

HOUSE BILL 753

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By: **Delegates Kipke, Adams, Arentz, Baker, Buckel, Chisholm, Ghrist, Grammer, Griffith, Hartman, Hinebaugh, Howard, Hutchinson, Jacobs, R. Long, Mangione, McComas, Metzgar, Miller, M. Morgan, T. Morgan, Munoz, Nawrocki, Pippy, Reilly, Rose, Schmidt, Stonko, Szeliga, Tomlinson, Valentine, and Wivell**

Introduced and read first time: February 8, 2023

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Juvenile Court – Jurisdiction – Gun Offenses**
3 **(Juvenile Gun Offenses Accountability Act of 2023)**

4 FOR the purpose of altering the jurisdiction of the juvenile court to establish that the
5 juvenile court has exclusive original jurisdiction over a child who is at least a certain
6 age alleged to have committed a certain offense involving the use or possession of a
7 firearm; and generally relating to juvenile law.

8 BY repealing and reenacting, with amendments,
9 Article – Courts and Judicial Proceedings
10 Section 3–8A–03
11 Annotated Code of Maryland
12 (2020 Replacement Volume and 2022 Supplement)

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

15 **Article – Courts and Judicial Proceedings**

16 3–8A–03.

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

19 (1) A child:

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



(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]:

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

B. A CRIME INVOLVING THE USE OR POSSESSION OF A FIREARM, AS DEFINED IN § 5–101 OF THE PUBLIC SAFETY 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) 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.

(d) The court does not have jurisdiction over:

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

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

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

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

(i) Abduction;

(ii) Kidnapping;

(iii) Second degree murder;

(iv) Manslaughter, except involuntary manslaughter;

(v) Second degree rape;

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

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

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

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

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

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

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

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

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

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

(xvi) A violation of § 4–203, § 4–204, § 4–404, or § 4–405 of the 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 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, 2023.