

HOUSE BILL 445

E3, E2

4lr1943
CF 4lr2166

By: **Delegate Simpson**

Introduced and read first time: January 22, 2024

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Minors Convicted as Adults – Sentencing – Transfer to Juvenile Court**

3 FOR the purpose of establishing a presumption that the sentencing of a minor convicted as
4 an adult should be transferred to the juvenile court, under certain circumstances,
5 and authorizing the court to do so; requiring the juvenile court to make a juvenile
6 determination under certain circumstances; and generally relating to the sentencing
7 of minors convicted as adults.

8 BY repealing and reenacting, with amendments,
9 Article – Criminal Procedure
10 Section 6–235
11 Annotated Code of Maryland
12 (2018 Replacement Volume and 2023 Supplement)

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

15 **Article – Criminal Procedure**

16 6–235.

17 **(A)** Notwithstanding any other provision of law, when sentencing a minor
18 convicted as an adult, a court:

19 (1) may impose a sentence less than the minimum term required under
20 law; and

21 (2) may not impose a sentence of life imprisonment without the possibility
22 of parole or release.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **(B) (1) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, IF THE**
2 **COURT DETERMINES BY CLEAR AND CONVINCING EVIDENCE THAT THE INDIVIDUAL**
3 **AGAINST WHOM THE MINOR IS CONVICTED OF COMMITTING THE OFFENSE**
4 **PREVIOUSLY COMMITTED A SEX CRIME UNDER TITLE 3, SUBTITLE 3 OF THE**
5 **CRIMINAL LAW ARTICLE OR HUMAN TRAFFICKING UNDER TITLE 3, SUBTITLE 11 OF**
6 **THE CRIMINAL LAW ARTICLE AGAINST THE MINOR WITHIN 3 MONTHS BEFORE THE**
7 **OFFENSE FOR WHICH THE MINOR WAS CONVICTED, THE COURT MAY TRANSFER THE**
8 **MINOR TO THE JUVENILE COURT FOR SENTENCING.**

9 **(2) IF A MINOR IS TRANSFERRED TO THE JURISDICTION OF THE**
10 **JUVENILE COURT UNDER THIS SUBSECTION, THE JUVENILE COURT SHALL MAKE A**
11 **JUVENILE DISPOSITION.**

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