

Department of Legislative Services
Maryland General Assembly
2025 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 873
Judiciary

(Delegate Rosenberg)

Juvenile Law - Juvenile Court Jurisdiction - Theft of a Motor Vehicle

This bill expands the juvenile court’s delinquency jurisdiction to include a child who is at least age 10 and is alleged to have committed an act that, if committed by an adult, would constitute theft of a motor vehicle under § 7-105 of the Criminal Law Article, if the child has previously been referred to an at-risk youth prevention and diversion program, as specified, for a violation of (1) § 4-203 (wearing, carrying, or transporting a handgun), § 4-204 (use of a handgun or an antique firearm in the commission of a crime), or § 7-105 (motor vehicle theft) of the Criminal Law Article; or (2) § 5-133 (possession of a regulated firearm), § 5-134 (sale, rental, or transfer of a regulated firearm); § 5-138 (sale, transfer, or disposal of a stolen regulated firearm); § 5-142 (removal or alteration of an identification mark or number on a firearm); § 5-203 (possession of a short-barreled rifle or short-barreled shotgun); or § 5-703 (untraceable firearms/violating serial number requirements for firearms) of the Public Safety Article.

Fiscal Summary

State Effect: The bill is not anticipated to materially affect State finances or operations.

Local Effect: The bill is not anticipated to materially affect local government finances or operations.

Small Business Effect: None.

Analysis

Current Law: In general, the juvenile court has jurisdiction over children who are alleged to be delinquent, a child in need of supervision (CINS), or who have received a citation for

specified violations. The juvenile court also has jurisdiction over peace order proceedings in which the respondent is a child.

The juvenile court has jurisdiction over a child who is at least age 10 and is alleged to have committed an act that would, if committed by an adult, be (1) a “crime of violence ” (as defined in § 14-101 of the Criminal Law Article); (2) specified crimes involving handguns and firearms; (3) aggravated cruelty to animals; or (4) third-degree sexual offense. Outside of these circumstances, 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. A child of any age may be adjudicated a CINS and subject to the juvenile court’s jurisdiction under applicable provisions.

The juvenile court does not have jurisdiction over (1) a child at least age 14 alleged to have committed an act which, if committed by an adult, would be a crime punishable by life imprisonment; (2) a child at least age 16 alleged to have violated specified traffic or boating laws; (3) a child at least age 16 alleged to have committed specified crimes (violent crimes, firearms crimes, etc.); or (4) 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. These cases are tried in adult criminal court.

Child in Need of Supervision Petitions – Motor Vehicle Theft

Pursuant to Chapter 735 of 2024, if a law enforcement officer alleges that a child younger than age 13 committed an act that would constitute motor vehicle theft under § 7-105 of the Criminal Law Article, the officer must forward the complaint to the Department of Juvenile Services (DJS) to file a petition alleging that the child is in need of supervision. Upon receipt of such a complaint, a DJS intake officer must authorize the filing of a CINS petition, subjecting the child to the jurisdiction of the juvenile court for CINS proceedings.

Juvenile Court Dispositions

Generally, a disposition hearing is held by the juvenile court to determine whether a child who has been adjudicated delinquent needs or requires the court’s guidance, treatment, or rehabilitation and, if so, the nature of the guidance, treatment, or rehabilitation. Among other options, and subject to specified limitations, a juvenile court may:

- place the child on probation or under supervision in the child’s own home or in the custody or under the guardianship of a relative or other fit person, on terms the court deems appropriate, including community detention;
- commit the child to the custody or guardianship of DJS or other agency on terms that the court considers appropriate, including designation of the type of facility where the child is to be accommodated; or

- order the child or the child’s parents, guardian, or custodian to participate in rehabilitative services that are in the best interest of the child and the family.

Section 7-105 of the Criminal Law Article – Theft of a Motor Vehicle

A person may not knowingly and willfully take a motor vehicle out of the owner’s lawful custody, control, or use without the owner’s consent. Violators are guilty of a felony and on conviction subject to imprisonment for up to five years and/or a fine of up to \$5,000. Violators must restore the motor vehicle or, if unable to restore the motor vehicle, pay the owner the full value of the motor vehicle.

“Owner” means a person who has a lawful interest in or is in lawful possession of a motor vehicle by consent or chain or consent of the title owner.

These provisions do not preclude prosecution for theft of a motor vehicle under the general theft statute (§ 7-104 of the Criminal Law Article). If a person is convicted under § 7-104 (general theft) and under § 7-105 (motor vehicle theft), the conviction under § 7-105 must merge into the conviction under § 7-104.

Human Services Article § 8-601 – Youth Prevention and Diversion Programs

“At-risk youth prevention and diversion program” means services provided to school-aged youth and their families to prevent or divert youth from entering the juvenile justice system and to help make them ready for adulthood by age 21.

State Expenditures: The bill takes specified cases involving children younger than 13 that result in CINS petitions under current law and moves them into the juvenile court’s delinquency jurisdiction. According to the *DJS Data Resource Guide – Fiscal Year 2024*, 1.7% of the 580 intake charges in fiscal 2024 for youth younger than age 13 were for auto theft or unauthorized use of a vehicle. While DJS did not respond to additional requests for information regarding youth previously referred to an at-risk youth prevention and diversion program for firearm offenses, this estimate assumes that the bill affects a negligible number of cases.

Additional Information

Recent Prior Introductions: Similar legislation has not been introduced within the last three years; however, legislation with similar provisions has been proposed. For example, see HB 814 of 2024 (third reader version).

Designated Cross File: None.

Information Source(s): Baltimore, Montgomery, and Prince George’s counties; 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

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