

SENATE BILL 248

E3, E2
SB 197/19 – JPR

0lr2302

By: **Senators Cassilly, Bailey, Carozza, Gallion, Hough, Jennings, Ready, Reilly, Salling, Serafini, and West**

Introduced and read first time: January 20, 2020

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Juvenile Law – Jurisdiction – Attempted Carjacking and Attempted Armed**
3 **Carjacking**

4 FOR the purpose of providing that the juvenile court does not have jurisdiction over a child
5 alleged to have committed attempted carjacking or attempted armed carjacking
6 unless the child is of a certain age or a court exercising criminal jurisdiction transfers
7 a case to the juvenile court; and generally relating to altering the jurisdiction of the
8 juvenile court in certain cases.

9 BY repealing and reenacting, with amendments,
10 Article – Courts and Judicial Proceedings
11 Section 3–8A–03
12 Annotated Code of Maryland
13 (2013 Replacement Volume and 2019 Supplement)

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

16 **Article – Courts and Judicial Proceedings**

17 3–8A–03.

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

20 (1) A child who is alleged to be delinquent or in need of supervision or who
21 has received a citation for a violation;

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (3) Proceedings arising under the Interstate Compact on Juveniles.

2 (b) The court has concurrent jurisdiction over proceedings against an adult for
3 the violation of § 3–8A–30 of this subtitle. However, the court may waive its jurisdiction
4 under this subsection upon its own motion or upon the motion of any party to the
5 proceeding, if charges against the adult arising from the same incident are pending in the
6 criminal court. Upon motion by either the State’s Attorney or the adult charged under §
7 3–8A–30 of this subtitle, the court shall waive its jurisdiction, and the adult shall be tried
8 in the criminal court according to the usual criminal procedure.

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

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

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

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

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

22 (4) A child at least 16 years old alleged to have committed any of the
23 following crimes, as well as all other charges against the child arising out of the same
24 incident, unless an order removing the proceeding to the court has been filed under §
25 4–202 of the Criminal Procedure Article:

26 (i) Abduction;

27 (ii) Kidnapping;

28 (iii) Second degree murder;

29 (iv) Manslaughter, except involuntary manslaughter;

30 (v) Second degree rape;

31 (vi) Robbery under § 3–403 of the Criminal Law Article;

32 (vii) Third degree sexual offense under § 3–307(a)(1) of the Criminal

1 Law Article;

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

4 (ix) Using, wearing, carrying, or transporting a firearm during and
5 in relation to a drug trafficking crime under § 5-621 of the Criminal Law Article;

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

7 (xi) Carjacking or armed carjacking under § 3-405 of the Criminal
8 Law Article;

9 (xii) Assault in the first degree under § 3-202 of the Criminal Law
10 Article;

11 (xiii) Attempted murder in the second degree under § 2-206 of the
12 Criminal Law Article;

13 (xiv) Attempted rape in the second degree under § 3-310 of the
14 Criminal Law Article;

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

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

19 **(XVII) ATTEMPTED CARJACKING OR ATTEMPTED ARMED**
20 **CARJACKING;**

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

25 (6) A peace order proceeding in which the victim, as defined in §
26 3-8A-01(cc)(1)(ii) of this subtitle, is a person eligible for relief, as defined in § 4-501 of the
27 Family Law Article.

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

33 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect

1 October 1, 2020.