E3 8lr1159 CF SB 861

By: Delegates Clippinger, Anderson, Lierman, Rosenberg, and Sydnor

Introduced and read first time: February 7, 2018

Assigned to: Judiciary

## A BILL ENTITLED

1	AN ACT concerning
2	Juvenile Law – Witnesses – Body Attachment
3	FOR the purpose of authorizing the juvenile court, in a certain case in which jurisdiction is
4	transferred from a court exercising criminal jurisdiction, to issue body attachments
5	for witnesses as provided by a certain Maryland Rule; and generally relating to
6	juvenile law.
7	BY adding to
8	Article – Courts and Judicial Proceedings
9	Section $3-8A-18(f)$
10	Annotated Code of Maryland
11	(2013 Replacement Volume and 2017 Supplement)
12	BY repealing and reenacting, without amendments,
13	Article – Criminal Procedure
14	Section 4–202(b)
15	Annotated Code of Maryland
16	(2008 Replacement Volume and 2017 Supplement)
17	SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND
18	That the Laws of Maryland read as follows:
19	Article - Courts and Judicial Proceedings
20	3–8A–18.
21 22	(F) A COURT MAY ISSUE A BODY ATTACHMENT FOR WITNESSES AS PROVIDED BY MARYLAND RULE 4–267, IF:

THE WITNESS IS AT LEAST 18 YEARS OLD; AND

**(1)** 

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1 (2) THE CASE WAS TRANSFERRED TO THE COURT UNDER § 4–202 OF 2 THE CRIMINAL PROCEDURE ARTICLE.

## 3 Article – Criminal Procedure

- 4 4–202.
- 5 (b) Except as provided in subsection (c) of this section, a court exercising criminal jurisdiction in a case involving a child may transfer the case to the juvenile court before trial or before a plea is entered under Maryland Rule 4–242 if:
- 8 (1) the accused child was at least 14 but not 18 years of age when the 9 alleged crime was committed;
- 10 (2) the alleged crime is excluded from the jurisdiction of the juvenile court 11 under § 3–8A–03(d)(1), (4), or (5) of the Courts Article; and
- 12 (3) the court determines by a preponderance of the evidence that a transfer of its jurisdiction is in the interest of the child or society.
- SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2018.