child was convicted in an unrelated case excluded from the
6 jurisdiction of the juvenile court under [§ 3-8A-03(d)(1) or (4)] **§ 3-8A-03(D)(3)** of the
7 Courts Article; or

8 (2) the alleged crime is murder in the first degree and the accused child
9 was 16 or 17 years of age when the alleged crime was committed.

10 (i) (1) The provisions of § 3-8A-27 of the Courts Article relating to
11 confidentiality of records apply to all police records and court records concerning the child
12 excluded from the jurisdiction of the juvenile court under [§ 3-8A-03(d)(1), (4), or (5)]
13 **§ 3-8A-03(D)(3)** of the Courts Article from the time of the child's arrest until:

14 (i) the time for filing of a motion to transfer to juvenile court under
15 the Maryland Rules has expired and no such motion has been filed; or

16 (ii) a motion to transfer to juvenile court has been denied.

17 (2) If a case is transferred to the juvenile court under this section:

18 (i) the provisions of § 3-8A-27 of the Courts Article relating to
19 confidentiality of records continue to apply to all police and court records concerning the
20 child; and

21 (ii) the criminal charge is subject to expungement under § 10-106 of
22 this article.

23 4-202.2.

24 (a) At sentencing, a court exercising criminal jurisdiction in a case involving a
25 child shall determine whether to transfer jurisdiction to the juvenile court if:

26 (1) as a result of trial or a plea entered under Maryland Rule 4-242, all
27 charges that excluded jurisdiction from the juvenile court under [§ 3-8A-03(d)(1) or (4)]
28 **§ 3-8A-03(D)(3)** of the Courts Article do not result in a finding of guilty; and

29 (2) (i) pretrial transfer was prohibited under § 4-202(c)(2) of this
30 subtitle; or

31 (ii) the court did not transfer jurisdiction after a hearing under §
32 4-202(b) of this subtitle.

1 10-215.

2 (a) The following events are reportable events under this subtitle that must be
3 reported to the Central Repository in accordance with § 10-214 of this subtitle:

4 (20) an adjudication of a child as delinquent[:

5 (i) if the child is at least 14 years old, for an act described in §
6 3-8A-03(d)(1) of the Courts Article; or

7 (ii) if the child is at least 16 years old, for an act described in [§
8 3-8A-03(d)(4) or (5)] **§ 3-8A-03(D)(3)** of the Courts Article;

9 10-216.

10 (d) (1) This subsection only applies to an adjudication of delinquency of a
11 child[:

12 (i) for an act described in § 3-8A-03(d)(1) of the Courts Article if the
13 child is at least 14 years old; or

14 (ii) for an act described in [§ 3-8A-03(d)(4) or (5)] **§ 3-8A-03(D)(3)**
15 of the Courts Article if the child is at least 16 years old.

16 (2) If a child has not been previously fingerprinted as a result of arrest for
17 the delinquent act, the court that held the disposition hearing of the child adjudicated
18 delinquent shall order the child to be fingerprinted by the appropriate and available law
19 enforcement unit.

20 (3) If the child cannot be fingerprinted at the time of the disposition
21 hearing held under paragraph (2) of this subsection, the court shall order the child to report
22 to a designated law enforcement unit to be fingerprinted within 3 days after making a
23 disposition on an adjudication of delinquency.

24 Article – Education

25 7-303.

26 (a) (6) “Reportable offense” means an offense that:

27 (i) Occurred off school premises;

28 (ii) Did not occur at an event sponsored by the school; and

29 (iii) Involved any of the following:

