

HOUSE BILL 134

E3
HB 698/23 – JUD

(PRE-FILED)

4lr0522

By: **Delegate Mangione**

Requested: August 28, 2023

Introduced and read first time: January 10, 2024

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Juvenile Law – Juvenile Court Jurisdiction – Age of Child**

3 FOR the purpose of altering the age at which a certain child is subject to the exclusive
4 original jurisdiction of the juvenile court; and generally relating to juvenile law.

5 BY repealing and reenacting, with amendments,
6 Article – Courts and Judicial Proceedings
7 Section 3–8A–03
8 Annotated Code of Maryland
9 (2020 Replacement Volume and 2023 Supplement)

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

12 **Article – Courts and Judicial Proceedings**

13 3–8A–03.

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

16 (1) A child:

17 (i) Who is at least [13] 11 years old alleged to be delinquent; or

18 (ii) Except as provided in subsection (d) of this section, who is at least
19 10 years old alleged to have committed an act:

20 1. That, if committed by an adult, would constitute a crime

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 act that prescribes a penalty of incarceration;

2 (4) A child at least 16 years old alleged to have committed any of the
3 following crimes, as well as all other charges against the child arising out of the same
4 incident, unless an order removing the proceeding to the court has been filed under §
5 4–202 of the Criminal Procedure Article:

6 (i) Abduction;

7 (ii) Kidnapping;

8 (iii) Second degree murder;

9 (iv) Manslaughter, except involuntary manslaughter;

10 (v) Second degree rape;

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

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

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

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

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

19 (xi) Carjacking or armed carjacking under § 3–405 of the Criminal
20 Law Article;

21 (xii) Assault in the first degree under § 3–202 of the Criminal Law
22 Article;

23 (xiii) Attempted murder in the second degree under § 2–206 of the
24 Criminal Law Article;

25 (xiv) Attempted rape in the second degree under § 3–310 of the
26 Criminal Law Article;

27 (xv) Attempted robbery under § 3–403 of the Criminal Law Article; or

28 (xvi) A violation of § 4–203, § 4–204, § 4–404, or § 4–405 of the
29 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;

(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] 11** 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.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2024.