

WHO IS BROUGHT BEFORE A COURT SITTING AS A JUVENILE COURT IF:

(1) THE JUVENILE COURT WAIVES JURISDICTION OR THE PERSON ELECTS TO BE TRIED ACCORDING TO THE REGULAR CRIMINAL PROCEDURE; AND

(2) THE OFFENSE CHARGED IS WITHIN THE JURISDICTION CONFERRED BY §4-301.

REVISOR'S NOTE: Sec. 4-303 is new language. It makes clear that if there is a waiver of juvenile jurisdiction under §3-816(e), formerly Art. 26, §70-16, the District Court has criminal jurisdiction if the offense is within its ordinary statutory jurisdiction, even though the person charged is under the normal minimum age for District Court defendants. This is the construction contained in Op. Atty. Gen. 10/14/71, Daily Record, 10/20/71. The rule has been embodied in a few statutes, such as Art. 2B, §§118(p), 180, and 183, and Art. 27, §§406B and 406C, all as enacted by Ch. 181, Acts of 1972. The section also provides for the person within juvenile jurisdiction under Art. 26, §70-2(a) (7) but who elects a regular criminal trial under §70-2(e) (3).

#### SEC. 4-304. PRELIMINARY HEARINGS.

THE DISTRICT COURT HAS JURISDICTION TO CONDUCT A PRELIMINARY HEARING IN A FELONY CASE TO DETERMINE IF THE DEFENDANT SHOULD BE HELD FOR ACTION OF THE GRAND JURY OR IF CHARGED BY INFORMATION, FOR TRIAL IN THE APPROPRIATE COURT.

REVISOR'S NOTE: Sec. 4-304 is new language derived from Art. 26, §145(b) (3), as amended by Ch. 840, H.B. 1105, Acts of 1973. Art. 26, §145(b) (3) is proposed for repeal, as it has been redrafted to meet style guidelines.

#### SUBTITLE 4. CIVIL JURISDICTION.

#### SEC. 4-401. EXCLUSIVE ORIGINAL JURISDICTION.