

SENATE BILL 115

E3, D1, P1

3lr0847

(PRE-FILED)

By: **Senator Jackson**

Requested: November 16, 2022

Introduced and read first time: January 11, 2023

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Juvenile Court – Concurrent Jurisdiction – Juvenile Offenses on Military**
3 **Installations**

4 FOR the purpose of establishing that the jurisdiction of the juvenile court is concurrent
5 with that of a federal court sitting in the State over certain proceedings involving
6 violations of federal law by a child under certain circumstances; and generally
7 relating to the concurrent jurisdiction of the United States and the State over
8 juvenile offenses.

9 BY repealing and reenacting, without amendments,
10 Article – Courts and Judicial Proceedings
11 Section 3–8A–03(a) and (b)
12 Annotated Code of Maryland
13 (2020 Replacement Volume and 2022 Supplement)

14 BY repealing and reenacting, with amendments,
15 Article – Courts and Judicial Proceedings
16 Section 3–8A–03(c)
17 Annotated Code of Maryland
18 (2020 Replacement Volume and 2022 Supplement)

19 BY repealing and reenacting, with amendments,
20 Article – General Provisions
21 Section 6–202
22 Annotated Code of Maryland
23 (2019 Replacement Volume and 2022 Supplement)

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



Article – Courts and Judicial Proceedings

3–8A–03.

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

(1) A child:

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

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

1. That, if committed by an adult, would constitute a crime of violence, as defined in § 14–101 of the Criminal Law Article; or

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

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

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

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

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

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

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

(2) THE JURISDICTION OF THE COURT IS CONCURRENT WITH THAT OF A FEDERAL COURT SITTING IN THE STATE OVER PROCEEDINGS INVOLVING A VIOLATION OF FEDERAL LAW COMMITTED BY A CHILD ON A MILITARY INSTALLATION OF THE U.S. DEPARTMENT OF DEFENSE IF:

1 **(I) THE FEDERAL COURT WAIVES EXCLUSIVE JURISDICTION;**

2 **AND**

3 **(II) THE VIOLATION OF FEDERAL LAW IS ALSO A CRIME UNDER**

4 **STATE LAW.**

5 **Article – General Provisions**

6 6–202.

7 Notwithstanding § 6–201(a) **OR § 6–203** of this subtitle, for the purpose of enforcing
8 the civil or criminal laws of the State, the Governor may enter into an agreement with the
9 United States to establish full or partial concurrent jurisdiction of the State and the United
10 States over any land in the State held by the United States.

11 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
12 October 1, 2023.